

McCloy Fellowship in Journalism 2014/15

American Council on Germany

Christina Felschen

Invisible Neighbors

The life of undocumented migrants
in Arizona and California

Mrs. Valentina, are you a citizen of Mexico?

- Sí.

On June 23, did you enter the US near Sasabee?

- Sí.

Did you come through a designated port of entry?

- No.

How do you plead to the charge of illegal entry?

- Culpable.

„Guilty.“ It takes four minutes for Mrs. Valentina to become a convicted felon on this June 25th afternoon in the District Court of Tucson, Arizona. Four minutes that will change her life forever. Since 2005, entering the US illegally is judged as a felony offense which comes with a prison sentence, just as if she had murdered her husband, kidnapped a child or set fire to a building. The judge makes this very clear: "This conviction will always be on your record and it will always be used against you." Even if she could legally return to the US, she would never be eligible for welfare, visa or a license to open a business. Employers and landlords could see the conviction on her record and discriminate against her. And in theory, her husband can now seek divorce immediately without giving a reason.

A small woman in her forties, Mrs. Valentina has to stand on tiptoes to speak into the microphone. Bending it down is no option: Her hands are cuffed and tied behind her back with a metal chain.

Nobody seems to notice. She is but one in a row of 37 and the court house – huge and cold, the complete opposite of Tucson's dry heat and sandstone cottages – seems to engulf them all. Martínez, Gonzalez, Perez, with dusty T-shirts and pending shoulders, will be quickly forgotten as the court fills with new migrants week after week. In 2005, the Bush administration found a dauntingly efficient way to enforce immigration laws along the US-Mexican border. So efficient that the Obama administration even expanded it. What must have seemed overwhelming and chaotic to the authorities before – all those different life stories and reasons for migrating – has become a neat assembly-line process: Operation Streamline.

„Sí. Sí. No. Culpable“, is all the US needs to hear in order to convict and deport Miss Valentina. No questions as to whether she has children in the US, how long she has lived in the country already or whether she has a place to go back to in Mexico. She steps back from the microphone and the judge continues his litany, with the voice of an unnerved kindergartener: „Mister Ambrosius, are you a citizen of Mexico?“ ...

When Mrs. Valentina is led out of the room in a line with the others, she passes at arm's length by my seat in the audience. Our eyes meet. I feel like crying, but try to smile. Her eyes widen – astonished, inquiring – and she quickly smiles back, before being pushed out of the door.

How had she gotten into this?

And how did I get there?

In the summer of 2015, I traveled to the United States with a McCloy Fellowship in Journalism of the American Council on Germany. This grant has been a great opportunity for me, as it gave me the chance to research a topic in depth and on the ground that I have been following from the distance for years: the situation of undocumented migrants.

The financial crisis and the digital revolution have both played their part in making it increasingly difficult for journalists to investigate hidden stories like this one, because few media organizations are willing to pay for time or travel expenses. Yet I think that these stories must still be told. The public fervently debates immigration policies, but often lacks an informed look at the history and the consequences of these policies. Therefore I am very thankful to the American Council on Germany for giving me the opportunity to make the “invisible neighbors” visible, first to myself and then to the public, without taking a unilateral stance. All over the US there are at least 11 million of them, about the populations of New York and Los Angeles combined. My goal was to compare their situation in Arizona and California, two states which were, as I assumed, on the opposite ends when interpreting federal immigration policies.

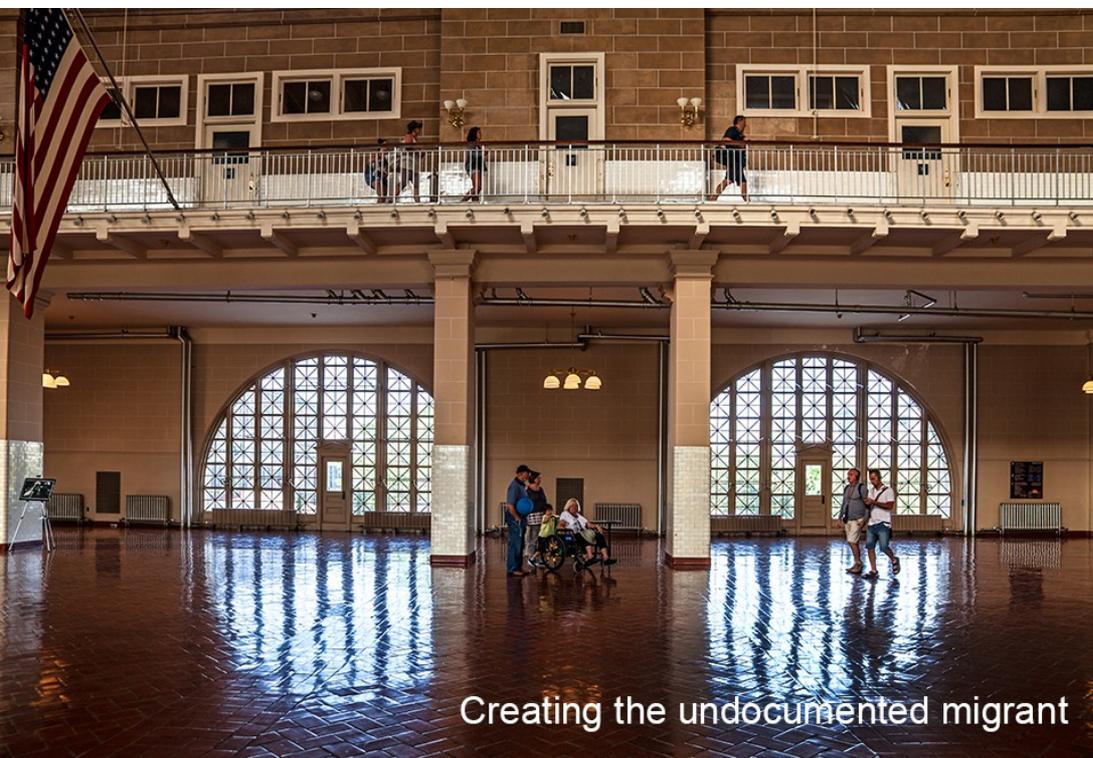
I expected the topic to [become more important during the election campaigns](#), but could not foresee [how it would heat up in July 2015](#), when an undocumented migrant murdered a woman on Pier 14 in San Francisco after being released from prison. All presidential candidates, including Hillary Clinton,

quickly blamed the city's sanctuary policies for what happened and criticized the local Sheriff Ross Mirkarimi for not enforcing immigration policies. Fortunately I was still in San Francisco at that time and could get an interview with the sheriff to hear a different version of the story.

Perspectives differ widely as to whether being in a country without authorization can be justified or not. The terms different groups use make this very clear: Whereas Mrs. Valentina is an “illegal alien” to the Department of Homeland Security, conservative think tanks and most Republicans, more balanced think tanks and lawyers would call her “unauthorized”, while she is “undocumented” or “illegalized” for most activists and, interestingly, for sociologists. I am using the term “undocumented”, as I find it neutral and non-judgmental, as opposed to either “illegal” or “illegalized”.

I tried to hear all sides of the story – lawyers, NGO activists and undocumented themselves as well as law enforcement agents and interest groups in D.C. However, it was easier to meet with informants rather empathetic towards migrants than with those who would like to see all 11 million undocumented deported, although I was careful to formulate my requests according to their position (“illegal migrants”) and did not publish anything on the issue beforehand which might have revealed my general sympathy for migrants. Among those who did not respond to my emails or denied an interview were the Department of Homeland Security (DHS/ICE), the sheriff of Phoenix, the Republican governor of Arizona as well as Border Patrol Search, Trauma, and Rescue (BORSTAR). The president of the vigilante group American Border Patrol, Glenn Spencer, canceled our scheduled meeting, while I was already driving towards his ranch.

Most other requests however were met with interest and approval, and most interview partners were helpful in pointing me to other people I should meet, so that my prearranged schedule quickly filled up during the stay in each city. I am especially thankful for the support of Robin Cammarota-Nicolson who not only organized my journey to the United States and answered all my questions, but also had the great idea to link me with Steve McShane, a former McCloy Fellow in agriculture. Steve helped me to get access to farm workers in California's agricultural capital Salinas.



In June 2015 I traveled to the East Coast to start my research on immigration where its history started – on Ellis Island in New York – and where its policies are supposed to be decided – in the

offices of Washington D.C. The Statue of Liberty and Ellis Island reminded me of the double approach to immigration most countries have adapted over time. While *certain* migrants are welcomed or even encouraged to move into the country, *others* are denied entry. The line between those two groups has shifted throughout history according to prejudices and economic needs. For later use with the articles, I have created a time line that shows these shifts: <http://christina-felschen.com/en/invisible-neighbors>

“You automatically get undocumented immigration, whenever restrictions are severe”, Nancy Foner, professor of sociology at Hunter College in New York tells me. In the beginning all migrants who made it to the US were welcome, but from the late 19th century restrictions were set up.

Ellis Island was the place where immigration authorities decided, whether a migrant was wanted or unwanted. 12 million immigrants passed through the island's reception center, fearing they might be sent back – just as many as there are undocumented migrants in the US today. “What many immigrants didn't realize, climbing up the steps [of the center] began your medical exam”, a contemporary witness on the museum's audio guide says. “As you climbed the steps to the second floor the doctors would be watching you. They are really only there to ensure that as you climb up the steps you appear physically healthy.” However, 98 per cent of the arrivals could stay; their descendants make up half of today's US population.

“They should wait in line”

“When my parents came here as refugees from Northern Ireland in the 1970s, there were so many more options to come in legally – just as for the Pilgrims”, immigration attorney Jonathan Ryan tells me later on a congress outside of Washington. “They would probably not have been able to come here under today's circumstances.” In fact, nowadays restrictions are so fierce that one in four immigrants living in the US are undocumented – without a visa, a Green Card or any other legal permission to be in the US. “They should wait in line like all the others do”, both Jon Feere and Bob Dane from the two largest ultra-conservative think tanks in D.C., Center for Immigration Studies (CIS) and Federation for American Immigration Reform (FAIR), say during our interviews – using a metaphor common among Republican presidential candidates.

Waiting in line sounds fair, of course. However, since the last immigration reform of 1965 (50 years ago!), all countries in the world are allowed the same number of immigrant visa to the US. As Mexico and the Philippines for geographical and historical reasons have by far the highest demand, ordinary

How the US restricted immigration and created the undocumented migrant over time



workers from these countries stand no chance to migrate legally – unless they win the Green Card lottery. Or, as immigration lawyer Dagmar Butte from Portland/Oregon puts it: “If they are unfortunate enough to be Mexican or Filipino, they will probably be dead before they get to the front of the queue.”

Yet, she reminds me that “all sorts of people” end up becoming undocumented: “You would be stunned how many Western Europeans are in the 11 million.” Indeed: Among the young people who came out as undocumented on a [TIME cover in 2012](#) there was also a German student, Manuel Bartsch. “In my practice I have everything from PhD students who overstayed their visa to Mexicans who swam across the Rio Grande into Texas”, Butte continues. “And I know people owning businesses and employing many people, who cannot get status in the US, because they came as visitors and never left.”



No (foreign) Man's Land

Settings of human drama can be stunningly beautiful. Such as the Mediterranean – or the Sonoran Desert. After fueling the pickup truck one last time, we drove into the wilderness. Jagged 9,000-foot peaks rise into the air on the horizon. We are

surrounded by white sand dunes, red earth and cacti. Occasionally we spot little desert runners. The landscape resembles the deserts and canyons for which so many tourists come to Arizona. And yet, nobody would hike or climb between Tucson and the Mexican border, because the area is monitored frenetically – and it is a giant graveyard. Since the Border Patrol has checkpoints on all roads, migrants are forced to cross mostly by foot. Many of those who cannot afford to pay an experienced trafficker (“coyote”) to guide them, underestimate its immensity and heat.

I drove into the desert for three days to understand how migrants manage to come into the US and what happens if they are discovered and deported. I joined volunteers of the Southside Samaritans of Tucson, among them artist Álvaro Enciso, and drove to the border on my own, where I crossed into Mexico with the director of the [Kino Border Initiative](#).



“We should nearly be there.” Antje Dinonies, a young geographer from Germany compares her GPS readings with a map full of red points. Álvaro pulls over the car. Outside, the heat is suffocating. From time to time wind blows dust into our eyes. Antje walks around in a large circle

and suddenly stops on a tiny crossroad of gravel roads in the middle of nowhere.

Álvaro chips a hole into the hard ground, another volunteer plants a wooden cross and Álvaro fixes it with some spades of cement. He takes two water canisters out of his truck and places them, where the migrant was found. “What did he die from?”, Alvaro asks, when we walk back to the car. “She”, Antje corrects him, looking at the data in her GPS. “This was a woman, 38 years old. Died of hypothermia in 2009.”

Álvaro and Antje have done this hundreds of times. They do not talk much, let alone pray or cry. But they take their self-imposed mission very serious. For almost two years, they have been driving into the desert every Wednesday at 6am to plant crosses in the exact places where the bodies of dead migrants were discovered. “I want everybody to see what is happening here”, the Honduras born artist says. “There are so many in our list, one day you will be able to see all those crosses from outer space.” As the data of all fatalities has been made public, Antje was able to create a map and guide Alvaro to the spots. In its soberness, the data reveals dreadful details: A dozen men with fatal gunshot wounds have been found in the same place; head injuries are also frequent. It often takes long before a body is found, if it is found at all. And many are already too decomposed to be identified.

Before 2001, an average 14 dead migrants were found in the Sonoran Desert each year. After the border was enforced in the wake of 9/11, this number rose to 180 deaths in 2014.

Native elder: “You are illegal immigrants yourselves”

Álvaro points at the map: “Look, how many of them died in the San Xavier Indian Reservation. The elders don't allow us to put up water bottles there.” According to him, many Native Americans fear that migrants might threaten their own scarce resources or lead Border Patrol into their reservations. But they do make a clear difference between having been overrun and killed by the early settlers and facing mild competition with today's immigrants. During a meeting with volunteers at the Southside Church in Tucson, a charismatic elderly man stood up, fervently speaking out for the cause of the undocumented.”This is Mike”, my neighbor whispered. “The liberal opposition leader of the San Xavier Indian Reservation.” I later recognize him in a youtube video, where he tells white anti-immigration protesters in Tucson that they were actually illegal immigrants themselves and should go home. This tit-



for-tat response turns the debate around in an interesting way, given that the ancestors of most US Americans have broken every treaty and literally overrun the Native Americans. Of course the [video went viral](#).

The Southside Samaritans have well thought through their system of distributions – and they constantly adjust it to the geodata of dead migrants. On her map, Antje points out many red dots as close as one mile from the highway to Tucson. "In the first years we thought that we wouldn't have to put up water as close to the street. But those who missed our bottles further south were so dehydrated and exhausted after 5 or 6 days in the desert that some of them died on their last mile." Since they started putting up water close to the street, not a single dead migrant has been found there.

Traces of a dramatic journey

As expected, we do not see any migrant on our days in the desert, as they hike at night and sleep covered under bushes during the day. But we do see the traces of their dramatic journey. The

Samaritans know the desert inside out and show me migrant camps in dry river beds and pickup areas, where coyotes meet them in a car. I see hundreds of weather-beaten backpacks, clothes and even a large Calvin Klein perfume bottle.

"Migrants take their treasures with them, preparing for a difficult start in the US", Álvaro says. "This woman must have left in a haste, otherwise she would not have left it behind."



When Antje and Álvaro put up a cross in a marginal area far away from all migrant trails, we see a pair of shoes just where the GPS indicates the place of death. "The young man must have lost his way", Antje guesses. "When they found his body, they left his shoes behind." Not far from there, we see clothes spilled all over the open plateau: a backpack, medicine, a notepad, IDs, credit cards and an Arizona Drivers' License. Unusual luggage for a migrant, I think – and again, Antje comes up with an explanation: This might have been a "coyote" or a drug dealer, who dropped everything when he tried to escape a Border Patrol helicopter. He did not make it though, as he would hardly

have left his belongings. Antje and Álvaro collect everything to hand it over to the Mexican Consulate in Arizona, which regularly restitutes belongings lost in the desert or taken away in detention centers.

A few days later, I visit the "Super Coyote" store in a tiny Mexican



border town. A meager selection of groceries and hygiene articles are sold in the main compartment, many shelves are empty. But the tiny back room is stuffed with cheap outdoor equipment tailored for nightly hikes through the desert. Camouflage trousers and sweatshirts for 170 Mexican pesos each (10 USD), headlamps and blankets – the same models that we had already seen in the desert. The vendor acknowledges that they cater for migrants and coyotes. “When the border fence was enforced, the atmosphere in our village changed. Border Patrol helicopters are chasing the area and many people moved away. For us, this is the only way to make a living.”



Immigration and Customs Enforcement (ICE) has officially spent 1.2 billion USD to construct the border and enforce it with surveillance techniques; estimates even go up to 6 billion USD. This investment has significantly changed the life for residents in a 100-miles-strip before the border. Especially in the Tucson district, which has the highest number of Border Patrol agents in the US, 12,000.

A gentrified ghost town

María has been living in Arivaca for 30 years legally; since the enforcement of the fence she feels constantly observed and threatened. When her teenage son was body checked for no reason other than looking Mexican for the first time, the family was shocked. Today, this has become the rule. Arivaca is surrounded by checkpoints, a large observation tower is in eyesight and while María and I are talking at her little food stall at the road side, several Border Patrol agents pass by in white pickups. “It is just not the same anymore”, she says. “So many normal inhabitants have left after 2001 – and those who stayed started mistrusting each other.” As Border Patrol agents earn approximately twice as much (40,000 USD) as an average inhabitant of the area; they have driven house and food prices up. Arivaca might be the only ghost town that is being gentrified.

Just opposite of María's food stand, Arivaca Aid Office is located – a small fenced building with signs that ask Border Patrol to stay outside. Susan is one of several volunteers of the NGO No More Deaths, who moved here permanently to document the surveillance and counter it. The room is empty, but Susan is well prepared to receive migrants inside to cure their blisters, wounds or hypothermia. The Aid Office is the smaller sister of several migrant camps, so called “Arks of the Covenant”, which No More Deaths sets up every summer close to the migrant trails to provide undocumented immigrants food, water and medical attention around the clock.

“Border Patrol agents are not who concern me most”, María continues in Spanish as I get back. “I am more afraid of US citizens who think that they should take enforcement into their own hands.” In 2009, her granddaughter's best friend Brisenia and the girl's father were [murdered by vigilantes](#) in their house in Arivaca. The case has attracted a lot of attention and brought Border Patrol to distance itself from these groups.

“If you see a vigilante, call us!” a Border Patrol agent later tells me in front of the actual border. “We will detain him.” (I keep quiet about my invitation at the ranch of notorious Glenn Spencer.) The agent has driven past us while we are walking along the border. I hastily hide my bulky camera and recorder, but he doesn't check us. Instead, he seems to be in the mood for a chat and soon admits how bored he is. “All the action happens at night. I haven't seen a migrant in days.” Judged from his need to talk, he hasn't seen any human in days. His name is Hispanic, and he readily tells us that he chose the job mainly for the money.

When he leaves, we realize that he drags a large tire behind the truck to blur old footsteps in the sand and make fresh footsteps more visible. After his truck is out of sight, 61-year old Samaritan volunteer Peter and I perform a purely professional experiment and climb the US-Mexican border fence. It takes us about ten seconds to sit on top. However, this is not even necessary, as the fence has a huge gap a mile further down the road.



On the way back to Tucson Álvaro stops the car at one his colorful crosses on the roadside. Somebody had placed a little plastic beaver on top. “Babyboy”, Antje says, visibly moved. “There was no name in the death files, so this is what we call him.” The toddler was born and died on the roadside, just miles from the nearest village. The mother couldn't bury him in the hard ground and left his body behind.



The South Side Samaritans meet in a small church on the dusty brinks of Tucson, where the city ends and the desert begins. Mostly gray-haired and soft-spoken, they try to keep a low profile. Founded in the 1980s by Maria and [John Fife](#), the organization still provides a safe haven

for the undocumented: Day laborers [gather every morning at 5am on its parking lot to offer their services](#) – somebody always needs to get his roof repaired, her fence painted or the kitchen cleaned.

In its yard [the church offers sanctuary to undocumented migrants](#) who are threatened with deportation. During the El Salvador crisis in the 1980s, John Fife's small church sheltered 100 asylum seekers at once – and had created the [church sanctuary movement](#). The movement rapidly spread internationally. Today about 200 German churches protect migrants from deportation. “In the US, we are now more in the single-digits”, says Sarah Roberts who participated in an exchange with German churches some years ago. „Most priests perceive the risk of persecution as just too high.“

Helping the undocumented is seen as a crime

Since the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA, Title II) it has become illegal for US Americans to participate in “[fraudulent activities/behaviors increasing alien habitation](#)”. Conservative groups interpret most of the activities of NGOs like the Southside Samaritans and No More Death as such; they argue that helping immigrants survive in the desert makes the journey more attractive to future immigrants.

“The biggest culprits of death in the desert are advocacy groups inside the United States, who are encouraging to come here illegally, who are encouraging things like DACA, DAPA and Sanctuary Cities”, says Jon Feere, legal policy analyst with the conservative think tank CIS in Washington. “People are risking their lives in the desert to come here and take advantage of these things.” He finds these activities “conspiratory” and argues that they should be prosecuted.

The Samaritans have indeed been threatened with fines for "littering" the desert with water tanks. In 2005 two volunteers were detained, because they transported an injured migrant to the hospital in Tucson; a petition helped to dismiss the charges. Afterward the Southside Samaritans and Border Patrol made an agreement not to interfere with each other. However, volunteers regularly find destroyed and even poisoned water bottles in the desert. “Usually we cannot tell who did it”, volunteer Gayle, a native of San Francisco, tells me. “The migrants have many enemies out there – hunters, vigilantes, some rangers. However, we have also caught the [Tucson Border Patrol on video smashing water bottles.](#)”

Natalia Banulescu-Bogdan from the Migration Policy Institute (MPI) in D.C., who compares migration policies on both sides of the Atlantic, sees many parallels in the criminalization of activists in Europe and the US. “France and Italy have passed draconian laws criminalizing people who were seen as helping unauthorized migrants, that is housing them, nursing them in a hospital or teaching them at school. The Italian law however was repealed a few years after it was passed.” Great Britain declared it illegal in 2015 to [rent an apartment to undocumented migrants](#) and Germany has recently started to [investigate against a Hamburg theater director](#), who sheltered refugees who did not receive status due to internal EU conflicts around the implementation of the Dublin III agreement.

Due to these laws and to being located in conservative Arizona, Tucson's NGOs depend on volunteers from all over the United States, although they have a sturdy home base. Peter Husby, a 61-year old ranger, drives down all the way from his native Montana to support the group for 10 days each summer. “Of all times during the hottest months, when most migrants die in the desert, the Samaritans can hardly find people to distribute water”, he says. “All the Snowbirds leave the city, so I am deliberately coming in at that time.”

No More Deaths, also founded by John Fife in 2004, has similar goals, but a more political approach. I meet two of their volunteers on "Revolutionary Ground", a cafe in Tucson's university district. 30 years younger than the average Samaritan, they would not even think of a mutual agreement with Border Patrol. Instead, they are observing them observing everyone else. "Did you know that Border Patrol detains migrants in what they call a 'hielera', a freezer box?" asks Alicia Dinsmore, abuse documentation coordinator at NMD. In her [recent report](#), she documents how entire families are held in overcrowded cells at chilling temperatures for days and even weeks, without jackets and personal hygiene. According to her interviews with migrants, they are prevented from sleeping by playing sad Mexican ballads at night.

Furthermore their belongings are taken away, and one third of the migrants never get them back. After their deportation they experience what it means to be undocumented again – this time in their home country. Without their belongings, they cannot call their family, take their medicine or prove their Mexican citizenship with an ID. Families are often detained and deported separately. “We talked to mothers who could not see their children in Mexican government custody for months, let alone take them home, as they first have to get a new ID”, Alicia says.

"In our first years we were as rebellious as them", Southside Samaritan Sarah Roberts later comments with a smile. Indeed, during the crisis in El Salvador they helped hundreds of refugees to flee death squads and find sanctuary in more than 500 US churches. In 1986, Fife and seven other people were convicted of violating federal immigration laws and served five-year probation terms.

And still, both organizations are very similar: They try to act as the migrants' voice, but their volunteers are overwhelmingly white and middle-class. "We are thankful for the Samaritans' work", an immigrant close to the volunteers says. "But I would never join them into the desert. For us, this is far too dangerous." For most migrants, Tucson is just a transit city. Despite the relatively hospitable atmosphere – for Arizonan standards – the border is just too close (100 miles), the memory of the desert too haunting and the probability to be pulled over and deported too large.



Europe and the US both have approximately 11 million undocumented migrants. Their situation heavily depends on laws and enforcement practices that change over time and vary in different EU countries and US states.

“Migrants in general

integrate more easily in the US”, MPI expert Banulescu-Bogdan found out. In her work for MPI's [Transatlantic Council on Migration](#), she sees the differences on a daily basis. The Council brings together current and former EU and US government officials to candidly discuss the most important aspects of migration. Furthermore it was asked to provide guidance to countries holding the rotating EU presidency. “The general understanding that an immigrant comes to the US or Canada in order to build a life and get on a path to citizenship is a very powerful force for integration”, Banulescu-Bogdan says. “The EU has a long history with guest workers. The fact that they were understood to be temporary workers who would eventually return was and still is a real impediment to integration.”

Documented migrants quickly feel “US American”

Sociologist Nancy Foner confirms this difference: “Since the US went through the civil rights movement, it is generous in extending a national identity to immigrants and their children. You simply become a hyphenated American: an ABC (American-born Chinese), a Black or Hispanic American. In contrast, immigrants and their children in Europe are not seen as fully German, French or Dutch. You can be the grandchild of a non-western immigrant and still be thought of as a foreigner.” In Germany, you are indeed said to have a “background of migration” (“Migrationshintergrund”), [if one of your parents immigrated since 1949](#). “I think restricting dual citizenship like in some parts of Europe sends a negative message that you have to choose to be one or the other”, she adds. “If you allow expressions of difference like in the US, you find that immigrants have more of an incentive to integrate into national fabric.”

However, this acceptance of heterogeneity ends where the migrant is undocumented.

In Phoenix, professor Cecilia Menjívar meets me at the Greyhound Bus station and takes me to her house. I feel humbled, the sociologist is one of the top experts on the consequences of migration between the Americas and I have read many of her articles. She recently described how the US starts to fend off migrants far from its own borders, all the while erecting bureaucratic borders inside the country that limit the access to resources for undocumented people. She calls these concepts “externalizing (outsourcing) and internalizing (insourcing) of borders”.

For a basic overview, I have created two charts that show [how undocumented migrants differ from other migrant categories](#) and [which legal consequences they face in different states](#). The charts are based on in-depth-interviews with lawyers, conservative and liberal experts, scientists and the sheriff of San Francisco and backed by some "cold" web research.

90 percent of the 11 million undocumented migrants (those without DACA or TPS) are "physically present, but legally absent", as Menjívar says. They come to the US to work, but risk being discovered during work place raids or when applying at a workplace that uses the federal e-verify program. Furthermore, employers often exploit their undocumented workers by making them work overtime for free. At the same time, they are not eligible for social welfare programs to make up for their low income and are not covered by any public health insurance.

“Making their lives less welcoming”

CIS analyst Jon Feere confirms this analysis and justifies internal borders: “We have to make life less welcoming for those who believe they are above the law. That means: no drivers' licenses, no in-state-tuition breaks – just abolish any type of benefits that exist to make their life easier. Simply turn off the opportunities for those who are illegal and they will self-deport.”

This especially affects children of undocumented migrants, even if they are US citizens themselves. When I meet Rosa Robles Loreto, her 9-year old son José clings to her, crying. “He never really understood why I moved away from our house into the sanctuary”, she says apologetically. “My kids only see me on Fridays and Saturdays now.”

Without the disputed SB 1070/House Bill 2162 law, Rosa's family would not have gotten into this. Created in 2010, the law allows state police and sheriffs in Arizona to ask people in the streets for their documentation – either for no reason or because of minor traffic violations. Rosa had been living in Tucson for 16 years when she accidentally hit a cone on a construction site one morning on her way to work. She was stopped by a sheriff who discovered that she had no US visa.

The court left her with the choice of being deported or leaving on her own.

Rosa was offered sanctuary in the Southside Church in August 2014. For more than a year her world has been reduced to a small room, the small yard and a community kitchen in which she helps out. “The farthest I ever go is to the litter bins outside the gates”, she says. “The people here do not want me to, but I at least want to manage the church's household if I can't do anything else.” After starting a small advocacy campaign with posters claiming 'We stand for Rosa', the church received anonymous threat mails and has since hired security guards 24/7 to protect the sanctuary.

Rosa's sons José, 9, and Gerardo, 11, are devastated. During the week they miss her presence, her meals, her taking them to school or cheering at their baseball matches. Since their mother suddenly disappeared, they had to explain their situation to their friends and their families. “José didn't even



know that we have no papers. He understands the implications now, but not the reasons”, Rosa says, while we are alone.

“Many undocumented migrants are parents, live in stable two-parent families, work in some of the worst jobs in the US and are devoted to their children's development”, Hirokazu Yoshikawa tells me in his office at NYU Steinhardt. The Professor of Globalization and Education observed the development of several hundred of the total 5 million children of undocumented parents.

Having an undocumented parent disfavors a child

Despite this effort, their children have significantly lower chances to learn and develop than children of documented families with the same income. “We realized that their cognitive skills and vocabulary were way behind their peers, although they didn't know yet that their parents were undocumented or what that meant”, says Yoshikawa. According to his research, the major disadvantage for children of undocumented parents comes from not being enrolled in social welfare programs for the poor and public childcare. “As US born children of poor parents many would have a right to that, but most undocumented parents are afraid to apply at the same government that can deport them”, Yoshikawa explains. “They are usually reluctant to reveal who their employer is and what they earn, as they are not supposed to be hired at all.”

Furthermore, undocumented parents are often less available for their child, because they work longer hours and under worse conditions than other parents. “We also found that the psychological distress, the fear of being deported, is always on the parents' mind and is felt by the children”, Yoshikawa says. “If an unauthorized migrant is afraid of being pulled over at a traffic stop when driving her child to school, she doesn't even drive her child to school”, Natalia Banulescu-Bogdan adds. “This is the perverse outcome of laws like SB 1070.” As a consequence, Yoshikawa's team found that children of undocumented parents received in average more than a year less in schooling and had [higher rates of anxiety, depression and mental health problems](#).

The fence keeps undocumented migrants inside the US

Rosa hasn't seen her parents in years, and her sons hardly know their grandparents at all. “Before the fence was built, we went back to Mexico during low season to support our families there”, Rosa remembers. The fence literally keeps undocumented migrants in the US, because if they ever went back, they would not be able to enter again. “Migration is not a one-way journey”, Banulescu-Bogdan says. “It usually involves a lot of circularity. There was a history of temporary workers from Mexico to the US, that came to fulfill seasonal labor needs and then would return home after the season was over. Instead of keeping people out, the heightened enforcement measures keep people in by disrupting this natural pattern of circularity.”

Yoshikawa has seen cases in which families were separated because one parent was deported: “That is a huge disaster for the children, both psychologically and economically”, he says. “They suffer when that parent and their income is lost. Often the remaining parent keeps the children at home for fear that it could become targeted as well. “If they deport me, I will try to find a good coyote and cross the desert to come back to my family”, Rosa says. But in that case she could become the next Mrs. Valentina.

During our conversation, Rosa Loreto says something which could be judged as impudent or confrontative: “I am proud to be an illegal migrant.” She explains that her husband and herself have taken the struggle and insecurity upon them to give their children a better life.



The stigma -
learning to be illegal

“Many Mexicans, especially in the north, actually identify a lot with US culture. We see no way to improve our lives and the lives of our children in our own country – on a wage of 10 USD a day and prices similar to the US. Whoever has a little ambition or pride left, risks moving to the US.” The couple has worked in the US for 16 years without getting any benefits from the social system. When Rosa was pregnant, they traveled back to Mexico for the births. “We wanted to be correct and not force the US to deliver our children in an emergency room”, she says. It wasn't until later that she realized what a huge chance they had missed to have their children become US residents. “But still, we didn't want to play a trick here.”

Like Rosa's sons, undocumented children grow up without knowing that their status is different from their peers. Until their parents have to confront them with the truth: in California often as late as they want to travel abroad or apply for a job for the first time, in Arizona much earlier as daily life presents more obstacles. Chicago professor Ricardo Gonzales has researched the consequences of this transition from seemingly legal to illegal, from protected to unprotected, from inclusion to exclusion. He interviewed 150 young undocumented from L.A. and 300 DACA applicants all over the US. “When they learn that they are different, most are shocked and frightened – but quickly adjust: They move into a highly stigmatized identity, keep the secret from friends and teachers and isolate themselves out of necessity”, Gonzales tells me on the phone. “While their friends move forward through rites of passage like getting a drivers' license, drink and apply for colleges, undocumented teenagers have to invent excuses why they cannot participate. While they felt normal during high school, they feel excluded and no longer see a chance for a US identity.”

Gonzales has seen some of them becoming activists with the [“Dreamers”](#) movement, while others do very poorly, lose their motivation, become depressed and drop out of school. Many start associating their own ethnicity with a stigma and feel like criminals, even if were not involved in the decision to migrate. Not everyone confronts the stigma as self-confidently as Rosa does, saying: “I am proud to be an illegal migrant.”

Since 2013, however, a growing number of young migrants come out as undocumented. They give TV interviews during demonstrations in the streets of Tucson or tell their story in [videos for the first Undocument Student Program \(USP\) in the US](#). “DACA has lifted their fear of speaking up”, USP

director Meng So tells me at UC Berkeley. DACA stands for Deferred Action for Childhood Arrivals. Initiated as an executive action by Barack Obama in 2012, it protects undocumented people born after 1981 from deportation if they were brought into the country before 2007 and before their 16th birthday. They can apply for a renewable work permit and pay in-state-tuition at universities in many states, but do not gain permanent lawful status.

Coming out as undocumented

“The consequences are amazing”, immigration lawyer Dagmar Butte says. “These young people can finally do things that their status prevented them from doing: go to university, serve in our military, take jobs and be out in the open with their families. And their children can finally sleep at night knowing that mom or dad is not at risk to be gone tomorrow.”

She adds: “DACA is not enough, but it was the best Obama could do under the circumstances.” Butte must know. She was on the Immigration Advisory Committee that drafted the DACA bill for Barack Obama when he was still a Senator from Illinois running for presidency. „Obama knew that Congress would unlikely agree to an Immigration Reform Bill”, she explains. “That's why we identified areas where he could improve immigration action through presidential authority instead – and came up with the DACA proposal among others.“

Meng So knows what it means to be undocumented or have undocumented parents. Born in a refugee camp on the border between Cambodia and Vietnam during the Khmer Rouge regime, everyone in his family gained a refugee status upon arrival in the US. Everyone except his mother. “Something went wrong with her application”, he says. “We never found out, as we couldn't afford a lawyer to adjust it.” So grew up in poverty and still often wonders how he made it to Berkeley at all. With the help of a private foundation, the USP not only creates awareness for the students' situation on campus, but also gives them scholarships which contribute to their tuition. Furthermore So already helped 50 US universities to initiate a similar program.

“Undocumented people have learned to hide their status well”, he says. “Initially the university guessed that it might have 70 undocumented students, but the program showed that there are at least 200.” He still sees much left to be done: One third of the eligible migrants have not applied for DACA after two years – in many cases because they are afraid to give their family's status away or because they cannot pay the 465 USD application fee. A planned extension of the program, which would include immigrants of any age who came to the US before 2010, is being challenged in courts as of September 2015. “Many students are afraid that if a Republic candidate becomes president, he might undo DACA and expose them to deportation again”, So shares.

Although DACA, the Dreamers movement and programs like USP have improved the knowledge about and perception of undocumented migrants, discrimination continues, even on liberal Berkeley campus. “One of the students was planning to graduate on a very specific topic, one of the world experts for which is here at Berkeley”, Meng So tells me. “When he approached the professor with his idea, after having read all his articles and prepared well, he casually mentioned his status as an undocumented migrant. The professor he had admired for years immediately went distant and told him that he was illegal and not meant to be here.” The dissertation never came to be.

Working off the books and off-hours



Like everywhere in the world, the prime argument against (undocumented) migration to the US is: “Migrants take away jobs of native workers.” I heard it many times: from ordinary people in Arizona as well as from conservative think tanks in D.C. That is why I went to

California's agricultural capital Salinas to see how undocumented migrants compete with US American workers and what kind of feelings that generates. Only to find an entirely different picture.

Approaching Salinas, I am stunned by how many trucks drive into and out of the city. “4,000 every day”, a proud City Council member would later tell me. “They leave the Salinas Valley with fresh vegetables for the whole country.” The politician's name is Steve McShane, a former ACGUSA fellow. Right now he is worried: “Our farmers are in desperate need of workers. Everyone with or without previous experience in the fields could immediately find work here.” I remember the job opening posters and ads I have seen all over the highways and in the local newspapers. “Barely any US American is willing to do the hard job in the fields”, McShane says. “We have several crop cycles a year; the most limiting factor is not the fertility of the ground, but the unavailability of workers.” As a consequence, he says, employers raised wages and improved working conditions over the last decade to attract at least a minimum of workers.

“Agriculture and meat packing plants depend on access to cheap migrant labor”, MPI expert Natalia Banulescu-Bogdan confirms. “In working dirty, dangerous and difficult jobs, unauthorized workers have taken over the role that Native Americans are no longer willing to fill.” For professor Nancy Foner, undocumented workers allow the middle class to maintain their American way of life. “They can find people who are willing to mow their lawns, to look after their children, cook for them and renovate buildings for a fraction of what the middle class earns. If they weren't here, these jobs would probably not even exist, as US American workers would be too expensive.”

In his studies on farm worker life in California for the Department of Labor and Commission on Agricultural workers, the Oakland based philosopher Ed Kissam found out that two thirds of all Californian migrant workers in agriculture are undocumented. While it is illegal to hire them, work place raids have become rare and enforcement is generally weak.

While the federal [e-verify program](#) is voluntary in California, employers in Arizona must check the employee's ID and social security number via this program. But it can be tricked, as MPI expert Marc Rosenblum says: “Many employers are complicit. Some will just hire undocumented

immigrants off the books, pay them in cash and hope that they don't get caught. Others will knowingly accept a false ID which provides the employer with plausible deniability – he will be able to say: 'I thought he was legal.'

According to Ed Kissam, the agriculture industry lobbies to keep the status quo: “The agriculture industry depends on the undocumented in the labor market. But they do not push for legalization or a guest worker program, because as long as the workers are undocumented, they can be exploited more easily.” A disputed thesis. Salinas City Council member Tony Barrera puts it differently: “The advantages of hiring an undocumented person who will do everything to keep the job are outweighed by the disadvantage of risking discovery. That's why the industry is rather indifferent towards than against legalization.”

Do-it-yourself health care

Only 17 per cent of agricultural workers receive health insurance from their employers, as Kissam found out. “We Americans are very generous people”, assures CIS analyst Jon Feere. “Health care is something that under the law is still going to happen. We are still going to help people out if they are bleeding or on fire. And coming to an emergency room, people will help them out.”

But what if patients are not bleeding or on fire and still need help? In Salinas, they go see Gloria de la Rosa. A public health nurse, the resolute 66-year-old is trying to make up for the gaps in a system which does not extend civil rights to the foreign workers it reluctantly depends on. De la Rosa had her own difficult immigrant childhood, picking berries for a dollar a day to contribute to the family income. But she is still troubled to see how the illegal status harms her patients.

“Mental health problems are a big issue”, Rosa shares. “Many feel ashamed and detached for not being here legally. The constant fear of deportation and the fear that their kids might be taken away weighs down on them.” In de la Rosa's examination room, many open up for the first time in years. “Hardly anyone in Salinas can imagine what they are going through”, de la Rosa says. “Many girls are raped during their voyage to the US and arrive here pregnant. And then, suddenly, they are no longer pregnant.” As they could not see a doctor for an abortion, de la Rosa is convinced that former Mexican health workers run unofficial abortion clinics out of their private apartments.

According to Kissam's study, workers earn an average 11,000 USD a year, from which many still remit to their families back home. As many workers compete for few apartments in agricultural cities like Salinas, the market is tense. “A substandard housing in the cheapest district, Alisal, costs at least 900 to 1,200 US dollars a month per family”, McShane says. “And undocumented migrants will have to pay a 20 per cent premium. If you don't have the right passport, only money talks.”

Tony Barrera represents the district of Alisal in the Salinas City Council. He shows me his neat, yet modest house in the better part of Alisal, just large enough for himself and his wife. Then he points at two neighboring houses of equal size: “This house is shared by 14 workers and this one by 12. They didn't even know each other when they moved in.” He shows me how, at the other end of Salinas, a realtor “from out of town” makes a good profit with the housing crisis: He put up 60 small trailers side-by-side, each of which is shared by four workers. “In those, nobody sleeps in a bed”, Barrera says.

Today with a striking number of 3,000 gang members for 150,000 inhabitants, Salinas is notorious for its high crime rate – and it is especially high at the fringe of the city, in Alisal. A dangerous place for children whose parents are working on the fields all day.

“Some move back to Mexico, because they cannot stand it any longer”, Barrera says. “But most find the conditions here still more bearable than in Mexico – at least financially: In the US they make more money in an hour (8-15 USD) than they can earn in Mexico in a day, with prices being similar, except for the rent.”

Alisal became an arrival city for migrants for the first time in the 1930ies. Peasants of Oakland, the so called Oakies, found a new home after they had fled the dust-bowl that destroyed their harvests and their fields. It is in Alisal that John Steinbeck lets his novel “Grapes of Wrath” end with a faint glimpse of hope for a group of Oakie refugees. Today City Council man Barrera is convinced that just as the Oakies have made their way up into more affluent districts of Salinas through hard work, the new migrants will find their American Dream as well.

The undocumented American Dream

“Look at these fancy shops”, Tony Barrera says, as we drive by car dealers and hair saloons painted in bright colors. “They have all started as berry pickers, rose to become irrigators and eventually left the fields to open their small businesses.” Barrera has come a long way himself: A native Mexican, he was dubbed “wetback” by his classmates back in the 1960ies, although he and his parents had been legally admitted with the Bracero workers program.

Sabino Lopez, the founder of the Center for Community Advocacy defending workers' rights in Salinas, affirms that the conditions have improved. When he started picking berries 50 years ago, he had to work twelve to 14 hours six days a week. “I lived in a labor camp on the fields with my father, where we had practically no privacy”, he remembers. “But others had it worse: They were given a shovel and asked to dig their own cave in the mountains.” In 1970, he started organizing the 40,000 workers of Salinas. Together they were asking for higher salaries. When his contract ran out, his employers refused to extend it, referring to him as a “bola negra”, a trouble maker. Instead, Lopez founded the NGO he works at now. His six daughters never even thought about working on the field – they are teachers, nurses and scientists.

I remember a volunteer in Tucson who told me that his neighbor hires undocumented immigrants off the road to renovate his house – “and he is a Border Patrol agent.” Deporting Mexican workers during daytime and hiring them in one's private time is no more hypocritical than the US approach towards undocumented workers in general. The politician Donald Trump might well militate against undocumented migrants, but [the real estate developer Trump would not be able to run his hotels without them](#). And we would not eat any vegetables without the workers who got unpopular jobs on Californian farms instead of visas.

A close-up photograph of a person's hands holding a black shoelace with a metal buckle. The person is wearing a white t-shirt with a graphic design. The background is blurred, suggesting an outdoor setting.

To deport or not to deport

Enforcement in Arizona and California

In the summer of 2015, Sheriff Ross Mirkarimi released an undocumented migrant, who had served a prison sentence for a minor crime, into the streets of San Francisco. Shortly afterward the man shot a woman on Pier 14. At the same time a father of four little children in

Tucson, was about to be deported in Tucson, because he had overlooked a traffic signal.

As the federal government lacks a clear vision on immigration, states have much room to interpret the law. When it comes to the question how to deal with the 11 million undocumented migrants and the underlying question of what makes somebody a criminal, California and Arizona are on opposite ends.

“Under the law they are all to be deported”, says Jon Feere of the conservative think tank CIS. “Obviously you would start with the most high-profile offenders, but that doesn't necessarily mean that the run-of-the-mill person who is here illegally and works illegally should get off free.” Like Feere, most Republicans think that every undocumented migrant who at some point comes into contact with the police – be it for a traffic violation or for a crime – should be considered for deportation.”

In this mindset, Kris Kobach of the think tank FAIR contributed to drafting the Arizona SB 1070/House Bill 2162. There is no data about how many undocumented people left Arizona after it was passed in 2010. However, Salinas city council member Tony Barrera remembers that about 1,500 people moved from Arizona to his Californian city alone within weeks after the law was signed. Although Tucson declared in a 2011 memo that it would not hand over undocumented migrants to Border Patrol for violating traffic rules, Tucson's Police and sheriff Jon Arpaio continue to do just that. José Perez, the father of four who overlooked a traffic signal, and Rosa Loreto, who sought sanctuary, were two of the non-criminals they tried to deport.

The drama this causes in average non-criminal families became evident to me, when the 11-year-old son of José Perez stepped in front of Tucson's city council during a public hearing. „When I got back from school, my mom was crying”, he said with a broad American accent, awkwardly rocking on his toes as any young boy would. “Now I am the only to care for my mom and my younger siblings.”

Whereas José Perez' case triggered local demonstrations by the migrant community of Tucson, the Pier 14 tragedy in San Francisco prompted a nation-wide outcry. Both sides of the political spectrum

blamed sanctuary city policies and especially Sheriff Ross Mirkarimi for not enforcing the law. The web sites of anti-immigration think tanks have always been full of statements about the lack of enforcement against “criminal aliens”. Their main message is: Between 2010 and 2014 there were 121 convicted criminals among the 11 million undocumented who were released after their prison sentence – like any criminal with documents – instead of being deported. They then [“went on to murder Americans”](#). But with the pier 14 tragedy, this criticism has become mainstream and even San Francisco's major Ed Lee joined in.

After having just finished my interviews on the question how states and cities interpret federal immigration laws, I was surprised by the fervor of the discussion. The problem is neither new nor is there a simple solution for a case like this. As my [second chart](#) shows, 200 so called Sanctuary Cities all over the country – including the capital D.C. – have decided not to comply with certain federal law enforcement rules against undocumented immigrants since the 1970s. Most recently they opposed the Secure Communities program, by which local police was asked to hand over undocumented people for deportation after an arrest without any court order. In 2015 the program was replaced by the [Priority Enforcement Program \(PEP\)](#). Local police is now asked to notify Immigration and Customs Enforcement (ICE) before a convict is released from prison, so that s/he can be deported if undocumented.

“Undocumented migrants who are here do have constitutional rights, this is not Guantanamo”, says Sheriff Ross Mirkarimi during our interview in his office in the San Francisco city hall. Mirkarimi does not wait for me to ask about the Pier 14 tragedy; he has been in the middle of a media firestorm and wants to get his version of the story out. “With a legal warrant signed by a judge, I would have immediately handed the migrant over. I would not even ask questions”, Sheriff Ross Mirkarimi stresses. “But all ICE had, was a voluntary 'detainer'.” In the spirit of the Sanctuary City movement he defies to proactively hand over undocumented migrants to ICE unless they were convicted of a violent crime or if ICE presents an active court warrant. “These are unconstitutional and dishonest”, he says. “CIA, FBI and NSA have to get a court order, ICE should be no different.” Two federal courts in Oregon and the [US Court of Appeals for the Third Circuit](#) indeed ruled that detainers are not legal instruments.

“Law enforcement should be proactive in building trust with minority communities”, he said of his three decades of work for the City of San Francisco – as a law enforcement officer, city council member and then sheriff. By fighting racial profiling and protecting non-violent undocumented people, he tries to encourage migrants to report crimes to the police, if they become victims or witnesses. “If we want to improve public safety, we cannot give immigrant communities the feeling that they are second class.”

Unlike Sheriff Jon Arpaio in Arizona, Mirkarimi and his vice sheriffs would never ask random people in the streets for their documents. “Arpaio and I are on opposite book ends in how we are sheriffs”, he says. “I don't appreciate the way he exceeds and potentially abuses his authority. I think that a good government should work with all people that are within its realm, whether you are here illegally or not, so that we are able to solve problems together.”

In Washington D.C., Democrats and Republicans have been debating immigration reform for

decades. “According to national opinion polls most US Americans think that we should allow most unauthorized immigrants to be legalized”, says MPI policy expert Marc Rosenblum. “But congress is out of step with the voter in this. The debate is stuck between the conservative House asking to start the reform with enforcement, whereas democrats want to start with legalization.” Jon Feere of the conservative think tank CIS confirms this stuckness: “Republicans do not trust democrats in this. They felt deceived by the 1986 reform, which ended up as a big comprehensive amnesty bill. The enforcement provisions Republicans were demanding in exchange never materialized.”

The EU refugee crisis takes a toll on “mere” economic migrants

According to Rosenblum, the most promising compromise might be to legalize the 11 million already in the country, while keeping future undocumented migrants out by enforcing the border.

The European Union, which also has an estimated 11 million undocumented migrants, has regularized five million migrants in 1995. However, the current refugee crisis is taking a toll on the attitude towards undocumented migrants, as they did not flee persecution and war, but “only” economic hardships. In the public perception the undocumented migrant competes with refugees and the priority even of NGOs shifts away from the former. Germany has just identified a number of presumably “secure” countries in the Balkans, whose citizens can no longer apply for asylum or migrate to Germany – if they do, they become undocumented.

"Did you ever consider to turn in an undocumented migrant whom you know?" I asked this question to people on a boat to Ellis Island in New York, to inhabitants of Tucson, to Sheriff Mirkarimi – and always heard a vehement "No!" Until I asked Jon Feere from the conservative think tank Center for Immigration Studies (CIS) in Washington.

Do you know an undocumented migrant?

- Do I know one? I do.

Did you ever consider to turn him in?

- Yes, I have considered. But I cannot.

Why not?

- Personal. He's a friend of a friend.



Stranded
Back in Mexico

When I walk into Mexico through a fenced lane, nobody seems to take any interest. It was here that a century ago, in 1918, the first part of the whole US-Mexican border fence was erected to separate two sister cities: Heroica Nogales in

Sonora/Mexico and

Nogales in Arizona/USA. The tensions between both cities had escalated when US soldiers shot a Mexican, who tried to return to his home country, and then shot the mayor of Heroica Nogales, who waved a white handkerchief as a symbol for reconciliation.

The sister cities couldn't be any more different. The US side looks deserted. The gravel road that runs along the fence is hardly used by anyone apart from Border Patrol. Most of the 20,000 inhabitants are employed to secure the border. On the Mexican side, 200,000 people populate the hills of Heroica Nogales and the number is growing with every arrival of La Bestia, the train that brings migrants from Central America. Heroica Nogales built its city center next to the fence, where everybody can see the US side with its watchtowers and large houses. The fence runs along “Calle Internacional”, International Street, whose hopeful name is thwarted by the memorial for a [teenager who was shot](#) when trying to climb into the US.

Just outside the security area, as close to the border as a building can possibly be, a fenced door opens into a small soup kitchen where 40 men sit along two tables. „We check each visitor to prevent coyotes from entering”, Father Sean Carrol tells me. A Jesuit priest for 26 years, he is the executive director of the [Kino Border Initiative](#) founded in 2009 to provide humanitarian assistance to migrants.



“Migrants can come here for up to two weeks. We provide them with clothing, food and let them meet with Mexican consulate workers, who offer them bus tickets to their home town if they are willing to return.” Women and children, who make up for one fourth of the migrants coming through Nogales, receive help and shelter in a separate building.



The men look tired and low-spirited. Unlike the only woman in the room who grabs a microphone, presents herself as Alicia Guevara Perez, Missionary Sister of the Eucharist and animates the men to do some “cerebral gymnastics” before breakfast. They do not seem enthusiastic, but are too polite to resist her invitation. And

soon, with their arms tangled across their heads trying to touch their ears, the first men start to laugh. For a moment those who have just been imprisoned and deported seem to have forgotten their grief. And those who plan to cross anytime soon have forgotten their nervousness.

Grief and nervousness

José, a handsome 23-year old from Honduras, is among the nervous ones. It took him 40 days to reach Nogales, walking and hopping on and off la Bestia, “the beast”, as the notoriously dangerous train to Northern Mexico is called. “As everyone without a ticket, we were riding on top of the wagon until the conductor chased us off”, José says. He traveled with a childhood friend from Honduras. Until the day where José couldn't keep up with the train that his friend has just hopped onto, and lost the grip. The friend disappeared, José was left behind. He shrugs when I ask him whether they contacted each other via mobile phone or email. “We don't have that”, he says quietly. “I don't know what happened to him.” He didn't learn English and when he speaks Spanish, he stutters slightly. Alone on the migrant trail, his native language – an indigenous idiom used in Honduras – does not help him anymore.

José was 18 years old when he first tried to come to the US in a desperate attempt to earn money for his family. He has six younger sisters and brothers and as most females in rural Honduras, his mother is not paid enough to meet their basic needs. José has never known his father and when his uncle, who provided for the family, died, he became the teenage head of the household. “I would take any job”, he says, laughing at my question. “As migrants, we cannot be picky.” Apart from sending back money for food to his family, he hopes to save a little and build his own house in Honduras.

But the hardest part lies still ahead of him and José will be all by himself. Unlike the wealthier migrants, he cannot afford to pay 1,500 USD to a coyote who would guide him through the desert. Five years ago, he swam across the Río Grande into Texas on a rubber tire at night and drove in a van across the desert, when Border Patrol caught him. “I was given the option to return or to fight my case in court”, José remembers. “But as I didn't have money to pay a lawyer, I gave up.”

Sí, sí, no, culpable. José went through Operation Streamline and declared himself guilty of illegal entry. “I thought that this is not fair”, he says. “We are just here to work hard, because our families are starving.” He was imprisoned for 30 days, deported and threatened with a harsh sentence if he tried to come into the US within the following five years. That time having passed, José is about to make a new attempt, still without a guide and carrying all his possessions in a small backpack: “One



set of clothes for changing, underwear, deodorant – that's all I have”, he says. “We don't have television at home, but I heard about life in the US from deportees who return to our village. They all say that it is a beautiful country, because 50 Mexican pesos (3 USD) would feed you a whole week.”

While Jose´and I talk in a corner, Alicia piles up sagebrush plants on a table. Volunteers collected the plants from their gardens and fields. Infused in alcohol, their leaves will become *Tintura de estafiate* in some months – a herbal medicine she gives to the migrants to cure stomach ache and headache after their long journey. “Many arrive with blisters, wounds or thorns”, she says. “For more serious illnesses, we work with a nurse who comes by once a week to care of them.”

Growing up in Southern Mexico, Alicia has seen a lot of misery. Cheerful and pragmatic, she decided to dedicate her life to the poorest, studied social work and joined the Sisters of the Eucharist. For two years she has been coordinating the soup kitchen in Heroica Nogales. She sings and prays with the migrants, distributes food, clothes and medicine – and listens. "Half of the deportees are going to try the journey again", Alicia says.



Too desperate to be deterred

Clearly, the US deterrence strategy does not work for these men. Just as José from Honduras, being deported from the US left Martin Santiago impoverished and more desperate. But it didn't change his mind about coming to the US.

“The US court and the Mexican government tell me to return 'home', but I cannot go back like this”, the 36-year-old says and it costs him a lot of effort to keep his voice steady. “I have sold my goats and my house to come here. I would feel ashamed, nobody is waiting for me now.” When I ask him, where exactly he comes from, he smiles for the first time. “You don't know Oaxaca? It's a touristic area: Mitlan, Zaachila, Puerto Escondido...” He stretches each place name out, nostalgia in his voice.

After his parents died early and his sister migrated to New York, Martín has no close relatives left who would support him. “I haven't seen my sister in 20 years and wanted to live with her”, he says. But the traffickers lured Martin into an ambush, took everything that was left of his 5,000 dollars and even called his sister asking for a ransom to release him. As far as he knows, she paid. But they did not free him in exchange. The US police did, only to let the Department of Homeland Security imprison and deport him.

“The coyotes just take the mick out of us. I wish I had never started this journey. My sister doesn't answer her phone any longer, maybe she changed her number after this mess”, Martin says, his eyes now filled with tears. “I don't know what to do. Maybe I will go to Hermosillo. They are harvesting



grapes now.” He looks at me, ready to take up any idea that I don't have. “I will ask God for help. And maybe my uncles on Facebook.”

A life in transit

In a corner of the soup kitchen, Julio Gutierrez bends over his painting of the Virgin Mary. With his paint

brushes spread all over the table, he seems to be the only one who considers this place of transit his home. The nervous frenzy of the ones around them, sketching and discarding ideas for their future or just the next day, seems to pass over his head. “I am just waiting”, he says. “Waiting until the rain starts. That's when I will pass. Not earlier.”

With a poker face, he explains how he managed to cross the border uncounted times without, he states, ever so much as seeing Border Patrol. “I don't take anybody with me and do not charge myself with much – there is enough water on the way, if you know the spots”, he says. “The rain keeps me cool. And with all that adrenaline I don't need much to eat.” He remembers seeing dead migrants in the desert and migrants at the point of dying. “I couldn't do anything for them. But when I meet migrants who are just lost, I take them with me.”

Julio is not his real name he says, nor is Gutierrez. He looks older than the 46 years he claims to be. “I sometimes sleep in caves in the mountains, like Pancho Villa“, he says, referring to a hero of the Mexican Revolution. It's hard to tell how much of this is truth and how much an attempt to make up his own legend.

“In Tucson you can find many of my paintings,” he points at the half-finished Virgin Mary under his brush. “Even in the house of a Border Patrol agent. I didn't know it until I saw a photo of him in his uniform and a medal they gave to him. Ey, is this you? I asked. – Yes, I am with the Border Patrol. – Okay, and I am a migrant, an *illegal alien* as you guys say. – No problem, he said, you work for me. – But they can punish you for this. – But you won't say anything. – If you pay me well, I won't.” Julio claims to have received 800 dollars from him, twice of what he earns

elsewhere. “There are migrants who take advantage of the employers”, he says. “For four, five dollars an hour they take up any job, although they lack the required skills. I only do what I can do, but I have my own price.”

Unlike most men at the soup kitchen, Julio has been in transit for most of his life. He has a complicated past and doesn't seem to embellish his role in it: After being sold into adoption by his



mom, he became “lazy” and escaped to live in the streets, he says. He later left his wife and two daughters in Northern California, became involved in selling drugs and spent ten years in prison. “After all this, I would only like to see my two daughters and beg them pardon”, he says. “Whether they want to see me, I don't know. Sometimes I start crying, but it's not worth it.”



Detaining refugees

Before I left to the US, I vowed to myself not to get carried away with the issue of the refugees from Central America, as it seemed well-covered in comparison to the undocumented migrants who avoid making headlines. Also, in comparison to

refugees fleeing war undocumented (mostly economic) migrants always looks bad. This is often used against them, although they might have a right in its own way.

However, when I attended the annual conference of the American Immigration Lawyer Association (AILA) in National Harbor outside of Washington D.C., I realized how ongoing and under-covered the Central American refugee crisis still is. In all conversations, on podiums and in the [award ceremony](#), the name “Artesia” popped up like a spell. Here were people passionate about something I had never heard of. I couldn't resist and followed the story.

In summer 2014, 60,000 refugees – women and children from El Salvador – arrived in the US, asking for asylum. But what Barack Obama recognized as a “humanitarian crisis” in early summer was soon treated as a case for the fiercest enforcement. Operation Streamline for refugees, so to say. “We heard rumors that the government had set up deportation mills in the middle of nowhere”, Laura Lichter, former AILA director and one of the most experienced immigration attorneys in the country, recalls in our meeting. “The families were processed within seven to eleven days. It didn't sound right, so I went down there to check it out.” The deportation center she went to, [Artesia](#), is located four hours from any major city, in the middle of oil fields in New Mexico with hardly any immigration lawyer around.

“When I came down there, I was horrified”, Lichter says. On her mobile phone, she shows me pictures of teenage girls with babies. According to Lichter's findings, most of them were gang raped

in Central America, threatened with death or both. Sometimes even the babies suffered sexual abuse. Forcing them to return would be like a death sentence, Lichter says. And before the lawyers arrived, they were indeed returned.

“The government tried to pull every dirty trick in the book”, Lichter continues. “They shielded them off legal access and forced them through one of the most difficult legal processes in American immigration law.” In the United States as in Germany, asylum seekers are not entitled to a lawyer and can hardly ever pay one. However, without a lawyer the women stand hardly any chance.

„Even experienced partners in a law firm do not know what they are doing during their first asylum cases“, confirms John Ryan, director of the Refugee and Immigrant Center for Education and Legal Services (RAICES), who guides attorneys through the process of representing asylum seekers for the first time. „It's a farce to expect that a woman or a child who does not speak English and does not understand our system is going to be able to navigate this legal gauntlet, and successfully present their facts before a judge, respond to evidence presented by the government and to cross-examine any witnesses brought by the government.” In comparison, he says, cases that can be defended stand a 95 per cent to win.

The Geneva Convention becomes optional

Similar to Germany, the US government has given a clear promise in the Geneva Convention: to give refugees a fair chance to seek protection. And similarly to Germany, it converts the promise from a duty into an option. The US governments leaves it entirely up to the good will of immigration lawyers to invest their private time and money. Ryan estimates that each lawyer pays an average 2-3.000 dollars per week for travel and accommodation to volunteers in remote and expensive places like Artesia.

Lichter and her fellow volunteers took law enforcement by surprise when they decided to stay in Artesia and represent as many refugees as they could. “I brought one good suit and I know exactly where the courthouse is”, she told them. “They didn't know how to deal with us and figured we'd give up. They never expected this, and to be fair, nor did we.”

According to Lichter and Ryan, the lawyers were and still are obstructed from defending the cases – first in Artesia, now in [Dilley](#) and [Karns](#). They can sing a song about being harassed by prison guards, improvising attorney meeting rooms and clients who are brought to motels prior to their deportation so that their lawyers cannot find them. “I had no confidence that people were following the laws”, Lichter says. “Even the judges told us off record: 'My boss' boss' boss' boss said: Your job is to detain and deter.”

For a whole summer about a dozen volunteers worked in Artesia at any time, organizing themselves meticulously, working from 6.45am to 2am, breaking down and lifting each other up again. But they turned things around, won nearly every single case and even helped to close the detention facility. Laura Lichter turns back to the photos of the women and babies on her phone. “They became my clients”, she says with a proud smile. “Today they live all over the United States, legally.”

“Exhausted and heartbroken”

When two of the youngest attorneys involved, Vanessa Sischo and Christina Brown, come onto stage at the AILA conference to receive an award, they are celebrated like rock stars. A whole profession seems to take pride in a project that brought an unlikely change. “The volunteers were visibly changed by their experience”, Sischo recalls in her acceptance speech. “We were exhausted, heartbroken, questioning whether the late nights and early mornings had made any difference at all.” Unable to choke her tears, Christina Brown continues: “I heard a lot about how these refugee women are victims, how they need us so much. But you know what? They are the strongest people I have met in my entire life. I am so happy, that I never have to make the type of decisions that they had to make, and I am so thankful that they trusted a bunch of attorneys they didn't even know.”

“The law isn't necessarily about fairness. It is the application of a set of rules to a set of facts”, another long-standing lawyer has recited in an interview before. Unnecessary to say that she has not been in Artesia. The community effort of this precedent case seems to have given the lawyers faith into the meaning of their profession again, making law less of a procedure and more of a means to achieve justice, however unachievable that may seem.

That night, I admired and envied those lawyers, wishing we journalists could recover that sense of meaning and compassion that made us start writing in the first place.

Externalizing the refugee crisis

Artesia was brought down, but the Central American refugee crisis is all but over. Gang violence and gender based violence didn't stop overnight. “The main reason why the number of children apprehended has fallen sharply this year is because Mexico is deporting a record number of children back to Central America”, Marc Rosenblum from the Immigration Policy Institute told me. “Partly in response to a US request, Mexico has cracked down on its Southern border enforcement.”

Most political scientists and lawyers I talk to confirm this. Mexican and US officials are silent on this presumed deal, however – just as European politicians denied the deal to detain migrants in Gaddafi's Libya under outrageous conditions, before the story was uncovered in the media. When I ask the Mexican Acting Ambassador Alejandro Estivill in D.C., what Mexico has received from the US for fending off Central American refugees on the Southern Border, he grins and says that the US has nothing to do with it and that it is in Mexico's own best interest to have “an orderly system [at the border] that respects human rights”. About the refugees he states: “We are sending them back in good condition.”

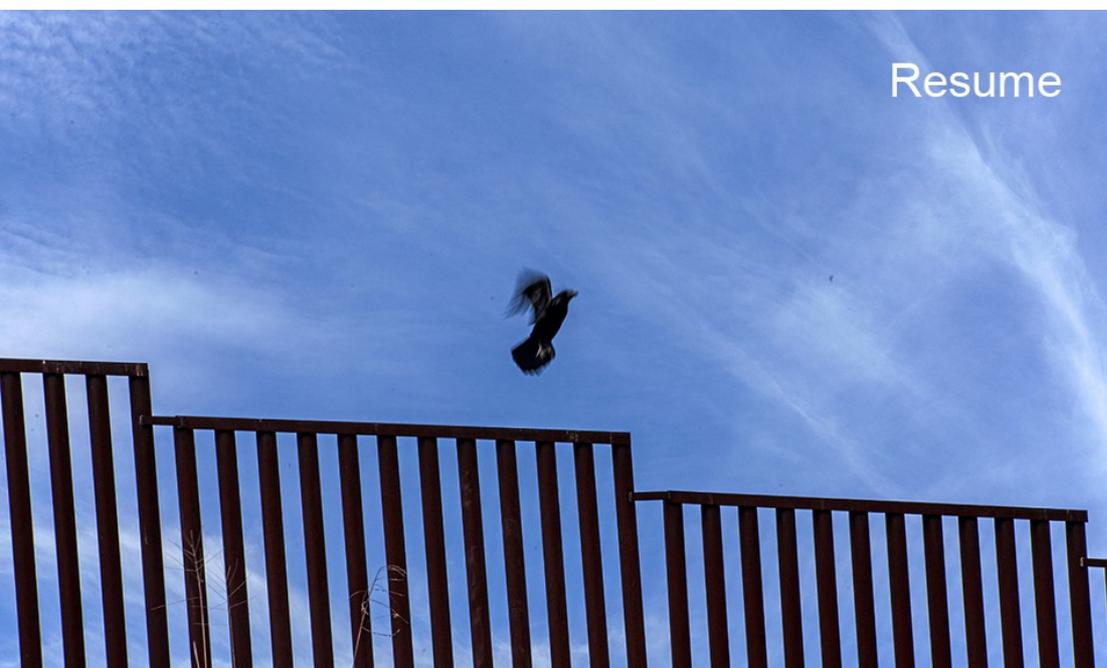
Detention as a business model

The US government has not only externalized the refugee crisis to Mexico but also to a private company. It hired the Corrections Corporation of America, the largest private prison company in the US, to manage refugee detention centers. “Their interest is not to provide great care, but to make profit”, says Lichter. “Corners are being cut everywhere, from health care to accommodation. This administration has made it a very lucrative business to detain as many people as they can. Like a car

dealer who has to sell a certain number of cars, the district office will scoop some people up, if they do not meet the quotas.”

Immigration attorney Javier Maldonado, who represents refugees at a detention facility in Karns and Dilley, is worried about the health of the asylum seekers. “During their detention, which lasts an average six months, families depend on whatever health care may be provided”, he says. “In all three detention centers I know health care doesn't even meet the minimum level of care.” He was concerned about one of his clients, who fled El Salvador with her two children. “Both children stopped eating, because they fell into a depression from being in detention. Her one-year-old daughter started loosing her hair, she had fainting spells falling and hurting herself and developed a lump on her neck. She was taken to the hospital 4 or 5 times, because they couldn't figure out what was wrong with her. At that point anybody will ask themselves, what are they doing in detention, if this facility can't care for them, and eventually the pressure built up where they had to release the Mom and the kids.”

“We violate the Refugee Convention if we detain asylum seekers”, says Dagmar Butte, a German born immigration lawyer from Portland/Oregon. Comparing the millions of Syrians coming to Europe with the 60,000 Central Americans of 2014, she says the US lack behind in comparison. “The US have their temporary protected status programs for designated countries, but lack experience with individual refugees – while Europe has been dealing with refugees since the Soviet Union collapsed.”



Resume

I met them at their offices, on a lawyer's congress, a consulate, an embassy, two town halls, a greyhound station, a private house, a church yard, three universities, a Mexican soup kitchen, joined them by car and foot and also interviewed

ordinary US Americans in the streets. At the end I had 20 hours of interview to transcribe and hundreds of photos to edit.

As I had read many stories of young people, who publicly came out as undocumented in recent years (like famous [journalist Jose Vargas](#)), I initially underestimated the cautiousness of most

undocumented migrants to tell their story. It still is a hot potato – and most of those coming out stories were written by people who have been quasi-legalized through Obama's DACA executive action. Especially in Arizona and rural California, it takes repeated visits to build trust with NGOs who then connect me with the migrants they are meant to shield from the public.

After a long interview with the director of the only NGO for worker rights in Salinas/ California, I asked him whether he could put me in contact with one of the undocumented workers. “I don't think they would talk to you”, he said in Spanish with a serious voice. “They will think: 'This gringa probably works for the FBI.' You don't look like us. Color matters.” – “It doesn't matter to me”, I replied, hurt and shocked. It had never come to my mind that trust depends on ethnicity. Maybe I had been too lucky in the past: Especially Latin Americans have always included me into their groups and called me “daughter of immigrants”, which allowed me to identify with them.

The NGO director started questioning me extra hard on my reasons for doing this research and finally agreed to bring one person into the NGO which he considered “a secure space”. I finally came to admire how much he protected the workers. When people fear for deportation, a lack of diplomacy is a very minor issue.

Which reason I had given him? I put it similar as Hiro Yoshikawa on my first days in New York: “We need a public movement. People without papers are afraid to speak up, as this might risk deportation and ripping their families apart. So it's the responsibility of every one to speak up for this particularly marginalized group.”

On the other end of the spectrum, leading interviews with representatives of anti-migration groups and transcribing their statements was a mental challenge for me. As a journalist I want to open an informed and civil dialogue between people with different world views. That is why I chose such a disputed issue, where each side has justified worries and arguments. But the hardliners I talked with did not seem open for a dialogue. Their conception of the human being is not only pessimist, but openly hostile and deeply xenophobic. European media tends to portray people like Donald Trump and ultra-conservative think tanks as freaks, but they are not. They have real power and influence as advisers for Republican candidates in the presidential elections. I find this pretty alarming.

I realized during the research that my approach was very broad and would rather result in a book with different chapters than in one major feature story. I am thus planning five stories: 1. How lawyers struggle to give refugees access to their rights and what their life after detention center is like. 2. What it means to live as an undocumented in the US and how DACA is changing that for the younger generation. 3. What difference the enforcement policies of state/cities make. 4. How volunteers help migrants at the risk of being criminalized themselves. 5. How migration policies in the US and the EU compare.

Both ZEIT ONLINE and *Deutschlandradio Wissen* have stated their interest as well as the online magazine *Der Kontext*. But as important angles and contacts came out at the end of the research for each of the five topics, I am meeting more interview partners and immersing myself in more scenes to give more weight to the feature stories and to make them denser, before I pitch them for publication in early 2016.

1. Currently Lichter and her team are defending women and children in two other strikingly secluded detention centers, Dilley and Karns. If I can and ICE allows, I will join the team for a couple of days in Dilley. Laura Lichter and AILA are happy about the support. I will also try to meet Laura's former clients from Artesia in California. Furthermore I think about going to the South Mexican border to see the situation there and find out what the US has to do with it, ideally together with a Mexican photographer. To my knowledge, few if any journalists have reported on this so far.
2. I am planning to go back to Salinas to talk to farm workers living in a trailer park and so-called labor camps. City Council man Tony Barrera proposed to introduce me to farm workers who moved to California from Arizona after law SB1070 was passed. Furthermore I am planning to meet one of the students in the undocumented program at UC Berkeley via Meng So.
4. If I go back to Arizona, I will try to meet Mike and other elders on his reservation to see how Native Americans react to undocumented migrants.

The McCloy Fellowship gave me the chance and the courage to research this complex issue. Speaking with so many different people in different places made me feel that I have a common ground with some first-generation and long-term US Americans and allowed me to establish a lasting connection with this country. I am deeply grateful for the support of the American Council on Germany.