

# Article

Sensors, Cameras, and the New 'Normal' in Clandestine Migration: How Undocumented Migrants Experience Surveillance at the U.S.-Mexico Border

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#### -Abstract

This paper presents findings from an exploratory qualitative study of the experiences and perceptions of undocumented (irregular) migrants to the United States with various forms of surveillance in the borderlands between the U.S. and Mexico. Based on fieldwork conducted primarily in a migrant shelter in Nogales, Mexico, we find that migrants generally have a fairly sophisticated understanding about U.S. Border Patrol surveillance and technology use and that they consciously engage in forms of resistance or avoidance. Heightened levels of border surveillance may be deterring a minority of migrants from attempting immediate future crossings, but most interviewees were undeterred in their desire to enter the U.S., preferring to find ways to avoid government surveillance. Furthermore, migrants exhibit a general lack of trust in the "promise" of technology use makes them vulnerable to state surveillance, tracking, and arrest.

#### Introduction

In Nogales, Sonora, Mexico, as in many border towns along the U.S.-Mexico border, hundreds of migrants from various parts of Mexico and points further south find themselves at a place in-between two worlds—often forced to sleep, eat, and survive for days or weeks within easy reach of the physical border fence (the "Wall") that divides the two countries. The Wall itself is quite striking: miles of metal rising from the arid landscape and cutting across town and extending well into the desert in either direction. Migrants feel deeply about its presence as they look beyond it into the Arizona desert or touch its metal surface with their fingers for the first time. From where we sit in a small, largely open-air, shelter arranged as a dining facility on the Mexican side of the border, the Wall is only a few hundred yards away. Some of the male migrants will spend the night in a nighttime shelter that literally stands just across the street from the Wall, the women will be housed in a small apartment run by the shelter organizers, and others will have to find other places to spend the night. Despite how close the other side of the Wall is, for many of the migrants it feels very far away. Border Patrol vehicles regularly patrol the dirt roads running parallel to the Wall, and arrays of surveillance cameras on tall poles dot the visible landscape. At night, the area is flooded with light, making it impossible to hide in the shadows from the cameras' ever-present gaze. The Wall itself is symbolic of the American desire to control and exclude—and of fear and suspicion of "others" beyond—but the presence of the Wall also energizes and deepens the resolve of many of those (undocumented/irregular migrants) who are seeking clandestine passage to the other side.

Newell, B.C., R. Gomez and V.E. Guajardo. 2017. Sensors, Cameras, and the New 'Normal' in Clandestine Migration: How Undocumented Migrants Experience Surveillance at the U.S.-Mexico Border. Surveillance & Society 15(1): 21-41. <u>http://library.queensu.ca/ojs/index.php/surveillance-and-society/index</u> | ISSN: 1477-7487 © The authors, 2016 | Licensed to the Surveillance Studies Network under a <u>Creative Commons</u> Attribution Non-Commercial No Derivatives license. Sitting at a picnic-style table in the shelter on Mother's Day, we watch dozens of migrants eat breakfast quietly after an introduction by a Sister of the Eucharist who has come to address the important role of mothers in the lives of the migrants. At one table, women sit quietly together. Some of them are mothers whose U.S.-born children (therefore legal U.S. citizens) are on the other side of the border. They are separated by the Wall, and by an impossible immigration system that offers them no legal recourse to rejoin their families other than attempting to cross the border clandestinely. Most of the migrants are men, and they occupy much of the rest of the room. The shelter's concrete floor and chain-link walls, covered with banners to keep out the sun and the prying eyes of "coyotes" and their recruiters. It provides a small bit of respite from the confusion, danger, and crisscrossing surveillance that exists just outside its doors. A Jesuit Priest urges those in the room to "keep moving" because the border area in and around Nogales is a dangerous place for migrants; at the border, they are vulnerable to abuse by criminals, human and drug traffickers, and even local police (who, shortly after our fieldwork, raided one of the sleeping shelters and robbed migrants of many of their possessions, resulting in the shelter closing temporarily).



Figure 1. Migrants gather for a meal at a migrant day shelter in Nogales, Sonora, Mexico. Photo by Bryce Newell.

Some of the migrants at the shelter, who are mostly from Mexico or Central America, have just arrived at the border for the first time and are planning their first attempt to cross into the U.S., but the majority of the migrants we encounter have just been deported within the past week; some have been deported after failed attempts to cross the border clandestinely, others after living and working for months or years in the U.S.—where they have left homes, jobs, spouses, or children. Tattered backpacks and plastic bags hold all of the material possessions they currently possess, yet they continue to look forward to a future better than what they left behind; dreaming of prosperity north of the border.

Migrants at the shelter report attempting to cross the border clandestinely for a variety of reasons, predominately to find employment or reunite with family in the U.S., and occasionally to flee violence in their home countries. They report relying on informal information-sharing networks to collect what information they do have about border-crossing (Newell and Gomez 2015; Newell, Gomez, and Guajardo 2016) and a distrust in the power of technology to help them overcome future barriers (Newell, Gomez, and Guajardo 2016). One migrant, 22 days into his journey north from Honduras, said that he had

embarked on this journey because he wanted to support his mother "like a queen" and to support his children. He candidly discussed the dangers he had faced over the past three weeks, explaining that he left Honduras to the U.S. because "the situation in Honduras is very hard" and because the U.S. "is a world-leader" that offered greater opportunity. In his own words:

I had to cross all the way from Honduras... hopping on the train... sleeping out in the open or on the street or right next to the train tracks, trying to find a piece of cardboard to sleep on, to use as a mattress, begging for money, begging for food, begging for some money. The journey is very, very hard. And then once we're in in Nogales then starts something even more difficult—that is to cross over to the desert.

Others imagine what it will be like for them when they return home after a successful work experience north of the border:

...in about 5 years from now with the future of my kids and my family assured, and I could be coming back and I could give them their studies and all the way to college if possible and then they can work on their own.... I see myself, for example, driving my own BMW, crossing the border, maybe with a trailer with my baggage and all my things that I'm bringing back, with everything that I can bring back for my family, that is what I imagine and everybody waiting for me with their open arms, very happy to see me, maybe with tears of joy, not with tears of sadness but with tears of joy for being able to get back together with my family.

Other migrants say the time in the shelters provides a needed distraction from the worries that accompany them. In the time they spend here, usually just a few days or a week, they meet others from a variety of countries and backgrounds, and they learn from each other. On the other hand, others talk about the "illusion" of crossing successfully into the U.S. and of having to repay debts incurred to smugglers during their journeys north.

Torn between where they come from and where they want to be, these migrants stand at the threshold between two worlds—or at what appears to be the edge of the only world some have ever known. At this critical juncture, life at the border is filled with a sense of transience—of a life "in-between" that is neither here nor there: they are living one of the most intense, fragile and vulnerable moments in their experience as migrants—and possibly as human beings. At the same time, the space along the border is replete with surveillance apparatus deployed by states and private parties on both sides of the border to support a rhetoric and governance of control (Lyon 2007: 21-22); suspicion, fear, and security (i.e. Bigo's (2006; 2011) 'Ban-opticon'); or care (Walsh 2010). The migrant in this space is much like the person "in passage"—or, "in the transitory state between one place and another" (Salter 2005: 38)—described by Girard (1977), where the person in transit "is regarded in the same light as a criminal or as a victim of an epidemic: his mere physical presence increases the risk of violence" (Girard 1977: 281; Salter 2005: 38; see also Adey 2004: 502). Despite the assertion that surveillance always operates along a continuum between *care* and *control* (Johnson 2015: 252; Lyon 2007: 22), most of the existing literature is focused on the 'control' end of the continuum.

To better understand how migrants understand and navigate these transient and vulnerable moments, we attempt to answer the following research questions: (1) what do migrants *know* about surveillance and the use of technology by governments, cartels, mafia, and coyotes along the border, (2) how have migrants *experienced* such surveillance in their current or past border-crossing journeys, and (3) how do migrants *perceive* these technologies of surveillance, including those that have been promoted by a rhetoric of care—whether technology developed by border activists or Border Patrol adoption of body-worn cameras (BWCs)?

We draw upon Murakami Wood and Webster's (2009: 265-68) three dimensions of everyday surveillance, seeking (1) to uncover potentially contrasting perceptions of surveillance within our group of informants, (2) to better understand the depth of surveillance in place along the U.S-Mexico border and particularly in the region where our research was conducted, and (3) to understand how exposure to surveillance has (or may have) played a role in shaping perceptions, past experience, or future plans of the migrants at the border.

This research is part of a broader exploratory study in which we seek to understand how migrants access information about border crossing and what role information and communication technologies play in the clandestine cross-border migration experience (Newell and Gomez 2015; Newell, Gomez, and Guajardo 2016). Because of the relatively small sample at only one research site, we do not expect our findings to be generalizable, but to explore a novel area that has received limited academic attention, providing a basis for future research.

#### Borders, Security, and Migration

Immigration and border control have been frequent topics in Surveillance Studies, including the surveillance of migrants facing deportation (Hasselberg 2014); the role of non-surveillance or selective surveillance to perpetuate social exclusion (Hintjens 2013); crowd-sourcing border surveillance by broadcasting video feeds over the internet (Tewksbury 2012; Koskela 2011); effects on border-crossing and consumption among residents of a border community (Murià and Chávez 2011); "smart borders" (based on intelligence gathering, information-sharing, and use of information technologies) (Côté-Boucher 2008; Salter and Piché 2011: 931-32); the use of surveillance by activist groups (Walsh 2010); as well as a variety of other questions (see Wilson and Weber 2008; Gschrey 2011). Adey (2004) and Lyon (2003) also connect the discriminatory impacts of surveillance and the function of border checkpoints (e.g. airports) to "act as filters to the mobilities that pass through them" (Adey 2004: 500)—a process that Lyon has termed "social sorting" (Lyon 2002).

Lyon (2007) defines surveillance as "the focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction" (though he also notes exceptions to this general definition) (Lyon 2007: 14). According to Haggerty and Ericson (2006), surveillance also "involves the collection and analysis of information about populations in order to govern their activities" (Haggerty and Ericson 2006: 3). The *panopticon*, Jeremy Bentham's popular prison design further developed as a metaphorical landmark of power and social control by Foucault (1979), has been called the "leading scholarly model or metaphor for analyzing surveillance" (Haggerty 2006: 23). In the panoptic design, an agent in power has the ability to watch others without their knowledge and can do so without the risk that the others will watch back, creating docile bodies.

In the context of borders, security, and migration, Bigo (2006; 2011) modified the panoptic theory to develop what he calls the *ban-opticon*, a concept that denotes both exclusion from as well as the retention of sovereignty by some group in relation to "others" (Bigo 2006: 33-34, 39). Bigo (2006) expresses this as a form of "Empire, in which the various political processes of state coalitions... converge towards the strengthening of the informatic and biometric as modes of surveillance that focus on the trans-border movements of individuals" (Bigo 2006: 34). Elsewhere, Bigo (2005) describes the ban-opticon as a system "where freedom of movement for some coexists with the intensification of surveillance, control, and punishment for others" (Bigo 2005: 79). Manley and Silk (2014) characterize this "process of surveillance" as one that "enacts control, and the assertion of sovereignty, via the exclusion of minority populations or those who are deemed 'unwelcome' and the normalisation of an 'accepted' majority" (Manley and Silk 2014: 361, citing Bigo 2006: 35). Walters (2006) also argues that, in recent years, border control "has moved closer and more fully towards functions of policing," prompted in part by rhetoric

about terrorism and the threat undocumented immigrants may pose to established society (Walters 2006: 199; see also Andreas 2009).

In fiscal year (FY) 2013, 87 per cent (18,611) of all U.S. Border Patrol agents were stationed in the nine sectors along the 2,000-mile-long southwest border-the busiest land border in the world, and also the most heavily patrolled. The Tucson Sector, which includes Nogales (site of our study), has historically been one of the most active sections of the border, boasting the highest number of apprehensions of clandestine or undocumented migrants during the period from 1998 to 2013 (when the Rio Grande Valley Sector experienced a surge). The present contours of border enforcement along the southwest border represents a drastic shift from past practice, as immigration has become much more political and visible in the U.S. in recent decades. The number of Border Patrol officers doubled from 3,389 to 8,200 between 1993 and October 1999 (Andreas 2009), representing more than a 630 per cent increase during that period. Increased fencing, security, Border Patrol presence along the border—especially near more urban areas and use of surveillance technologies such as sensors and cameras, have all driven border-crossing migrants into harsher, more remote, regions. During the last two decades, thousands of undocumented immigrants have died while attempting to cross the international border between the U.S. and Mexico, and prior academic research (Rubio-Goldsmith et al. 2006), and research prepared by the Congressional Research Service at the Library of Congress (Nuñez-Neto 2006; Haddal et al. 2009), suggests a causal link between the U.S. government's border control policies and rapidly increasing numbers of migrant deaths.

#### Border Games and Analogous Social Injury

For some migrants, the sight of the Wall is a familiar one—they've crossed, or attempted the crossing, a number of times before—but for others, the first sighting of the wall elicits feelings of futility, frustration, and despair. For others, the Wall elicits feelings of adventure and excitement (e.g. "I'm just in it as an adventurer. I'm experimenting with different countries, and going to different states in Mexico, and seeing different places. And I see it as an adventure, not something to be scared of, but as an adventure. All of this is an adventure for me"). Regardless of their feelings of excitement or despair, most express the need to keep moving forward—to do whatever they can to achieve dreams that they believe can only be fulfilled north of the border. Some express new-found enthusiasm at seeing the Wall: "it gives me a lot of hope… it makes me think that the impossible is possible." These positive refrains are, however, countered by surprise at the nature of the barrier.

Migrant: I left home with the vision of getting to the U.S. and then when you come here and see how hard it is and you see this wall—this is the last thing blocking you, preventing you from getting to your family and to your friends.... I am so surprised that I can't just cross it and get there and walk my 5 days... in the desert until I reach a place where somebody can pick me up or I can take a bus.

A migrant from Guatemala expresses his feelings about the looming barrier as he looks at photograph he took of the Wall the night before from his shelter window (see Figure 2):

Well that's the wall, and to know that across from the wall is my dream. ... Like if you have a wall in front of you, and you have a victory ahead, and you're behind, you have to overcome that wall and you have to reach that victory. You have to take that victory into your hands. You have to take your dreams into your hands so that you can achieve them. Because if we don't struggle for them, nobody will struggle for us.



**Figure 2.** Photographs taken of the border fence by a migrant; taken from the window of the migrant shelter where he spent the night in Nogales, Mexico. The brighter lights on the left of each frame are in Arizona. Used with permission.

In some ways, the physical border fence, constitutes perhaps the most public face of what has been referred to as a form of *cultural violence* (Galtung 1990: 291) that has pervaded discourse around immigration for many years in the United States and is symbolic of the "radical 'othering" of undocumented migrants in American society (Spener 2009: 17-18). According to Michalowski (2007), the official interventions at the border by the U.S. government have produced what is called "analogous social injury"—that is, interventions that, despite being legally permissible, result in bodily harms and deprivation, and should be seen as "the sociological equivalents of crime" (Michalowski 2007: 63). Andreas (2009) argues that "the escalation of border policing has ultimately been less about deterring the flow of drugs and migrants than about recrafting the image of the border and symbolically reaffirming the state's territorial authority" (Andreas 2009: xiv). Andreas (2009) refers to the interaction between border authorities and clandestine migrants as an "enforcement-evasion game" (Andreas 2009: 36), intertwined with the "migrant-smuggler game" played out between economic migrants and human smugglers (Andreas 2009: 95).

The interaction of these border games, in concert with the increased border security presence on the northern side of the border, has resulted in migrants increasingly seeking out professional smugglers because, "evading apprehension has become a longer and more complex game requiring greater patience and stealth" (Andreas 2009: 111). Amoore and Hall (2010) describe this game as ritual, theater, and performance; understanding border enforcement as "a political stage for the performance of control, a showy set of symbolic gestures" that conjure up "the sheen of securability and controllability" (Amoore and Hall 2010: 303), intended to "differentiate the bodies that must wait, stop, pass or turn back" (Amoore and Hall 2010: 302). Salter and Piché (2011) similarly characterize the "securitization" of border enforcement as "a constant process of struggle and contestation" by political (or other actors) "making plays for the ground of security and the political, discursive and material resources that such a successful claim can bring" (Salter and Piché 2011: 934). Engbersen and Broeders (2009) have detailed similar games in play within the "secret societies" of irregular immigrants already present and living within cities in Europe, as immigrants and states battle over the observability (or not) of the undocumented. Even in these cases, where immigrants are past the point of the actual border-crossing itself, increasing state enforcement of immigration restrictions has likely increased immigrant dependence on criminal and/or underground networks and promoted the growth of human smuggling in Europe (Broeders and Engbersen 2007: 1605). Interestingly, as our findings show, the 'symbolism' of the Wall becomes clear because, while clearly designed to function like Bigo's (2006, 2011) exclusionary 'ban-opticon,' the Wall seems to increase the resolve and desire of those aiming to cross the border.



Figure 3. Maps of migrant deaths and aid-stations in the southern Arizona desert displayed inside a migrant shelter in Nogales, Sonora, Mexico. Photo by Bryce Newell.

In this light, the federal policies and interventions to enforce border protection in the U.S. have made the process of undocumented migration into the United States much more dangerous, in too many cases leading to bodily harm, deprivation, or death, while not always functioning as the strict barrier to entry they were intended to encapsulate. Furthermore, the "funnel effect" (Rubio-Goldsmith et al. 2006) that was intended to discourage migration and lower the numbers of undocumented migrants willing to make the more dangerous journey around the fenced areas has not been effective in practice. Migration numbers increased dramatically after the Border Patrol's strategic initiatives were launched with "Operation Blockade" (subsequently renamed "Operation Hold the Line") and "Operation Gatekeeper" in 1993 and 1994, respectively, and even as migration rates have leveled out in very recent years, the number of reported migrant deaths has continued to increase or at least remain steady.

### Methodology

In conducting this research, we sought to follow Lyon's (2007) advice to keep "the practices and processes of everyday life" in constant focus, while also explaining "what is important without becoming overly abstract or paranoid or technologically deterministic" (Lyon 2007: 47). During our empirical data collection, we situated ourselves as closely as we could into the circumstances and places experienced by our research informants and attempted to ask questions to elicit information about, or that referenced, particular technologies or concepts (see Lyon 2007: 46-47).

In May 2014, we conducted 38 interviews with migrants and volunteers at a day shelter for migrants in Nogales, Mexico, run by the Kino Border Initiative. We later conducted an additional 9 interviews at the shelter in December 2014 (eight new interviewees as well as one interview with a person who we had also previously interviewed in May), conducted a phone interview with a Border Patrol Public Information Officer in August 2014, and participated in a ride-along with a Border Patrol agent in Nogales, Arizona in December 2014. We conducted informal and semi-structured interviews with three types of subjects: (1) individuals who had been recently deported from the United States (generally within a few days of deportation, n = 29), (2) migrants from Central America who had just arrived at the border with plans to

cross into the United States in a clandestine fashion (n = 4), and (3) migrant-aid workers affiliated with local and bi-national humanitarian organizations and who provide services at the shelter on a regular or recurring basis (n = 13). After our presence was announced by shelter workers, we approached migrants and volunteers working at the shelter, explained the nature and purpose of the research, obtained verbal consent, and conducted interviews loosely based on a pre-defined interview guide. Interviews were conducted in either English or Spanish, depending on the respondent. Most interviews were recorded, though some were summarized after the fact; those in Spanish were translated to English, and all were transcribed. Daily field notes and peer debriefings by the research team were also used to inform the analysis.

In total, we interviewed 33 migrants and 13 aid-workers and volunteers at the shelter. The volunteers and aid workers (seven male, six female), included a priest, two staff members, a Jesuit in training, three Jesuit novices, and six additional volunteers. Of the migrants, 29 were originally from Mexico, one was from Guatemala, and three from Honduras; 27 were male and six were female (all of the female participants were from Mexico); 29 had been recently deported, generally within the past few days; three were attempting the crossing for the first time; and one was attempting to cross again after having spent a period of time back at home in Guatemala before venturing north again. The distribution of this sample roughly matches the distribution of the population of migrants that visited the shelter over a broader period of time. In the month of our first visit (May 2014) the shelter recorded 861 adult migrants and 11 minors; of the adults, 688 (80 per cent) were men, and 173 (20 per cent) were women, with an average age of 31 (mode = 18), the oldest being an 81-year-old man; 85 per cent of the migrants (729) were from Mexico, 9 per cent (80) from Honduras, and the remaining 9 per cent coming from El Salvador, Guatemala, Nicaragua, Peru, and Colombia (KBI Report, May 2014). In that same month, almost 83 per cent (n = 713) reported being in Nogales because they had been recently deported; 165 reported being apprehended and deported while living in the U.S., and 544 reported being apprehended while attempting to cross the border clandestinely (4 did not provide an answer). These figures are also consistent with reports collected by KBI in the months prior to our initial arrival.

#### Awareness, Perception, Experience

There are complex hierarchies of surveillance along the border, from overt monitoring by states (e.g. camera towers placed conspicuously along the border) to surveillance conducted by organized criminal organizations (whether directed at migrants or at the movements of U.S. border officials) to the surveillance-related activities of humanitarian, religious, or activist groups on both sides of the border. In our research, we sought to understand and differentiate between migrant awareness, perception, and experiences with each of these levels of surveillance. However, in many cases, actual awareness (based on past experience) and perceptions (based on information received from others) seemed to blend together—actual experience blending with commonly held perceptions. For example, a migrant might state that he or she had seen a camera or believed they had stepped on a ground sensor, but their explanation of the function and pervasiveness of these technologies appears to generally be based on hearsay. This mixing of experience and perception likely fuels the game of cat and mouse between border authorities and migrants, part of Andreas's (2009) concept of "border games."

#### Surveillance by the U.S. Border Patrol

Migrants—both those who have attempted crossing before and those who have just reached the border for the first time—are generally very aware of the fact that the U.S. government has deployed significant resources into border security and surveillance measures. This awareness often comes from personal experience, word of mouth communication within the migrants' informal networks, and/or exposure to mass media or film. Surveillance, like the Wall itself, is seen as a significant barrier to entry—both physically and virtually/symbolically. This perception is reinforced by the presence of Border Patrol agents and the dangerousness of the more accessible crossing routes away from town. The Border Patrol

agent we interviewed stated that the agency is quite aware that migrants know about many of the sensors. "They know about the cameras, foot sensors, and they expect surveillance," stated the officer, who also says apprehended migrants have asked them questions like, "Did you see me on satellite?"

When asked about what technologies they know the Border Patrol is using to watch the border and keep them out, the migrants provide a long list; virtually all of them talk about some sort of sensor that they have seen or heard about from others, including cameras, binoculars, infrared and night vision gear, ground sensors, phone call interception capabilities, radios, drones, helicopters, and the ability to track mobile phones. A Border Patrol agent we questioned conceded that the agency uses stationary cameras, mobile surveillance systems on the back of trucks, fixed wing aircrafts, unmanned aerial vehicles (which are actually owned by the Office of Air and Marine), helicopters, and ground sensors (which, in the agent's guarded estimation, cover a "significant amount of area"). As part of our ride-along with the agent, we were also permitted to view inside a mobile surveillance vehicle and watch as another agent reacted to ground sensor alarms by zooming a high-powered lens at the precise location of the disturbance (in this case, promulgated by a herd of cows).

Many migrants are also aware of the Border Patrol's increased physical presence, especially those who have crossed a number of years in the past, and the common presumption is that it is harder to cross successfully now than it was in the past. Some claim they have seen cameras, helicopters, and unmanned drones on recent attempts to cross. One migrant reported first seeing surveillance cameras in the desert near Altar, Sonora, and Sasabe, Arizona, attached to small towers. He said that when he crossed the border there in 2003, he did see cameras and Border Patrol agents, "but not too many like today." In his opinion, this has made the cross-border trek much more difficult, requiring migrants "to walk a lot—eight days, ten days of walking in the desert." Similarly, another migrant told us that crossing the border "used to be easier—now it's more critical, more difficult [because] there's more cameras, more surveillance."



Figure 4. Surveillance camera arrays mounted on poles just on the U.S. side of the Wall near downtown Nogales, Sonora. Photos by Bryce Newell.

One migrant stated that although he had not seen them, others had told him about the "moscos"—drones or helicopters—that find the migrants in the desert mountains, as well as the cameras and wires in the ground that "if you step on it... they will know that you're there." The term used by the migrants itself, "moscos," has a layered meaning, signifying a generally predatory insect that buzzes above and watches, is hard to avoid, and is a natural part of an environment. Other migrants shared personal encounters with these surveillance technologies, such as the following: "They use infrared to pick you up and sensors—I don't know exactly what kind of sensors—but the one time I was approaching some place and I stepped on some sensor and right away the Border Patrol came and picked me up." Others reported having cell phones, but worrying about being tracked when they used them: "As soon as you try to call somebody to come for you, they [the Border Patrol] know where you are, and they will go looking for you." Another migrant stated that, "I've heard... they intercept the lines and they hear what you're talking about and then when you're talking on the phone they know what you're saying and then they can come and get you."

#### Surveillance by Coyotes, Cartels, and Mafias

In addition to questions about Border Patrol use of technology and surveillance, we also asked migrants and aid-workers about their knowledge of technology use by other groups, namely the cartels and smugglers themselves. The general consensus was that both of these groups (which do overlap to some extent) had extremely sophisticated technology at their disposal, engaging in a sort of cat-and-mouse form of counter surveillance of the Border Patrol. One aid-worker made the observation that the Border Patrol, with all their technological sophistication, may still be "out-gunned" by the cartels:

[The Border Patrol] have a lot of stuff that sort of puts them at a huge advantage over your average migrant trying to come across for work, but... I think they are still outgunned, so to speak, by some of the drug cartel people that are out with night vision goggles... you know, some Border Patrol agents have those too... but not every Border Patrol agent is carrying around a satellite phone.

Most of the information about cartel/mafia technology use was fairly anecdotal, as most of our respondents relied on information they had received from third-parties. However, a number of the migrants recounted first-hand experiences with smugglers using various technologies, especially mobile or satellite phones. Migrants reported coyotes guiding them remotely by cell phone rather than physically accompanying the migrants across the border; their impression was that the guides were watching their progress from a distance using binoculars, and issuing warnings when Border Patrol agents drew near. One migrant reported feeling safer because a guide carried a cell phone, citing a hypothetical case where an injured person could be left on the trail but a phone call to 911 could bring medical responders.

In general, respondents (both aid-workers and migrants) reported hearing that cartels used GPS, satellite phones, cell phones, and night-vision googles. One aid-worker also expressed frustration that U.S. border enforcement policies (including increased surveillance) were forcing migrants to seek out and rely on guides with affiliations with organized crime:

It is my opinion that U.S. foreign policy is booting out the people who were the smaller operations—the people who just did it on the side, didn't make a lot of money off it because now people are forced to interact with organized crime, people are forced to interact with harder criminals now, because they are the only ones that have the technology and the control over the areas where people can cross, unless you just go here in downtown Nogales and jump the wall yourself, but that is pretty dangerous.

#### **Resistance and a New Political Economy**

Amidst the complicated interactions between surveillance by government agencies and organized crime on both sides of the U.S.-Mexico border, migrants are caught right in the middle of a much larger conflict. Our Border Patrol respondent agreed that the cartels are well-funded, and that the Border Patrol are engaged in a "cat and mouse game" with organized crime. According to the agent, the cartels routinely use technology similar to that used by the Border Patrol, and that "there are points along the border where the cartels watch just as much as the Border Patrol." Some migrants may be choosing (wittingly or unwittingly) to pay guides affiliated with cartels as a way to avoid capture and the ever-present gaze of agents, cameras, and other sensors deployed by U.S. government along the border. Some of the migrants discussed how the presence of all this surveillance impacted the way they thought about or planned their future crossing attempts. The most common refrain here was that surveillance had made it more important for the migrants to find a guide that knew how to outsmart the Border Patrol. The following exchange during one of our interviews with two female migrants exemplifies the most common approach to resisting or avoiding Border Patrol surveillance:

Interviewer: *How does knowing about all this technology being used by the Border Patrol impact how you feel about whether to cross or not?* 

Migrant 1: Well the thing is, for crossing, you need to know where they are. For example, my cousin just went through in another border crossing and I got to a different crossing place. He went through a different place and there was a group of 18 people, and so I thought, 'oh, well their guide knew where to go' and then I also then went and tried in that same location because it seemed that it was working... so we went and we tried. For about a week we were up in a mountain, but our guide did not really know well how to get there and he bumped into the sensors and then they caught us.

Interviewer: So, it is because the guide did not know and bumped into the sensors that you were caught?

Migrant 1: Yes.

Interviewer to the second woman: So knowing that there are sensors and there is all that technology, how does that change what you will do or not do?

Migrant 2: Well the only thing that changes is whether we try to cross it or not, but really the most important thing is the choice of the guide.

Interviewer: So the important thing is to have a good guide that will know about the sensors?

Migrant 2: Yes. It depends on who will be able to bring us, who will be able to take us.

One of the aid-workers who had been volunteering at the shelter for a number of months confirmed this sentiment, adding something about the dynamics between a "knowledgeable" guide and the organized criminal element:

It [the surveillance technology] forces them [migrants] to pay more to guides, because now more guides are getting caught so some guides have gone out of business; it forces them to go with people who are somehow affiliated with the more organized crime, so the mafia, the drug cartels will tell them the route that they can go on, because there are certain routes that are reserved just for drugs and other routes that they let people and drugs go on.

On the other hand, not all of the migrants were undeterred from future attempts by the Border Patrol's presence and surveillance. One migrant—part of a group of five who had just been returned to Mexico that morning after an unsuccessful crossing—said that he and his associates were planning to return home rather than try again, because "it was too hard, too difficult" and "there is too much technology in the hands of the American authorities." He said that, while walking for two days through the desert, he felt that the authorities had been observing and watching them all the way through; and he believed their capture was evidence to support that claim. In addition to his feelings about the border crossing being insurmountable due to the amount of Border Patrol surveillance, he also stated that he believed their guide was in complicity with the Border Patrol.

However, for many of the migrants, the possible turn towards coyotes with connections to the cartels also implicates a number of migrant safety concerns. According to the aid-worker just cited above, the migrants are sometimes used as decoys to distract Border Patrol agents from drug-smuggling activities happening at another place along the border. Migrants themselves appear to be very cognizant of the risks associated with organized crime, and this finding is consistent with statements made to us by a Border Patrol officer that migrants often tell agents about the dangers of being involved with criminal organizations and some coyotes.

Migrant: You have to pay the mafia, you cannot just go to the border on your own, you have to pay the mafia and they're also watching... so if you want to go with them then you have to pay them, otherwise they will take you and they can kill you if you don't pay your due.

When asked about the relative danger posed by cartels versus the Border Patrol, migrants overwhelmingly expressed significant fear about being captured by the cartels or mafia. One migrant shared the following:

The mafia is way worse, because the mafia will kill you. The other day they caught us and I thought that it would be the last day of my life. They have these big guns and they were pointing them at us and I was thinking they were going to kill us.... They took us, they took our shoes off, they took all our papers, they asked if we had any phone numbers of our friends that we have to give it to them.... As soon as you cross into the U.S. then you don't worry so much about the mafia and you feel more secure, because then you are trying to hide from the Border Patrol. Because, yeah, the mafia will kill you but the Border Patrol will stop you and if you don't fight back they'll just stop you and arrest you and sometimes they can beat you or something, but they won't kill you.

Research on resistance to or avoidance of surveillance has also become an area of interest within the Surveillance Studies community (Brayne 2014; Ericson 2006; Grenville 2010; Haggerty and Ericson 2006; Monahan 2006; Marx 2003; Shay et al. 2013; Wilson and Serisier 2010). Gary Marx has developed, through a variety of empirical studies, a taxonomy of twelve forms of resistance or non-compliance that he refers to as "Neutralization Moves" (Marx 2009: 298; see also Marx 2003). Others, such as Grenville (2010), have extended some of Marx's work; finding that awareness of and experience with surveillance are strongly correlated with forms of resistance to preserve privacy (although these results also vary significantly by country) (Grenville 2010: 75). In our findings, migrant resistance to Border Patrol surveillance generally fits well into two of Marx's categories: avoidance and piggybacking. Migrants attempt to find places or other means of avoiding the gaze of U.S. border agents, and this often includes piggybacking themselves into the control of more knowledgeable smugglers. Similarly to findings reported elsewhere about migrants relying on guides for information about border crossing rather than

seeking this information on their own (Newell and Gomez 2015; Newell, Gomez, and Guajardo 2016), our respondents generally reported leaving the discovery of information about the specific places and methods of surveillance to the guides. However, their awareness or—and experiences with—surveillance at the border as well as their efforts of resistance or avoidance, are illustrative of Andreas's "border games" and the ritual described by Amoore and Hall (2010) and are evidence that the ban-optic symbolism of the Wall may, in fact, outweigh much actual deterrence. The migrants' mobilities may be changing course, but few concede defeat as a direct consequence of increased securitization. In fact, the securitization of immigration control has forced migrants to depend on underground and criminal enterprises, in line with earlier findings by Broeders and Engbersen (2007).



Figure 5. Two surveillance cameras positioned over a gate leading into Mexico near Nogales, AZ. Photo by Bryce Newell.

### Surveillance, Care, and Control

As noted above, much of the discourse around border surveillance is focused on social control (Lyon 2007: 21-22)---and indeed, the failure of states to restrict undocumented (irregular) migration and "legitimize" all cross-border traffic is often seen as a failure to control successfully (Broeders and Engbersen 2007: 1592)—but other forms of surveillance have also been touted as means to provide care, safety, or compassion to people in transit across international boundaries (Amoore and Hall 2010; Cardenas et al. 2009; Chamblee et al. 2006; Doty 2006; Walsh 2010). This surveillance of care has taken many forms, from projects like the Transborder Immigrant Tool that seek to guide migrants to safety sites along migratory trails by providing GPS directions on cheap mobile phones (Amoore and Hall 2010; Cardenas 2009; Newell, Gomez, and Guajardo 2016) to the inverted (in panoptic terms) surveillance by activists of government border agents and private militias, physical foot patrols and GPS tracking of the locations and amounts of water usage at humanitarian water stations on migratory trails (Walsh 2010; Chamblee et al. 2006; Doty 2006). However, surveillance of undocumented migrants also occurs at migrant shelters—like the one we utilized for this current research—by volunteers and aid-workers as well as the researchers and journalists they allow to maintain a presence in these spaces. These shelters often conduct intake surveys or interviews with migrants (generally anonymously), allow them to use phones or computers (which can leave identifying traces), and administer medical aid. According to Walsh (2010) these forms of surveillance are not inherently exclusionary and may empower the exercise of migrants' rights and movements seeking social justice and social change. However, as our findings below indicate, at least some technologies with potential care implications may be resisted or avoided by migrants, who see these technologies not as rights-enabling or empowering, but as mechanisms for further enabling the exclusionary and enforcement powers of the state.

The Border Patrol is cognizant of the dangers migrants face—whether or not they connect the dangers with their own enforcement policies—and the agency has also recently begun placing emergency beacons in the desert, which migrants can use (by pressing a button) to signal distress and bring their situation to the attention of the Border Patrol. According to our Border Patrol source, these beacons had been activated 83 times in the first 7 months of 2014, resulting in the rescue of 142 migrants, and some coyotes appeared to be aware of their presence. In recent years, the potential role of body-worn video as a protective device for both suspects and law enforcement officers has also been touted as a means of state surveillance with potentially beneficial implications for immigrants and other members of society. However, none of our respondents ever mentioned knowing about these technologies on their own—a mis-match between migrant awareness and Border Patrol activity, and perhaps a statement about the stronger symbolic role that these technologies may play in internal American politics than in actual migratory practice.

Interestingly, some of the migrants and aid-workers also perceive elements of state surveillance as somewhat legitimate, or at least understandable. One migrant states that the Border Patrol agents just "need to do their jobs." Others express acceptance of the idea that the surveillance has a legitimate purpose "to keep out the people with drugs" and as a form of "protection for the people who are crossing." When asked directly about how he felt about the presence of cameras along the border, one migrant stated, "Ah, normal." To clarify his response, he said that he had encountered surveillance cameras throughout his journey to the border; in some of the migrant shelters and in restaurants. And so he says, he believes that it's for protection and he's not too concerned about it—it's just normal. On the other hand, another migrant states: "I'd say [surveillance] is good for the Border Patrol, but not for us." Yet another stated that it is "very difficult" to confront the Border Patrol's use of surveillance, "because they have a lot of technology. We need to study how to confront that technology." A shelter volunteer offers a different perspective, saying that while, "I wish we could change our immigration policy rather than change the technology... at some point have to defend the border.... I wouldn't put a limit on [Border Patrol use of technology by itself]."

In the following two subsections, we discuss our findings in relation to two forms of surveillance that have potential care implications: officer-worn body cameras and the Transborder Immigrant Tool. In each case, migrants responded to questions about the possibilities of these technologies (as described to them), and none of the migrants had actual personal experience with either technology.

#### The Possibility of Body-Worn Cameras

The national (and even international) debate surrounding the adoption of wearable camera systems by law enforcement agencies for oversight and accountability purposes has not left the Border Patrol unscathed. Following a number of publicized incidents of Border Patrol agents using deadly force, the agency began testing body-worn cameras (BWCs) at its Artesia, New Mexico training facility on October 1, 2014 (Caldwell and Spagat 2014; Johnson 2014). A few months later, in February 2015, Border Patrol began placing cameras onto officers in four border regions during the second phase of the evaluation (U.S. Customs and Border Protection 2015). In 2014, Richard Gil Kerlikowske, the Customs and Border Protection Commissioner, told the press that CBP's recently increased authority to investigate the use of force by its own officers (rather than being sidelined by Immigration and Customs Enforcement (ICE)) was a step towards greater transparency (Caldwell and Spagat 2014). The trial of BWCs is another possible step in that direction, although not without controversy.



Figure 6. Calls for justice litter the Mexican side of the Wall in Nogales after the Border Patrol shooting of 16 year-old Jose Antonio Elena Rodriguez, who was shot 8 times, including twice in the head and five times in the back, by Border Patrol agents in 2012. He was not wielding any weapon at the time of the shooting (Robbins 2013). Photo by Bryce Newell.

Migrants' responses to the possibility of Border Patrol BWC use ranged from very negative to very positive, and many of the migrants offered qualifications to their initial responses after thinking about the question for a few moments. On one end of the spectrum, migrants said things like, "I think it is very bad because... why do they want to record us? Is it just to mock us and to make fun of us and to laugh at us?" Others recognized the potential for BWCs to improve officer-migrant interactions. One migrant told us that he would "feel safer" interacting with Border Patrol agents, when "what I'm saying or what I'm doing is being recorded." Another recounted the following:

So, I imagine that would be good for me because we usually receive too many aggressions. Like the person who arrested me, when they grabbed me, I was climbing on a rope and they grabbed me... and pulled me from my leg, so I couldn't climb anymore, and then I fell down.... They grabbed me from behind, like from the nape of the neck. So, that way [with a camera recording]... I could demonstrate that they are very inhumane with us. It would be a proof of how they treat us. Both for me and for them. Because with the camera, I would be able to say how they treated me, and also they can protect themselves if I want to make up stories and say things that are not true, they could also have the recording to show the proof of how I behaved, that I could be lying about what they did.

Another man recounted an experience where Border Patrol agents had apprehended a group of migrants, who then tried to escape. After arresting the fleeing migrants, the Border Patrol "pushed them to the ground, pushed them very hard. They put their feet on their heads. Some people they can't breathe

because it's a lot of dust." In light of this experience, this migrant offered a qualified reaction to BWCs, believing that cameras would improve treatment during physical interactions with agents, but expressing doubts that camera footage would benefit migrants much beyond these fleeting physical encounters:

I think it's better, because when they arrest you, they can see how they [treat you]. Even the bad things. If you run, they push you to the ground and pull your foot and your hair. That's not good. So it's better if they were wearing cameras too. Because a lot of Border Patrol officers are very mean to us.... Yes, I say it might help us, maybe, [but] it doesn't matter, because they think if you're illegal, you don't have any benefits or rights. They say you don't have rights here, so you can't say nothing.

One of the long-term volunteers at the shelter expressed very similar sentiments:

Right now if you're a Border Patrol agent and you are... in the desert... where a lot of migrants are coming across and a lot of drugs are coming through... you are also isolated from a lot of the world, and when it comes down to it if you encounter people in the desert and you encounter people that speak Spanish, don't speak any English, and you're on U.S. ground... you are in control of that situation.... You can do almost anything to those people and you could say 'I found them like that.' ... So in those cases, the Border Patrol agent is in complete control. They can do whatever they want to those people and suffer almost no repercussions. So if there was a video camera that is just another point of accountability. So I think that would affect the actions of the Border Patrol agent because they know that someone could always go back and look at this, but the way it is now, if they are alone in the desert they can... there is no accountability. The cameras would hopefully provide accountability.

One migrant man expressed concern about hidden recording devices, and would like officers to announce when they are recording. Others believed that officers would use BWC footage as evidence to prosecute migrants, and some expressed the feeling that Border Patrol agents would simply choose not to record encounters with migrants when mistreatment might occur (or that they would delete footage after-the-fact).

Similarly, migrants expressed skepticism about whether BWCs would cause officers to treat migrants more humanely.

It's like having a radio. You can just turn it off. When they're going to do something that is bad they will turn it off and not record it. So that's the same. When they want to do something illegal, they'll just turn it off. And then it'll be as if it was all normal. But if they, when they want to do things right, then they can be recording it and show that they do the things right.

The aid-workers we spoke to were generally quite positive about the possibility of BWCs to improve officer-migrant interactions and reduce mistreatment, although they also expressed concerns about transparency and access to footage. Some of this reaction appeared to be fueled by sentiments much like those expressed in the wider public dialogue about police use of BWCs, notably the desire to hold officials accountable for wrongdoing. One Samaritan volunteer who was visiting the shelter for the day to help serve breakfast and distribute clothing commented that if BWCs could lead to greater accountability, then it would be beneficial. Other volunteer aid-workers stated that, "I think it can only improve the interactions with the migrants." and "I think it would also help the treatment of migrants." One volunteer expressed the idea that BWC footage could be used to counter biased television and media accounts of migrant treatment, and could be used as an educational and training tool for the Border Patrol. Despite

these generally positive reactions, most of the aid-workers did express concerns about how the footage would be used, and whether it would be accessible to the public.

Aid-worker: And then my cynical side is like, well wouldn't they just turn them off? Or how would they actually be used? What would that actually look like? In general there's this huge abyss of supervision over Border Patrol. The politics and the law of it, Border Patrol is just exempt from so much of the supervision that would go into regular law enforcement, or being part of the army for example.

Another aid-worker stated, similarly, that officers wearing cameras "would have to" change the way agents interacted with migrants.

It depends on what the organization does with that video. If they were to release it, if there was an incident, like if they were to release it to courts if there was an issue or a potential issue then I would be all for it. If they are just going to have it for their own use and not release it if there's potentially a problem with that Border Patrol agent, then it is not helpful at all.... So, I mean it is great if they have cameras out there to just have a different perspective or so we can know what actually happened, because right now we're just taking Border Patrol's word for it and in my experience, they... I mean some Border Patrol agents are great, but there are some that are definitely under-trained and don't always act professionally.

Similarly, the aid-worker made the following statement about access to footage:

I think if the public saw the way that some of the Border Patrol agents talk to the migrants they would be appalled; they would be really upset and that is just what I've heard from migrants themselves, because they say we are treated like animals, we are treated like scum, you know, the way they talk to us, we don't speak English fluently, but we can understand what they are saying.

However, despite the potential for BWCs to provide greater state accountability and protect the interests of undocumented migrants, the social control imagined by officer-worn cameras cuts both ways—it applies to both those in power (the officers) and those who are not (the migrants). The social control and "soul training" that may be present in Foucault's prison may not be the sole (or primary) functions of new forms of surveillance, such as BWCs. Agencies may also adopt BWCs because of the high evidentiary value of the recordings these devices produce, aiding in prosecutions and protecting officers from unfounded claims of misconduct. Despite the need to look beyond the panopticon, however, it may be best "to accept the panoptic presence, even if only as the ghost lurking within the post-panoptic world" (Lyon 2006: 4) as suggested by Boyne (2000) and Lyon (2006). It seems that in this case, surveillance theory cannot ignore panopticism, but it may need to move beyond it (Lyon 2006: 12), potentially building on Bigo's modification, the *ban-opticon*, which as discussed above, denotes both exclusion from as well as the retention of sovereignty by some group in relation to "others" (Bigo 2006, 2011).

#### The Transborder Immigrant Tool

Interestingly, we find that migrants are suspicious of technologies such as cell phones or the Transborder Immigrant Tool, a technology developed by artists and border activists that could ostensibly increase migrant safety by helping lead them to safety sites and water caches along the migratory trails. Migrants reacted to the idea of this type of cell-phone-based tool in very mixed ways. Most migrants expressed suspicion and concern about the use of such a tool—most stating they would not use it if it were offered to them. One of the primary reasons offered by the migrants for not trusting such a tool was connected to the surveillance capacities of the U.S. Border Patrol. Migrants repeatedly echoed the perception that use of the

tool (or any cell phone, for that matter) would allow the Border Patrol to track and locate them. One migrant stated that he would not use the tool, despite believing the project was motivated by good intentions because, "you cannot overcome the intelligence of the Border Patrol." He continued by stating, "There's also what I've seen in movies, and yes, I know it's true, that when you use any gadget, any device, and there's other devices that will detect and know where you are and they will be able to know where you are and come pick you up." When asked to confirm that he believed what he had seen in movies, he responded:

Yes, I think that is the way it is. So if somebody offers you a cell phone and says, 'Here, this cell phone will help you reach water?' Would you use it? No, I would not trust it. I would not want to use that because I don't know if they're trying to trick me. Or they will use it to help find where I am. There is much technology here and the Border Patrol has a lot of money so we cannot confront that. We cannot compete with all the technology that they have.

Another similarly stated, "I think it's a good idea, but it's hard too, because... if you use the cell phone to connect, the Border Patrol will find you, as soon as you put the battery into the cell phone." These statements suggest that migrants are generally aware that the Border Patrol is engaging in sophisticated forms of surveillance along the border, and that migrants are suspicious of technology (at least cell-phone-based technologies) as a means to counter government surveillance efforts.

#### Conclusion

The findings presented above represent some of the only empirical findings of which we are aware that deal directly with how migrants perceive and have experienced surveillance along the U.S.-Mexico border. While our findings are exploratory in nature and not necessarily generalizable, due to relatively small sample size and the fact that our investigation was limited to studying the experience of migrants at one particular shelter (of which there are many), they do provide some valuable insights and raise some important questions for future research. In particular, the migrants we interviewed generally evidenced a fairly sophisticated understanding of the types of surveillance technologies being employed along the border, many having direct experience with many of the technologies, although there was some disconnect between the surveillance the Border Patrol stated it was using and the perceptions of migrants. Despite some migrants saying they were not planning another clandestine crossing because of the difficulties posed by Border Patrol surveillance, most reported plans to try again and after finding a more knowledgeable guide-one who knows how to outsmart the Border Patrol's technology. These migrants report engaging (or planning to engage in) what Marx (2009, 2003) refers to as avoidance moves and piggy-backing moves, and these activities are consistent with our findings that migrants rely heavily on others-including smugglers-in their attempts to understand and navigate their own clandestine bordercrossing attempts while also seeking ways around the gaze of the U.S. government.

Indeed, our empirical findings suggest (or at least appear to confirm) a new political economy of border crossing informed by the emergence and use of new surveillance technologies along the border, the increasing presence of border agents, and the perceptions and awareness of these developments by clandestine migrants. First, we find that migrants are aware of and perceive that the U.S. government has increased the number of agents on the ground as well as the use of surveillance technologies by the Border Patrol, and that this awareness compels many migrants to seek more professional coyotes, who are often linked to cartels. Second, migrants generally distrust the use of technologies, even if they are offered as an expression of care or with the humanitarian intent of helping them find water or safety, because they feel that the use of these technologies might make them more susceptible to detection by the Border Patrol— that is, that these manifestations of care might actually reinforce the states' ability to exclude and control. Relatedly, migrants have mixed feelings about the implications of officer-worn cameras, with negative

feeling most often related to human agency or officer discretion, concerns about institutional transparency, and a perception that they (undocumented migrants) have no rights in the United States.

Finally, our findings suggest that the border games (Andreas 2009) and performances (Amoore and Hall 2010) engaged in by migrants, border enforcement officials, cartels, and human smugglers, are impacted by migrant awareness and perceptions about the use of surveillance by these varied groups. The Wall itself is seen, of course, as a physical barrier, but it often functions primarily as a symbolic representation of the *ban-opticon* (Bigo 2006, 2005; Manley and Silk 2014) in the minds of the migrants. However, in some cases, reaching (and touching) the Wall itself is seen as a step towards achieving their final goal; it represents that they have *almost* succeeded and have only a little way yet to go.

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