

# **Causes and impacts of the deportation of Central American immigrants from the United States to Mexico**

## **Causas e impactos de la deportación de migrantes centroamericanos de Estados Unidos a México**

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### **Abstract**

Over the last decade, the number of immigrants deported from the United States to Mexico based on an order of removal has nearly doubled. Not all the migrants deported to Mexico are Mexican citizens; some are Central American citizens. This article, using qualitative methods that include in-depth interviews with 75 Central American migrants who were deported from the United States, examines the causes and impacts of the deportation of Central American immigrants from the United States to Mexico and concludes that these deportations led to increased violence in Mexico.

*Keywords:* deportation, undocumented immigrants, Central America, United States, Tamaulipas.

### **Resumen**

Durante la última década el número de migrantes expulsados con una orden de deportación de Estados Unidos a México casi se ha duplicado. No todos los migrantes deportados a México tienen nacionalidad mexicana, algunos son ciudadanos de países centroamericanos. Este artículo, fundamentado en una metodología cualitativa que incluye entrevistas en profundidad a 75 migrantes centroamericanos que fueron deportados de los Estados Unidos, analiza las causas y el efecto de la deportación de inmigrantes centroamericanos de Estados Unidos a México y concluye que estas deportaciones pueden conducir a un incremento de la violencia en México.

*Palabras clave:* deportación, migrantes indocumentados, Centroamérica, Estados Unidos, Tamaulipas.

### **Introduction**

From 2000 to 2011, the number of immigrants deported from the United States to Mexico based on an order of removal has grown by 95%, from 150,644 to 293,966 persons (Department of Homeland Security, 2011). However, not all undocumented immigrants deported to Mexico are of Mexican nationality; rather, some are from Central America.

The number of deportations has increased over the last decade due to the recodification of civil violations as criminal acts, which notably increases immigrant risks of removal from the United States. Among those deported are an increased number of immigrants who have not committed any criminal acts (Hagan, Rodríguez

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and Castro, 2011, p. 1392). Central American immigrants who participated in this research were deported from the United States mainly due to their use of false documents, for committing traffic violations, for stealing from their employers or for loitering. Others were deported for illegal substance possession or trafficking and violent behavior, and others still were deported due to employer complaints. In numerous cases, immigrants who have been living in the United States for years have turned themselves in to authorities in pursuit of voluntary repatriation. This typically occurs when an immigrant must quickly return to his country of origin due to a family emergency (i.e., the illness or death of a close relative).

The deportation of Central American immigrants from the United States to Mexico is an important phenomenon for which no statistical data have yet been produced. Though both American and Mexican immigration authorities do not acknowledge that individuals who are not Mexican are being deported, the phenomenon has become *vox populi*. Residents of border cities have observed that not all deported immigrants are Mexican citizens, and numerous Central American immigrants state that some of their compatriots have been deported to Mexico rather than to their countries of origin. The expulsion of individuals from Central America (who lack economic resources) to violent border cities, where they cannot access social capital, places immigrants in a vulnerable position in which they easily become victims of organized crime.

Based on a qualitative methodology, this study examines causes behind Central American immigrant deportation from the United States to Mexico and ways in which deportations have increased violence in Mexico. First, the methodology is outlined and the sample is described. Next, American immigration policies on mass deportation are examined. Causes and impacts of the removal of Central American immigrants to Mexico are then described. Finally, the paper describes the case of Javier, a migrant who paid a bribe to be deported to Mexico and was forced to engage in organized crime.

### **Methodology and sample description**

Due to the nature of this study, for which no data or official recognition exist, a qualitative methodology was used. This approach allows us to study processes that cannot be addressed through surveys or questionnaires, as the examined processes cannot be measured in terms of frequency.

Data were gathered through in-depth interviews. This qualitative sampling procedure is intentional in nature, as participants were selected based on their capacity to offer information on the given subject matter. Central American immigrants who had been deported from the United States to Mexico and immigrants who were deported to their countries of origin but who were aware of the deportation of foreigners to Mexico were interviewed.

From May of 2011 to May of 2013, we interviewed 75 immigrants from Central America (45 men and 30 women) who after being deported from the United States were stranded in various parts of Mexico and demonstrated an intention to return to the United States.

The study participants were originally from Guatemala, Honduras and El Salvador. Seventy one percent of the male participants were Guatemalan, 13% were Salvadorian, 13% were Honduran and one was Nicaraguan. Ninety percent of the women were Guatemalan, and 10% were Salvadorian (See Table 1.).

**Table 1. Interviewee countries of origin**

		n	%
Men	Guatemala	32	71.1
	El Salvador	6	13.3
	Honduras	6	13.3
	Nicaragua	1	2.2
	Total	45	100
Women	Guatemala	27	90
	El Salvador	3	10
	Total	30	100

Source: Authors' research.

The majority of interviewees (51% of the men and 97% of the women) were deported to their countries of origin, though 49% of the men and 3% of the women were deported to a Mexican border town (See Table 2.).

**Table 2. Destinations of interviewee deportation**

		n	%	
Men	Tamaulipas	Matamoros	6	13.3
		Reynosa	6	13.3
		Nuevo Laredo	4	8.9
		Total	16	35.5
	Coahuila	Piedras Negras	2	4.5
		Ciudad Acuña	1	2.2
		Total	3	6.7
	Chihuahua	Ciudad Juárez	2	4.5
	Baja California	Tijuana	1	2.2
	Country of residence		23	51.1
Total		45	100	
Women	Tamaulipas	Nuevo Laredo	1	3.3
	Country of residence		29	96.7
	Total		30	100
Total		75	100	

Source: Authors' research.

The data collection process was supported by the heuristic richness of discursive production involved. When accounts obtained enabled a satisfactory interpretation, explanation and description of the object of study, fieldwork was concluded.

Qualitative research does not allow for generalization with respect to statistically quantifiable errors, as it is not based on probabilistic samples. However, the ideographic nature of qualitative research does not mean qualitative results are purely anecdotal and incapable of extrapolation. While nomothetic generalizations cannot be inferred from qualitative data, these data do allow for the transfer of information to other contexts (Shaw, 2003, p. 104). In this study, the following strategies were applied to increase the transferability of obtained results: 1) the selection of various locations within Mexico and 2) the search for areas representative of routes taken by Central Americans when migrating to the United States (Izcara, 2014, p. 119).

For the first strategy, fieldwork was conducted in Abasolo, El Mante, Guémez, Hidalgo, Matamoros, Padilla, Reynosa, San Carlos, San Fernando, San Nicolás, Tampico and Victoria (Tamaulipas); Tijuana (Baja California), Monterrey (Nuevo León), Mexico D. F., Tultitlán (Mexico State), Tuxtla Gutiérrez and Arriaga (Chiapas) and San Luis Potosí.

For the second strategy, that majority of fieldwork was conducted in Tamaulipas, as this is the main entry point of Central American immigrants into the United States, as this is where the shortest and quickest route ends. Mexico D. F. and Mexico State were selected because major routes used by Central American migrants to the United States converge in these areas. We also conducted interviews in Chiapas, as this is the entry point into Mexico used by Central American immigrants. San Luis Potosí was also selected, as it is used as a resting area by several Central American immigrants en route to Laredo and Río Grande, where the most non-Mexican undocumented immigrant detention cases have been recorded. Nuevo León was selected because since 2010, various routes used by Central Americans have diverted into this state, which is less violent than Tamaulipas. Finally, Baja California was selected because this state has recorded the highest number of deportations. Other border areas, such as Ciudad Juárez, were not selected because from 2010, deportations in such areas have come to a halt.

Thus, given the intentional nature and small size of the sample, the purpose of selecting various locations is not to establish differences between them, but to rather broaden the extent of research to increase the transferability of the study results.

### **Mass deportation policies**

Until the last quarter of the XIX century, the United States welcomed the entry of non-professional immigrants, as this was viewed to be valuable, productive and socially desirable. In 1882 and 1907, immigration from China and Japan was restricted, and immigration laws established from 1921 to 1924 followed a quota system to stop migration from southern and eastern Europe. Mass deportation policies were not established until the Great Depression, when 400,000 Mexicans were repatriated; likewise, in 1954, over one million Mexican immigrants were removed (Hagan et al., 2011, p. 1374). Immigrants were expected to follow standards of conduct that were superior to those requested from the rest of the population. Aberson (1974, p. 82) criticized the Immigration and Naturalization Law of 1952, as it threatened immigrants who would not uphold sexual morals akin to those enforced during the late XIX century while promoting political opinions on deportation characteristic of those in force during the early XIX century. However, the amendment to the Immigration and Nationality Law of 1965, influenced by the Afro-American Civil Rights movement, stressed principles of family reunification, humanitarianism, social integration and immigrant rights (King and Smith, 2005).

From the second half of the 1990s, in a context of growing anti-immigrant sentiment and national security concerns, the current period of mass deportation began. This period has differed from preceding periods in its duration and progressive and sustained promotion of deportation by order of removal. The United States adopted its "prevention through deterrence" strategy, which involved border control reinforcement through the hiring of more patrols, the construction of additional walls and fences, and through the acquisition of military technologies for detecting and stopping the flow of immigrants. The strategy focused on the four most heavily populated border regions characterized by the highest immigrant flows. Likewise, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Antiterrorist and Effective Death

Penalty Act of 1996 (AEDPA) and Patriot Act of 2001 extended federal government and local police rights to arrest, detain and deport immigrants by broadening the scope of offences for which immigrants could be deported.

As a consequence, immigrants came to be viewed as threats to national security (Brabeck, Lykes and Hershberg, 2011, p. 279; Casillas, 2011, p. 299; Hagan et al., 2011, p. 1376). Before 1996, deportation cancellations were common if removal could threaten the stability of the deportee's family. However, after the establishment of the IIRIRA, such cases became exceptional (Hagan, Castro, and Rodríguez, 2010, p. 1804). The IIRIRA notably contributed to the criminalization of immigrants by reclassifying minor offences as serious crimes (Escobar, 2011, p. 78) and by increasing the number of deportations through the introduction of two mechanisms: I) enabling the deportation of legal immigrants who had committed a crime after serving their sentence and II) creating a program (287(g)) that allowed local police, through agreements with the Immigration and Customs Enforcement Service (ICE), to detain undocumented immigrants (Menjívar and Abrego, 2012, p. 1394). The AEDPA streamlined deportations by removing legal barriers that protected immigrants from deportation, and the Patriot Act strengthened administrative powers for the detention and deportation of immigrants perceived as threats to national security (Hagan, Esbach and Rodríguez 2008, p. 65).

Furthermore, to increase the costs of irregular immigration while eroding their social capital, the "enforcement with consequences" strategy was implemented a decade later to disincentivize the return of immigrants to the United States through apprehensions and deportations that impede immigrants from accessing their social capital. This strategy involves the recodification of civil violations into criminal acts and the expansion of immigration policy implementation from the border to the interior with the participation of local police forces (Hagan et al., 2011, p. 1376). In recent years, various programs have been implemented<sup>1</sup> to maximize and streamline deportations through expulsions that disable the right to a hearing or appeal; immigrant detention until order of removal execution; immigration law violation charges applied to numerous immigrants apprehended at the border and the return of immigrants that enter through a port that is distant from their entry point (Rosenblum, 2012, pp. 9 and 10).

This last element, lateral deportation, though not new to American immigration policy, is now being deployed with more frequency. In the 1940s, Border Patrol established a system of immigrant transport to distant places from the locations where migrants had crossed the border to break social networks that would allow these individuals to return north. This practice increased immigrant vulnerability to attacks from criminal groups. As a consequence, women, children and families were excluded from this measure, and the program was finally abandoned due to visible and shameful damage it inflicted on immigrants (Hernández, 2010, p. 135). By contrast, the Alien Transfer Exit program initiated in 2008 strips women and children travelling with family members of social capital, increasing their vulnerability to violence due to their separation from men who accompany them. Though these programs have eroded immigrant social capital while increasing their vulnerability, they have not managed to

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<sup>1</sup> Programs include the following: Operation "Streamline" (initiated in 2005); the Operation Against Smugglers Initiative on Safety and Security (created in 2004); the Alien Transfer Exit program (initiated in 2008); the Interior Repatriation Program (designed in 2004); the Agreements of Cooperation in Communities to Enhance Safety and Security (the 287(g) Program) (created in 1996, but only experiencing growth in 2006); the Secure Communities Program (created in 2008) and the National Fugitive Operations Program (established in 2003).

disincentivize return migration to the United States. The United States government has argued that these programs guarantee immigrant safety by impeding contact with *coyotes* that enable entry into the United States. However, as noted by De León (2013), these policies will only intensify violence directed at immigrants.

These strategies have caused a sustained increase in deportations, which, as shown in Table 3, have risen since 1996 (when the IIRIRA and AEDPA were approved) and again since 2005 (when the “enforcement with consequences” strategy was implemented).

**Table 3. Number of expulsions based on an order of removal (1990-2011)**

Year	Deportations	1990 = 100	Rate of increase	Year	Deportations	1990 = 100	Rate of increase
1990	30,039	100	-12.7	2001	189,026	629	0.3
1991	33,189	110	10.5	2002	165,168	550	-12.6
1992	43,671	145	31.6	2003	211,098	703	27.8
1993	42,542	142	-2.6	2004	240,665	801	14.0
1994	45,674	152	7.4	2005	246,431	820	2.4
1995	50,924	170	11.5	2006	280,974	935	14.0
1996	69,680	232	36.8	2007	319,382	1,063	13.7
1997	114,432	381	64.2	2008	359,795	1,198	12.7
1998	174,813	582	52.8	2009	393,457	1,310	9.4
1999	183,114	610	4.7	2010	385,100	1,282	-2.1
2000	188,467	627	2.9	2011	391,953	1,305	1.8

Source: Department of Homeland Security, 2011, p. 102.

Mass deportations policies have been sustained due to a shift in academic discourse. Until the 1980s, academic debates questioned the notion of containing irregular migration (Champlin, 2010, p. 305). Authors such as Gordon (1975) or Galbraith (1979) endorsed a more relaxed border control policy, as they were convinced of the benefits of irregular migration and did not view it as harmful. For Piore (1979), border control policies did not make sense, as he believed that irregular migration was not caused by salary differentials or expulsion and attraction factors, but by employer recruiting practices. By contrast, in recent decades, orthodox economic theories have supported “prevention through deterrence” strategies by claiming that irregular migration leads to social inequality, depressed salaries, fewer economic opportunities for less qualified native workers, and additional social security system costs (Borjas, 1994, 2003 and 2006; Chiswick, 1988). Moreover, an emphasis on heterodox economic and sociological theories on the social nature of migratory processes; and the notion of international migration as a self-sustaining process; according to new labor migration economics because migration causes relative deprivation in communities of origin, and according to migration network theory because migration creates the social structure necessary to sustain it (Izcara, 2010a and 2010b), have generated support for “enforcement with consequences” strategies.

International law requires that countries of origin facilitate and accept the return of their citizens without delay once their nationality has been verified (Gallagher, 2010, p. 92). However, the simplification and acceleration of expulsions by order of removal promoted through “prevention through deterrence” and “enforcement with consequences” strategies has led to inadequate processes of immigrant nationality verification.

## **Causes of Central American immigrant deportation to Mexico**

Though deportation is always a traumatic experience, it is even more heartbreaking for Central American immigrants than for Mexicans, as the former find it more expensive and riskier to return north. Furthermore, while the latter, when immigrating irregularly, generally contemplate returning to their homeland, the former are less likely to plan for return. After being deported, some Central Americans face no other option but to return to the United States where their families reside. Others wish to return to their former jobs, repay debts or to accumulate sufficient finances needed to achieve their initial objectives: to pay for their children's education, construct a house or buy land. Recent studies show that over 40% of deported Central American immigrants plan to cross the border again (Blanchard, Hamilton, Rodríguez and Yoshioka, 2011, p. 75; Wainer, 2012, p. 13).

Crossing through Mexico is more dangerous and costly than crossing the United States border. As a consequence, some Central American immigrants prefer deportation to Mexico over deportation to their countries of origin. As stated by one Guatemalan immigrant: "I want to go back to the United States, and imagine what would happen if I were returned to my homeland. That would be very difficult. But here, at the Mexican border, it is very easy. You just have to look for a good hook and cross again" (Felipe, 2012).

A Guatemalan immigrant who was deported to her country of origin in January of 2012 after stealing from a restaurant in Colorado where she worked stated that she was sent to her country, this was not the case for some Guatemalans and Salvadorians who were held in the same detention center as she was; the latter were sent to Mexico. She gave three hypotheses regarding the deportation of Central American immigrants to Mexico: I) U.S. authorities deport such large groups of migrants that their nationalities are not adequately researched; II) the U.S. government deports Central American migrants to Mexico because it is less costly, and III) some migrants bribe U.S. authorities.

They took me from Colorado to Guatemala and left me there. I wasn't lucky, but others from Guatemala and El Salvador were sent to Mexico and deported there. Many of us were being deported, and perhaps they didn't investigate or did not want to spend more, or maybe money was involved (Laura, 2012).

These three hypotheses: carelessness, reflected in the expression, "many of us were being deported, and perhaps they didn't investigate"; an interest in reducing costs, emerging from the sentence, "they didn't investigate or did not want to spend more," and the potential payment of bribes, reflected in the claim, "maybe money was involved," were noted in several interviews conducted with migrants who were deported to their countries of origin. By contrast, when asked why certain migrants were deported to Mexico, Central Americans most frequently stated that these individuals had lied about their nationality because they lacked identity documents or had forged Mexican documents (See Table 4.).

**Table 4. Causes of deportation to Mexico of the Central American migrants interviewed**

	n	%
Dishonesty about nationality due to lack of documentation	9	39.1
U.S. authority carelessness	8	34.8
Forged Mexican documents	5	21.8
Bribe payment	1	4.3
Total	23	100

Source: Authors' research.

***Lack of identification documents***

It is not easy to determine the nationality of undocumented migrants because documents are often forged or they do not have any documents. However, the majority of migrants, and women above all, do disclose their true identity when detained because they fear more severe punishment if the truth is revealed. This is reflected in statements such as: "I did think about (telling the authorities I was Mexican), but I didn't do it because if they asked me something about Mexico, I wouldn't know" (Gonzalo, 2013) and "I told them the truth. I couldn't lie to them because they later conducted tests to see if you were telling the truth, and so I told the truth" (Teodora, 2013).

One Guatemalan migrant stated that it was not possible to cheat U.S. immigration authorities. She affirmed that "you can't fool the immigration authorities. They know where you're from. They have studies and know about people" (Vicenta, 2013). However, the majority of interviewees said that it was possible to trick the authorities if you fulfilled two conditions. The first involved not having been detained before, as data and fingerprints are saved electronically in a database shared by all security agencies. The second condition involved having knowledge about a certain region of Mexico or having family or friends in the country to convincingly demonstrate Mexican identity.

I told them I was from Guatemala. I didn't even want to lie to them because I was afraid they would find out. Where I was detained, there were a few Salvadorians who said, 'we're Mexican,' and they asked them a few questions which they answered, and so they deported them to Mexico. However, that's because they had Mexican friends and told them the names of these friends (Eduardo, 2012).

Migrants who attempt the hardest to lie to American authorities are those from more distant countries such as Honduras or El Salvador because for them, the cost of returning to the United States is greater than for Guatemalans. These individuals tend to claim that they are Mexican more often to avoid deportation to their countries of origin. Typically, these deportees claim to be from Mexican border towns. Deportees can often offer more knowledge on these cities from their spent time in such places while waiting to cross into the United States.

I said I was from the border, and that's where they left me – in the city of Matamoros here in Tamaulipas (Alfredo, 2011).

I lied to them so they wouldn't return me to my homeland, because I wanted to return to the United States, and the only way was to lie to them and tell



them I was from Mexico and that my family was in Ensenada, in the Guadalupe ejido where I had worked (Cirilo, 2012).

I told them I was from Victoria (Tamaulipas) (Ignacio, 2013).

Chiapas is the Mexican State mentioned most frequently as a place of origin among Central American migrants. Guatemalan migrants typically state that they are from Chiapas because many have worked there or have family members residing in this state due to close historical and cultural ties between the southernmost territory of Mexico and northernmost region of Guatemala.

I say that I'm from Tapachula. In my wallet I have photos of my children. I lied to them, saying that my children are in Chiapas, and just like that they believed me, or simply turned a blind eye (Alberto, 2011).

I told them I was from Chiapas, and because I had worked there, when they interviewed me they believed it. I told them where I had worked (Isidro, 2013).

Likewise, some migrants from other Central American countries have family members living in this region. As stated by a Honduran migrant, "I told them I was from Chiapas because I remembered my sister had worked there (Basilio, 2012).

### ***U.S. authority carelessness***

Several interviewees described U.S. authorities as careless. Interviewees noted a tendency to associate all Latino migrants with Mexican nationality. Some Central Americans who wished to be deported to Mexico merely confirmed U.S. authority assumptions.

Others were deported to Mexico without needing to lie about their identity. As stated by one Guatemalan migrant: "I didn't tell them anything, they took me and deported me to Mexico" (David, 2012). Some were deported to Mexico because they were mistaken for Mexicans. The term "lost in the crowd" was often used in reference to deportation management. Rather, deportations were conducted with great haste and without deportee nationality verification. Expressions such as "they deported me to Mexico with the entire crowd" (Adrián, 2011) and "they sent me in a crowd of Mexicans" (Agustín, 2011) were repeated in several interviews.

Other interviewees did not view these deportations as a form of negligence or as a consequence of a rush to deport migrants from the country, but instead as a deliberate act to transport citizens of other countries to Mexico. The following examples represent cases in which migrants believed that they would be sent to their countries of origin because U.S. authorities were aware of their nationality, but were instead deported to Mexico.

I didn't tell them anything. They already had my information, but they were at the airport transporting people from the plane to a bus to take them to the border, and when they boarded me in Houston, they sat me next to a couple of Mexicans. When I got off, I boarded the bus with them, and they didn't tell me anything. They let us go at the McAllen Bridge (Texas), and from there we went over to Reynosa (Daniel, 2012).

I've been deported from the United States – from Alabama. I was working there; but they caught me and left me here in the city of Matamoros (...) They are also aware of the fact that you'll go back to the United States because that's where your family is. They asked me many things, and I told them the truth. I didn't lie. I told them that I've been living there for 10 years and that I have family there, and that I had no criminal record (...) Everyone they had grouped together for deportation was Mexican (...) They knew I was from El Ceibo – from Guatemala. I told them I didn't want to lie (Diego, 2012).

Others argue that the deportation of Central American migrants to Mexico is attributable to the economical nature of practices used. As stated by one Guatemalan migrant:

[...] there are those who lie and others who are deported here to Mexico to avoid spending more to send them to their countries of origin. There are Central Americans who are deported to only this side of the Mexican border. They are lucky because they can cross again, but they are also unfortunate because criminals may kidnap them (Teodora, 2013).

### ***The use of forged Mexican documents***

Central American migrants do not buy forged documents strictly to work in the United States, but to also travel through Mexico more safely. Zarco Palacios (2013, p. 78) notes that Civil Registry and Federal Electoral Institute authorities issue forged documents in complicity with criminals (birth certificates and voting credentials), for which some Central American migrants pay up to 3,000 pesos. As a consequence, when detained by U.S. authorities, migrants present documents purchased in Mexico to avoid deportation to their countries of origin.

One Honduran migrant stated that he was deported to Ciudad Juárez "due to voting credentials they gave me in Chiapas" (Bernardo, 2012). Likewise, a migrant from the same country reported that he was deported to Piedras Negras "because I have Mexican papers and Mexican voting credentials. According to this, I'm from Perote, Veracruz" (Agustín, 2011). However, not all Central American migrants have forged voting credentials. In some cases, credentials are legitimate. In Mexico, and in remote rural areas especially, numerous children are not registered even years after their birth, and some are never registered. This fact is exploited by some foreigners, who after years of residing in Mexico can obtain a birth certificate stating that they were born in Mexico but were never registered. This is what one father of a Salvadorian immigrant chose to do, explaining that

they went to the authorities and told them that we were Mexicans, but that they had never registered because they were never asked to for any job (...) We were all given the certificate, and we have voting credentials, but we are from El Salvador (Carmelo, 2012).

Moreover, while U.S. authorities can identify forged documents, they tend not to question the bearer's nationality if he/she is not a US citizen. When a Central American migrant bears a document belonging to a person of Mexican nationality, he is deported to Mexico despite the fact that authorities know that he might not be Mexican. The case of one Guatemalan migrant who assumed the identity of a person from Mexico City is particularly striking. U.S. authorities knew that the man's document had been forged and therefore retained the document. If they had believed his credentials to be

genuine, they would have returned them to him. However, they did not question his nationality and deported him to Mexico.

I said I was Mexican. I don't talk like a Guatemalan – I have lost the accent from (Guatemala); I speak better Spanish and English, and they sent me to Mexico because when I was working there, in California, I had some false papers that they had sold me. These papers were for a person from here, Mexico City. They sold them to me so that I could work there, and because I had them, they identified me as from here. The unfortunate thing was that they didn't give them back when they deported me (Eladio, 2012).

### ***Paying bribes for deportation to Mexico***

Some of the interviewees reported that U.S. authorities offered them deportation to Mexico rather than to their countries of origin in return for a bribe. However, only one interviewee admitted to paying a bribe to avoid deportation to his country of origin. Most incidents involving bribery were reported as third person testimonies. While this detracts from their credibility, repeating themes among these testimonies suggest a certain degree of truth.

The acceptance of such bribes is harmful and objectionable for three reasons: I) Central American immigrants who are deported to one of the Mexican border cities face significant risks of recruitment into organized crime; II) Central American migrant deportation to border cities facilitates re-entry into the United States, and III) this practice contravenes the national sovereignty of Mexico by facilitating the entry of individuals who cannot prove legal entry into Mexico. While it is difficult to determine whether these are isolated or more systematic events, interviewee accounts suggest that such practices are quite common.

[...] [several migrants from El Salvador and Honduras] were deported because according to them, they paid to be deported to Mexico rather than their countries of origin (Eladio, 2012).

[...] they ask for money to mitigate your situation and deport you to Mexico, or they leave you where you are (Gonzalo, 2013).

[...] if you have money, they can deport you to Mexico, here to the northern border. That's why there are many Central Americans at the border, because you pay and they don't send you to your country (Eladio, 2013).

[...] they told me that if I wanted, they could deport me to Mexico, but that I'd have to pay. I didn't have the money to pay, and those who did were considered Mexicans and deported to the Mexican border (Paloma, 2012).

[...] you pay the immigration officials who deport you, and costs vary considerably depending on the those who caught you. They demand less from a woman caught working at a factory than from a prostitute (Rosario, 2012).

[...] yes, Central Americans are deported to Mexico. I imagine that those caught while crossing are deported to Mexico again. For example, if they catch me crossing they won't deport me to Guatemala. They'll return me to the Mexican side (Teodora, 2013).

One interviewee spoke of risks associated with bribing U.S. immigration officers, as most agents do not accept bribes. Nevertheless, the following statement suggests that some agents accept bribes.

There are people who do it, but to do so you have to know someone with money. For you to be treated better and for them to send you to Mexico, you have to pay if you're Central American. If you pay a significant amount of money, they don't send you to Guatemala. They deport you to Mexico, but you have to know who you can strike a deal with because if you offer money to an immigration officer who isn't corrupt, he'll send you to jail. That's why many people don't pay because it might go well for you, but it also might go badly (Genaro, 2013).

Moreover, the following quote shows that U.S. immigration authorities are aware of the fact that Central American migrants deported to the Mexico-United States border are likely to become collaborators of criminal organizations. This renders such practices even more reprehensible.

[...] they took me from Arizona to Guatemala. They sent me by plane, and this is where they left me. They told us that they could leave us in Mexico, but that they wouldn't because we'd just join the ranks of organized crime and that they'd be better off deporting us here in Guatemala. They told me 'if you want to go back, it will cost you, and if we catch you illegally crossing, we will send you to jail because we already have your data' (Manuela, 2012).

### **The effects of Central Americans deportations to Mexico**

The principle of sovereignty is not absolute. International law grants nation states the power to control non-citizen entry, residence and expulsion. However, it also recognizes human rights that states have to uphold in their territories (Mejía, 2011, p. 77). Thus, international law seeks a balance between legitimate state interests and the fundamental rights of non-citizens subjected to deportation.

The United States is a country reluctant to ratify international agreements protecting migrant's human rights. United States' reluctance to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990 (OHCHR) shows its lack of interest in the human rights of migrants (Lyon, 2010). Likewise, although the United States is a signatory of the American Declaration of the Rights and Duties of Man,<sup>2</sup> its level of commitment is weak (Mejía, 2011, p. 81).<sup>3</sup>

On February 20, 2004, the Mexican Ministry of Foreign Affairs and United States Department of Homeland Security signed a Memorandum of Understanding that establishes a repatriation procedure that is consistent with respect to human rights.

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<sup>2</sup> In relation to deportation procedures, the American Declaration recognizes the right to protect the family and the right to a fair trial.

<sup>3</sup> Paradoxically, the United States spearheaded the development of the Palermo Protocol of 2000 (UNODC, 2004) and currently leads the international movement against recruitment, transport and employment through force, fraud or coercion for the purpose of the involuntary servitude, peonage, debt captivity or slavery of immigrants. This apparent change in attitude in the United States over the last decade has resulted due to a deviation from international law with respect to responsibility for immigrant human rights breaches in contexts of organized crime. This situates states as victims rather than as villains (Gallagher, 2010, p. 2). In this context, the UNODC (2004) empowers states to promote stricter border control policies to protect immigrants from organized crime.

Article 3 establishes a series of measures, including the assignment of mutual repatriation and migrant reception points at various times; the preservation of family unity during repatriation; and the daytime repatriation of disabled people, minors and other vulnerable persons to respect migrant human rights.

The United States' tendency to stress the principle of sovereignty and the right to take necessary legal action to protect overall well being has contributed to country's adoption of unilateral measures that bypass fundamental rights of non-citizens.

The United States' dismal adhesion to the American Declaration and binational Memorandum is reflected in its systematic violation of due process and in its lacking application of family protection,<sup>4</sup> the lack of repatriation notices for vulnerable groups, disrespect of established timetables and the lack of willingness to punish immigration agents' abuses (Secretaría de Relaciones Exteriores [SRE], 2005). One of the most worrying aspects involve unilateral returns, i.e., lacking communication with border region Mexican Consuls on deportations conducted by the United States. In turn, Mexican authorities are ill prepared to receive and cater to the needs of deported persons. Likewise, insufficient verification from the National Institute of Migration on deported persons limits control over immigrant countries of origin while also degrading support for these groups. In conclusion, mass unilateral deportations violate the binational Memorandum by limiting National Institute of Migration capacities.

In border territories, repatriations have generated perceptions and practices of intolerance towards returned foreigners or nationals. Perceptions are as follows: 1) deported persons with criminal records tend to join criminal groups, and 2) deported persons without criminal records commit crimes due to their unfamiliarity with the destination city. These arguments have been put forward by border authorities, including the mayors of Nogales and Ciudad Juárez. The mayor of Ciudad Juárez requested in 2009 that the U.S. government not deport undocumented immigrants with criminal records to the border city, as deported immigrants represented over 10% of deaths resulting from conflicts between criminals (Alarcón and Becerra, 2012, p. 128). However, as noted by Alarcón and Becerra (2012, p. 144), few are dangerous criminals, with the majority of deported persons committing only minor offences.

Data presented in Table 5 appear to confirm the fears of border authorities. Apparently, numerous Central American migrants deported to Mexican border cities become involved in organized crime. Eighty-seven percent of the interviewees who were deported from the United States to a Mexican border town were kidnaped and forced to participate in crime. Meanwhile, among those deported to Central America who subsequently entered Mexico to return to the United States, the percentage is only 20%. Nevertheless, nearly half of the interviewees who traveled north through the country encountered some form of organized crime.

It would be overly simplistic to claim that Central Americans returning to Mexico are forced into criminal networks, as our data are collected from an intentional sample that

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<sup>4</sup> During the deportation process, the right to information is violated in various ways. 1) Immigrants are not aware of the content of documents they sign and do not have subsequent access to them, and thus they do not understand the legal consequences of their expulsion. Rather, they cannot determine whether voluntary exit, deportation or expedited removal has occurred. 2) Immigrants are not given information on the location and date of repatriation. 3) Immigrants who are victims of serious crimes do not have access to information on benefits they may receive. Moreover, the separation of parents from their minor children (a result of the 287g and Secure Communities programs), and the repatriation of family members at various times and to different places (a result of lateral returns) violates the rights of minors (Del Ángel et al., 2013).

over-represents Central American migrants affected by violence. We interviewed migrants who were stranded on Mexican territory. Migrants who can afford to pay smuggler fees and who cross Mexican territory safely are more difficult to contact, as they do not freely roam the streets or work in specific places given that smugglers hide them in safe houses and do not allow them speak to strangers.<sup>5</sup>

**Table 5. Deportation destinations among interviewed migrants and degrees of involvement in organized crime**

		Men		Women		Total	
		n	%	n	%	n	%
Deported to a border town	Kidnapped/recruited into organized crime.	19	86.4	1	100	20	87
	No encounter with organized crime.	3	13.6	0	0	3	13
	Total	22	100	1	100	23	100
Deported to countries of origin	Kidnapped/recruited into organized crime.	8	34.8	2	6.9	10	19.2
	Kidnapped through organized crime but freed after paying a ransom.	4	17.4	0	0	4	7.7
	Invited to work in organized crime but declined and escaped.	3	13	1	3.4	4	7.7
	Assaulted through organized crime, but escaped or were set free after the assault.	3	13	3	10.4	6	11.6
	Raped by criminals and had belongings stolen.	0	0	1	3.4	1	1.9
	No encounter with organized crime.	5	21.8	22	75.9	27	51.9
	Total	23	100	29	100	52	100
Total		45	60	30	40	75	100

Source: Authors' research.

Possession of a criminal record<sup>6</sup> and disorientation from deportation to an unknown city do not cause Central American migrants to join criminal groups. Those who are forced into organized crime are generally victims of trafficking. Three factors shape the occurrence of trafficking: actions, means and purposes. The first two elements form the *actus reus* of human trafficking, and the last element forms the *mens rea*. The action refers to recruitment; means are referred to abduction, coercion or deception; and the purpose is exploitation (Gallagher, 2010, p. 29 and ss.).

Only four of the 30 Central American migrants who became involved in organized crime were recruited in a non-violent manner. The remainder decided to cooperate with criminals after days or weeks of torture. The violence interviewees suffered to entry into criminal organizations are reflected in the following testimonies:

They took me. They told me I had been kidnapped, and that I had to give them information about my family so that they would pay for me. I didn't tell

<sup>5</sup> Central American migrants deported to Mexican border cities who enjoy economic support from family members or employers travel back to the United States in a matter of days. However, if we had conducted interviews in migrant's shelters along the border rather than in public spaces or migrant workplaces, the data obtained may have differed. In this case, the involvement of Central American migrants deported to Mexico in organized crime would have been low or negligible, as these individuals are sheltered for a number of days after deportation.

<sup>6</sup> Fifteen of the interviewees (12 men and three women) had criminal records in the United States for robbery, drug consumption/possession, the use of false documents, road traffic offences, domestic violence or fraud.

them anything because they had already paid for one person who was there and they hadn't handed her over. They had killed her, so I thought, 'Why would they spend money on me? What for, if they are going to kill me?' That's what I was thinking. But days past, and among them there was a boss. He was in charge, and he liked me and told me I would work with him (...) They abused me sexually and psychologically. They threatened me and scared me into working with them (Silvia, 2012).

I was so threatened by them. Each time they wanted they abused me (...) I was there helping with whatever they asked me to. At times I was left to take care of kidnapped people in safe houses (...) They had people everywhere. That's why I'm really afraid of them, and I know that if I leave, they'll find me or do something to my children (Sara, 2012).

We left the migrant's shelter, and a group of armed people picked us up from the plaza and drove us to a rancho. They held us captive there and asked for money, or if we wanted to live, we would have to work for them. We had no choice but to work for them, but nearly every day they hit us with planks (Adrián, 2011).

I worked with them, but they forced me to. They threatened to kill my family, and they said they knew everything about my family (...) They hit me and mistreated me a lot. I have marks from the evil things they did to me (Gilberto, 2013).

They beat me every day for nearly a month until I agreed to work for them (Germán, 2013).

Nearly all of the interviewees spoke of similar, slave-like experiences with criminal groups. Interviewees worked in organized crime for three months to six years, but only some received a salary for activities which included charging extortion fees, highway robberies and assaults, kidnapping, spying, assassinations, etc. Furthermore, none received money or assets seized through extortion, robbery, kidnappings, etc. These were claimed by individuals occupying senior positions in criminal organizations. Those who requested any money were severely punished.

I work for a salary. I don't get a share of the fees. I am a collector and hand over money to a superior (...) Once, I jokingly said that we were taking a lot of money, and when I arrived, they punished me. They beat me and had me locked up for about a week, and they would hit me all the time (Isidro, 2013).

The interviewees' status as victims is reflected by the fact that 22 escaped from criminal organizations that had kidnapped them. Additionally, seven expressed a desire to abandon organized crime, but could not find the courage to do so because they feared for their lives and those of their family members. Only one Guatemalan immigrant deported in 2010 to Nuevo Laredo was satisfied with the criminal organization he belonged to. After being deported, he had stayed in a migrant shelter for the first three days and then found work as a car washer. However, he was kidnapped by mistake and ended up working for a criminal group. At the time of the interview, after two years of working in organized crime by stealing cars and money from ATMs, he no longer wished to leave the lifestyle.

I'm happy here with hot women (...) I was cleaning, and they just started kicking me. I got scared. I didn't know anything. Why they were kidnapping me? They kidnapped me by mistake, and then another person came and told them that I wasn't the person they were looking for. Then they told me, 'look, if you want, we won't kill you and you can work for us.' I accepted because I wasn't satisfied washing cars because I didn't make much money and had to pay to work. That's how I started working with them (Fernando, 2010).

Fernando's case is unique among the cases studied because it does not necessarily involve trafficking, as this person, despite being kidnapped by force, quickly accepted the work offered and willingly chose to continue his life of crime. The rest of the interviewees were victims of trafficking. Although the interviewees committed serious crimes, they did so under duress. In these cases, international law states that trafficking victims must not be blamed for acts committed. There are two legal models under which such crimes are not punished: the "causality" and "duress" models. The first model views crime as a product of a trafficking situation, and the second views crime as an act committed under duress (Gallagher, 2010, p. 284).

The results of this research show that migrants deported to their countries of origin are less likely to be kidnapped by criminal organizations and that encounters with them are less violent than among those deported to the Mexican border. While the latter are usually forced to commit crimes upon being kidnapped, the former are more likely to be kidnapped for ransom or are simply robbed of their belongings and set free. This has a logical explanation. Deported migrants lack economic resources; they are largely deported empty-handed. Furthermore, in the border territories, struggles for territory against State security forces are more acute, leading to a more pressing need for new recruits. Migrants deported to border cities are of greater use to criminal groups as new organization members. By contrast, migrants traveling through Mexico to the United States usually have money because the cost of this journey is high. Those who do not have access to economic resources, such as friends, family members or former employers who are willing to pay part of the cost of emigration, are less likely to migrate.

### **The case of Javier**

The case of Javier, a 34-year-old Guatemalan immigrant, illustrates how the acceptance of bribes for Central American immigrant deportation to Mexico places migrants at significant risk. Javier decided to immigrate to the United States in January of 2000 because after losing ownership to family land, he could no longer support his two sons, aged one and two. His experience was traumatic. After crossing the Suchiate River, where he nearly drowned, his migrant group was assaulted by criminals who stole everything they had, beat them, and raped the youngest women. He reached Arkansas in February of 2002, where he began working as a farm laborer, eventually becoming a foreman that managed eighty undocumented workers. However, in February of 2013, he was deported for employing fugitives of the law.

Given his prior experience, he stated that "I didn't want to risk returning to Guatemala and having to come over again because I have to work. So I paid immigration agents in Arkansas and pretended to be Mexican." Though his employer wanted to prevent his deportation because he was needed at the ranch, he could only negotiate for Javier to be removed to Mexico. The suggestion to be deported to the Mexican border, according to Javier, came from his employer.



My boss gave me the idea for them not to deport me to Guatemala but to Mexico so that I could return to Arkansas to work. This was my boss's idea because I didn't know about this option. The boss paid and I was declared Mexican, and therefore I didn't return to Guatemala. My boss wanted to help me because I told him that it was difficult for me to reach the United States (Javier, 2013).

Javier reported that his boss paid "five thousand dollars. That was what he paid the migra so that they would deport me as a Mexican." However, immediately after crossing the international bridge between Brownsville and Matamoros, he was kidnapped and forced to work in organized crime. Javier states: "if I had known that all this would happen to me, I would have much preferred deportation to Guatemala. Obviously this wasn't my boss's fault. We didn't know what would happen to me in Mexico." For one hundred days, he was held captive. His captors did not demand a ransom because "they didn't want payment for me. They wanted me to work." After being tortured, he agreed to work in organized crime, first in Tamaulipas and then in a training camp in the highlands of Chiapas. Throughout this period, he sought opportunities to escape and finally did so on one day of torrential rain.

Where we were in the highlands, there was a lot of water pouring down – lots of water rushing down to a stream. When lots of water was flowing, I threw myself into the water, which took me down from the highlands. That's how I escaped – they didn't notice due to the torrential rain [he explained].

At the time of the interview, Javier was living in a village in southwestern Chiapas. He did not have any money but was waiting for the Bestia [Beast] train due north and had asked for help from his employer. He said, "when I get the chance to talk to my boss, I'll call him, and he'll help me get from here to the United States. What's more, he'll help me respond to what has happened here. Here, my life is in danger." Returning to Guatemala was not an option for him because the criminals knew where his family lived. If he were to return, he would not only risk his own life but also those of his family members. He reported that his only chances of survival rested in returning to the United States with help from his employer.

## **Conclusion**

The majority of Central American migrant deportations from the United States to Mexico occur due to deception – migrants who lie about their identity. In these cases, U.S. authorities face no other option but to deport them to Mexico, as it is difficult to verify the nationality of a person who does not hold identity documentation. However, interviewee accounts of U.S. authorities accepting bribes for their deportation to Mexico rather than to their countries of origin are concerning, as this contravenes the national sovereignty of Mexico, facilitates the surreptitious return of immigrants to the United States, and exposes migrants to high levels of violence.

The widespread notion that it is possible to bribe certain U.S. immigration agents to avoid deportation to one's country of origin affixes these stories with a certain degree of credibility. However, interviewees largely spoke of these situations in the third person. Rather, others had told them that they had paid a bribe to be deported to Mexico. Only one of the interviewees admitted to paying a bribe. These statements about the corruption of U.S. authorities should thus be considered with caution, but should nevertheless be studied in more detail.

Central American migrant deportation from the United States to Mexico strengthen criminal organizations, as many deportees are kidnapped and forced to participate in crime. This aggravates the violence suffered across the border states. However, the incorporation of Central American migrants into criminal groups is generally achieved through coercion. Most Central American migrants who have joined organized crime are victims of trafficking through forced recruitment and enslavement.

Article 78 of the General Law to Prevent, Punish and Eradicate Crimes on Human Trafficking and to Protect and Assist Victims of these Crimes (2012) contemplates offering visas to foreign trafficking victims for humanitarian reasons, and article 81 establishes of a fund for victim protection and assistance. In this context, assisting migrant victims of criminal organizations could weaken organized crime. If migrants were ensured that crimes they had committed would be recognized as resulting from trafficking or as acts performed under duress, and if these individuals would receive protection from authorities, many would abandon criminal organizations for which they work.

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**Annex 1. Interviews cited in the text**

Adrián	Interview conducted in May of 2011 in Guémez (Tamaulipas) with a Guatemalan immigrant aged 36 who was deported to Piedras Negras (Coahuila) in 2009.
Agustín	Interview conducted in May of 2011 in Guémez (Tamaulipas) with a Honduran immigrant aged 37 who was deported to Piedras Negras (Coahuila) in 2009.
Alberto	Interview conducted in August of 2011 in Abasolo (Tamaulipas) with a Guatemalan immigrant aged 36 who was deported to Nuevo Laredo (Tamaulipas) in 2008.
Alfredo	Interview conducted in August of 2011 in Padilla (Tamaulipas) with a Honduran immigrant aged 35 who was deported to Matamoros (Tamaulipas) in 2010.
Basilio	Interview conducted in July of 2012 in Hidalgo (Tamaulipas) with a Honduran immigrant aged 34 who was deported to Nuevo Laredo (Tamaulipas) in 2008.
Bernardo	Interview conducted in July of 2012 in Abasolo (Tamaulipas) with a Honduran immigrant aged 32 who was deported to Ciudad Juárez (Chihuahua) in 2009.
Carmelo	Interview conducted in July of 2012 in Hidalgo (Tamaulipas) with a Salvadorian immigrant aged 36 who was deported to Nuevo Laredo (Tamaulipas) in 2008.
Cirilo	Interview conducted in July of 2012 in San Fernando (Tamaulipas) with a Honduran immigrant aged 33 who was deported to Matamoros (Tamaulipas) in 2004.
Daniel	Interview conducted in August of 2012 in San Carlos (Tamaulipas) with a Guatemalan immigrant aged 38 who was deported to Reynosa (Tamaulipas) in 2011.
David	Interview conducted in August of 2012 in San Nicolás (Tamaulipas) with a Guatemalan immigrant aged 40 who was deported to Matamoros (Tamaulipas) in 2011.
Diego	Interview conducted in September of 2012 in Guémez (Tamaulipas) with a Guatemalan immigrant aged 20 who was deported to Matamoros (Tamaulipas) in 2012.
Eduardo	Interview conducted in September of 2012 in Ciudad Victoria (Tamaulipas) with a Guatemalan immigrant aged 39 who was deported to his country in 2012.
Eladio	Interview conducted in September of 2012 in Mexico D.F. with a Guatemalan immigrant aged 38 who was deported to Ciudad Juárez (Chihuahua) in 2011.
Felipe	Interview conducted in October of 2012 in Monterrey (Nuevo León) with a Guatemalan immigrant aged 35 who was deported to Reynosa (Tamaulipas) in 2011.
Fernando	Interview conducted in October of 2012 in Monterrey (Nuevo León) with a Guatemalan immigrant aged 34 who was deported to Nuevo Laredo (Tamaulipas) in 2010.
Genaro	Interview conducted in January of 2013 in El Mante (Tamaulipas) with a Guatemalan immigrant aged 35 who was deported to his country of origin in 2011.

Germán	Interview conducted in February of 2013 in Tampico (Tamaulipas) with a Guatemalan immigrant aged 28 who was deported to his country of origin in 2011.
Gilberto	Interview conducted in February of 2013 in Tampico (Tamaulipas) with a Honduran immigrant aged 27 who was deported to his country of origin in 2011.
Gonzalo	Interview conducted in March of 2013 in Tultitlán (Mexico State) with a Salvadorian immigrant aged 30 who was deported to his country of origin in 2012.
Heladio	Interview conducted in March of 2013 in Mexico D.F. with a Guatemalan immigrant aged 25 who was deported to his country of origin in 2012.
Ignacio	Interview conducted in April of 2013 in Ciudad Victoria (Tamaulipas) with a Salvadorian immigrant aged 27 who was deported to Reynosa (Tamaulipas) in 2012.
Isidro	Interview conducted in May of 2013 in Tijuana (Baja California) with a Guatemalan immigrant aged 37 who was deported to his country of origin in 2012.
Javier	Interview conducted in May of 2013 in Arriaga (Chiapas) with a Honduran immigrant aged 34 who was deported to Matamoros (Tamaulipas) in 2013.
Laura	Interview conducted in September of 2012 in Mexico D.F. with a Guatemalan immigrant aged 38 deported to her country of origin in 2012.
Manuela	Interview conducted in September of 2012 in Mexico D.F. with a Guatemalan immigrant aged 30 deported to her country of origin in 2012.
Paloma	Interview conducted in September of 2012 in Mexico D.F. with a Guatemalan immigrant aged 24 deported to her country of origin in 2011.
Rosario	Interview conducted in September of 2012 in Mexico D.F. with a Guatemalan immigrant aged 30 deported to her country of origin in 2011.
Sara	Interview conducted in October of 2012 in Monterrey (Nuevo León) with a Guatemalan immigrant aged 37 deported to Nuevo Laredo (Tamaulipas) in 2011.
Silvia	Interview conducted in November of 2012 in San Luis Potosí with a Salvadorian immigrant aged 31 deported to her country of origin in 2011.
Teodora	Interview conducted in January of 2013 in El Mante (Tamaulipas) with a Guatemalan immigrant aged 26 deported to her country of origin in 2011.
Vicenta	Interview conducted in January of 2013 in Tampico (Tamaulipas) with a Guatemalan immigrant aged 25 deported to her country of origin in 2012.
Names used are pseudonyms.	