

Chapter 8

In Times of Uncertainty: The Great Recession, Immigration Enforcement, and Latino Immigrants in Alabama

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8.1 The Great Recession in the Lives of Latinos and Latino Immigrants

From a purely economic perspective, the Great Recession has disproportionately impacted minorities, including Latinos. Across measures of unemployment, income, poverty, and wealth, Latinos have consistently fared worse than whites, and the recession has exacerbated these prevailing disparities. Between 2007 and 2009, the national unemployment rate more than doubled from 4.6 % to 9.3 % (Bureau of Labor Statistics 2008, 2010). However, the aggregate data mask differences in rates of unemployment across race, as white unemployment has traditionally peaked at much lower rates than that of blacks and Latinos. Thus, whereas the white unemployment rate stood at 8.5 % in 2009 (an increase from 4.1 % in 2007), the Latino unemployment rate soared to 12.1 % (an increase from 5.6 % in 2007).

Unemployment has had predictable consequences for the income, debt, and poverty of Latino households. Between 2007 and 2009, the median household income of Latinos decreased by 5 %, and their median household debt increased by 42 % (Taylor et al. 2011a). By 2010, approximately 13.2 million Latinos, or 26.6 % of the resident Latino population of the United States, lived below the federal poverty line, compared to just 9.9 % of whites (DeNavas-Walt et al. 2011).

Latino households, on average, have significantly less wealth than their white counterparts, and their wealth has only declined since the onset of the economic downturn. During the Great Recession, the net worth of Latino households decreased from \$18,539 in 2005 to just \$6,325 in 2009, a decline of 66 %—more than all other racial and ethnic groups. In comparison, the net worth of whites decreased by just 16 % during the same time period, from \$134,992 to \$113,149

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(Taylor et al. 2011a). Much of the decline in household wealth among Latinos can be attributed to the housing market collapse, since home equity is a primary source of wealth in minority households, and since Latinos disproportionately reside in the five states hit hardest by the housing crisis—Arizona, California, Florida, Michigan, and Nevada.

Among Latinos, those who are immigrants are disproportionately likely to live in precarious financial situations, meaning that they are particularly vulnerable during times of economic instability and among those most susceptible to economic hardship (Orrenius and Zavodny 2009; Papademetriou and Terrazas 2009). Latino immigrants tend to have lower educational attainment than the overall foreign-born population, and they are overrepresented in temporary labor market industries, such as construction and hospitality (Passel 2006). As a consequence, Latino immigrants have been hit especially hard by the recent economic slowdown and the contraction of the housing market (Kochar 2008).

Still, the impact of the Great Recession on Latinos and Latino immigrants extends far beyond its disparate effects on employment, income, and wealth. As the recession has worn on, the United States has experienced a surge in anti-immigrant rhetoric and immigration enforcement, much of which has been directed at those of Latin American ancestry and origin. US policymakers have also used the recession as a rhetorical tool to advance comprehensive state-level restrictionist legislation throughout the nation. The escalation of immigration enforcement and the steady devolution of immigration enforcement authority to state and local police officers, combined with a tendency to conflate Latinos with unauthorized status, has rendered Latino immigrants increasingly vulnerable to the ongoing social consequences of the Great Recession.

8.2 The Role of Economic Downturns in the Scapegoating of Immigrants

The US population evinces a deep ambivalence toward immigrants and immigration, simultaneously embracing the nation's immigrant origins while remaining wary of successive waves of immigrant newcomers. This ambivalence is influenced in part by economic conditions, as periods of economic insecurity correspond to higher levels of xenophobia and anti-immigrant sentiment (Higham 1985; Olzak 1992). Citizens fear the labor market impacts of immigrants, particularly on the wages and employment opportunities of the US-born (Espenshade and Hempstead 1996; Espenshade and Belanger 1998), even though little evidence indicates that immigrants negatively influence the overall wages or unemployment rate of the population (Friedberg and Hunt 1995). Still, support for restrictionist policies corresponds to the belief that immigrants harm the economy as a whole (Citrin et al. 1997).

Not surprisingly, then, proposals to restrict immigrants and immigration, as well as demands for increased immigration enforcement, are often tied to the perceived economic well-being of a society. As such, in 2009, at the height of the economic downturn in the United States, a national public opinion survey found increased support for the deportation of unauthorized immigrants, and decreased support for a variety of legalization measures, suggesting that expanding support for enforcement may be one effect of the downturn (Cosby et al. 2013).

8.2.1 The Devolution of Immigration Enforcement and Proliferation of State Immigration Laws

Immigrant scapegoating is predictable during periods of economic insecurity. Yet, few could have foreseen the extent to which restrictionist legislation proliferated throughout the United States in the wake of the Great Recession, as conservative policymakers and pundits emerged to decry the federal government's inability to secure the nation's borders and deport the more than 11 million unauthorized immigrants residing within the interior. In 2010, Arizona passed sweeping anti-immigrant legislation, signifying a fundamental shift toward the attempted criminalization of unauthorized immigrants by individual states (Fan 2012). Shortly thereafter, representatives in more than half of the state legislatures in the nation introduced similar bills. By the following year, Utah, Indiana, Georgia, South Carolina, and Alabama had passed Arizona copycat laws.

Arizona's controversial legislation, "The Support Our Law Enforcement and Safe Neighborhoods Act," which was known more prominently as SB 1070, was broadly supported by state residents (Morrison Institute for Public Policy 2010). Although the law's rhetoric centered on the portrayal of unauthorized immigrants as a criminal presence and, hence, a threat to the security of the state's authorized residents, the role of the economic downturn in Arizonans' approval of the bill should not be underestimated. Even before the passage of SB 1070, Arizonans were concerned about the impact of unauthorized workers on the employment prospects of authorized residents, as evidenced by the 2007 Legal Arizona Workers Act (LAWA), which required employers to verify the work eligibility of all employees and allowed the state to penalize employers who knowingly hired unauthorized workers. This concern deepened following announcements of the national recession. Thus, a survey of Arizona residents conducted annually from 2006 through 2009 indicates a strong shift in negative attitudes toward immigrants after 2008. Anti-immigrant sentiment increased again in 2009, following the collapse of the Arizona housing market and rising state unemployment rates (Diaz et al. 2011). These findings suggest that underlying anxieties about the economy, no less than fears of the unauthorized as a "criminal element," may have played a considerable role in support for Arizona's law.

Among other provisions, SB 1070 required law enforcement officers to make a “reasonable attempt” to determine the citizenship or immigration status of an individual who was stopped during the course of the officer’s regular duties—such as during traffic stops or arrests—or whenever the officer had a “reasonable suspicion” that the individual was unlawfully present in the United States. Although this “show me your papers” provision of Arizona’s law seemed quite groundbreaking at the time, it actually mirrored the steady devolution of immigration enforcement powers from federal to state and local authorities that has occurred over the last decade. Following the 9/11 attacks on the World Trade Center in New York, the federal government spearheaded the institutionalization of cooperative partnerships across federal, state, and local law enforcement agencies. In matters related to immigration enforcement, cross-agency cooperation has meant that state and local law enforcement agencies are used as “force multipliers” to implement federal immigration law (Conley 2013a). These cooperative mechanisms transpire in various ways, including delegation of immigration authority and the routine and institutionalized sharing of biometric data across local, state and federal law enforcement agencies, through programs like 287(g) and Secure Communities. Thus, state level restrictionist legislation like SB 1070 follows on the heels of more than a decade of increased enforcement against immigrants in the United States.

Of course, increased restrictions on immigration and heightened enforcement procedures do not target all immigrants equally. In the United States, contemporary portrayals of unauthorized migration focus heavily on the “Latino threat” (Chavez 2008; Lugo-Lugo and Bloodsworth-Lugo 2010; see, for example, Huntington 2004, 2005). Equally, Latino migration is often portrayed through visual imagery reminiscent of floodwaters and invasion, and discourse surrounding the US-Mexico border suggests crisis and anarchy (Chavez 2001). In policing the borders of belongingness, Latinos are depicted as unmistakably other. Unauthorized immigrants, in turn, are racialized as non-white—and, more specifically, as Latino and Mexican. As Ngai (2004: 58) elaborates,

Europeans and Canadians tended to be disassociated from the real and imagined category of illegal alien, which facilitated their national and racial assimilation as white American citizens. In contrast, Mexicans emerged as iconic illegal aliens. Illegal status became constitutive of a racialized Mexican identity and of Mexicans’ exclusion from the national community and polity.

Latinos continue to be associated with unauthorized status in contemporary mainstream society. In point of fact, more than half of all respondents in a 2012 national poll of non-Latinos overestimated the percentage of Latinos in the United States who were unauthorized, while a full third of respondents estimated that the *majority* of Latinos in the United States were unauthorized (Barreto et al. 2012).

The conflation of race and legal status means that Latinos are often the targets of immigration enforcement. During the Great Depression, for example, the US government forcibly deported and repatriated hundreds of thousands of Mexicans and Mexican Americans, despite the fact that many were either US citizens or

long-term residents of the United States (Ngai 2004). More recently, investigations by the federal government, scholars, and civil rights organizations have discovered patterns of biased policing against Latinos in the state and local enforcement of immigration law (Coleman and Kocher 2011; Department of Justice 2011, 2012; Kee 2012; Shahshahani 2009, 2010).

The perception that “Latino” is synonymous with “unauthorized immigrant” also helps to explain why Latino immigrants are disproportionately likely to be apprehended by immigration dragnets and deported. Thus, although immigrants from Latin America constituted only 77 % of the estimated 11.1 million unauthorized immigrants residing in the United States in 2011, they accounted for 93 % of those apprehended and identified for deportation through the Secure Communities program (Kohli et al. 2011) and for nearly 96 % of all deportations (US Department of Homeland Security 2012).

The simultaneous escalation and devolution in immigration enforcement powers, combined with the tendency to interpret Latino as other, has contributed to a sense of vulnerability and uncertainty among Latinos and Latino immigrants in the United States. The involvement of state and local law enforcement agencies has made immigration enforcement ubiquitous in everyday life, at traffic safety stops, churches, flea markets, schools, neighborhoods, day laborer pickup sites, worksites, courts of law, and jails (see, for example: Bauer 2009; Coleman and Kocher 2011; Menjívar and Abrego 2012; Weissman and Headen 2009). This omnipresence of enforcement—which I have elsewhere referred to as the immigration enforcement lottery (Conley 2014)—relentlessly threatens unauthorized immigrants with the consequences of detection, discretion, detention, and deportation. In this lottery system, once an unauthorized immigrant is detected by a police officer who is empowered to enforce immigration law, that immigrant is potentially subject to a seemingly endless variety of discretionary enforcement policies, which further determine a series of discretionary consequences, including detention and deportation. Thus, any interaction with a member of law enforcement could reasonably—though not necessarily—result in the eventual removal of an unauthorized immigrant (De Genova 2002).

The potentially harsh consequences of the enforcement lottery inspire constant feelings of apprehension among immigrants. Amid periods of uncertainty and escalated enforcement, unauthorized immigrants often report tension and anxiety, emotions that relate to a host of concerns—of being discovered, detained, deported, and separated from family (Dreby 2012; Marquardt et al. 2011). Responses to these fears often manifest in constant vigilance—as unauthorized immigrants are perpetually watchful of law enforcement—and defensive maneuvers—as unauthorized immigrants attempt to avoid interactions with law enforcement, immigration agents, or others perceived to have the authority to enforce immigration law.

Of course, it is not just the lives of the unauthorized that are touched by the escalation in harsh enforcement policies. More than half of all Latinos in the United States—including those who are US born—worry about the possibility of deportation for themselves, a family member, or a friend (Clark et al. 2007). This speaks to the fact that unauthorized immigrants, especially those from Latin America, often

live in mixed status families, or families whose members have different immigration statuses (Taylor et al. 2011b). In such families, at least one member is unauthorized, while others are either US citizens or authorized immigrants.

Given the uncertainty that characterizes the enforcement lottery, Latinos are understandably wary of police. Thus, a poll of Latinos living in Chicago, Houston, Los Angeles, and Phoenix found that the increasing involvement of state and local law enforcement in immigration matters has had chilling effects on the willingness of both foreign-born and US-born Latinos to report crime (Theodore 2013). Of those surveyed, 44 % reported that they were less likely to contact law enforcement if they were the victim of a crime, and 45 % were less likely to volunteer information about a crime that they had witnessed, because they worried that police would ask about their immigration status or the status of people they knew.

The effects of this devolution in immigration enforcement on wariness of police interaction are heightened for unauthorized Latino immigrants. Thus, of those surveyed who were unauthorized, 70 % reported that they were less likely to contact police to report a crime (ibid). The fear that any encounter with the police could result in immigration consequences is not entirely unfounded. In fact, the American Immigration Lawyer's Association (AILA), a national organization of more than 11,000 attorneys and law professors who practice and teach immigration law, document that "any contact with the police, no matter how innocent or trivial, can result in immigration enforcement and removal." (Alonso et al. 2011: 3). Accordingly, many unauthorized immigrants fear law enforcement and feel as though they cannot rely on the legal system to protect their civil rights (Abrego 2011), even though unauthorized immigrants are entitled to civil rights protections by law. Practically speaking, this translates into the fact that unauthorized Latino immigrants and their families live in a perpetual state of vulnerability, rendered so by the ubiquity of immigration enforcement in everyday life, the conflation of Latino and unauthorized status, and the real or perceived lack of recourse for unauthorized immigrants who are victimized.

8.3 Latino Immigrant Vulnerability in Everyday Life: The Case of Alabama HB 56

The state of Alabama offers a telling example of Latino immigrant vulnerability in the aftermath of the Great Recession and its backlash against unauthorized immigrants. In this southern state, immigrant scapegoating took the form of the "Beason-Hammon Alabama Taxpayer and Citizen Protection Act," an Arizona-copycat bill known in shorthand as HB 56. When this legislation passed in 2011, the Alabama economy, like much of the United States, was still reeling from the effects of the recession. The state's unemployment rate stood at 9.9 % (Alabama Department of Industrial Relations 2011), slightly higher than the national unemployment average of 9.1 %. Accordingly, concerns over the state's economy occupied a substantial

role in legislative support for the bill. HB 56 was portrayed as a “jobs bill” (Beason 2012) that aimed to increase employment opportunities for US citizens by making life so difficult for the unauthorized residents of the state that they would spontaneously “self deport.”¹

Scapegoating is immediately apparent in the rhetoric used by Alabama policymakers to legitimate HB 56. Senator Beason, the bill’s co-sponsor, argued, “We have a problem with an illegal [sic] workforce that displaces Alabama workers. We need to put those people back to work. That’s the number one priority” (White 2011). Representative Brooks, a staunch ally of the bill, went so far as to claim, “As your congressman on the House floor, I will do anything short of shooting them [unauthorized immigrants]. . . Anything that is lawful, it needs to be done because illegal aliens [sic] need to quit taking jobs from American citizens” (Camia 2011). At the time, unauthorized immigrants—who comprised just 2.5 % of the state population—accounted for roughly 4.2 % of the state’s labor force (Passel and Cohn 2011).

Alabama’s law quickly became known as the harshest and most comprehensive state immigration law that the United States had ever seen. Much like Arizona SB 1070, HB 56 empowered state and local law enforcement officers to engage in immigration enforcement duties, including checking immigration status during the course of a lawful stop and requiring officers to check the immigration status of those who were booked, jailed, or convicted of a crime. HB 56 also criminalized those who “harbor” or transport unauthorized immigrants, immigrants who fail to carry their immigration documents, and unauthorized immigrants who solicit or perform work. Additionally, the Alabama law mandated that employers use the federal E-Verify program, an electronic employment eligibility verification system intended to determine the legal status of newly hired employees.

The Arizona copycat provisions of HB 56 have undoubtedly contributed to a heightened sense of vigilance among the unauthorized residents of Alabama and their family members, who must be ever watchful of law enforcement officers, even as they go about their everyday lives. One US-born citizen married to an unauthorized immigrant from Latin America explained this fear in the face of perpetual uncertainty as follows:

¹ “Self-deportation,” also known as “attrition through enforcement,” is an extremist strategy whose explicit intention is to so greatly complicate the lives of unauthorized residents that they will voluntarily return to their countries of origin. According to this reasoning, unauthorized immigrants will pack their belongings and return to their countries of origin once the perceived costs of living in the United States (such as expectations of increased enforcement, including lengthy detention stays and eventual removal) outweigh the perceived benefits (such as future wage earnings). The terminology was popularized during the 2012 presidential debates, when Republican candidate Mitt Romney declared his support for “self deportation.” However, the strategy has been promoted by restrictionist organizations for much longer. See, for example: Vaughn (2006), *Attrition through Enforcement: A Cost Effective Strategy to Shrink the Illegal Population*; Krikorian (2005), *Downsizing Illegal Immigration: A Strategy of Attrition through Enforcement*; Numbers USA, “How Attrition through Enforcement Works”; Federation for American Immigration Reform (2008), “Attrition of Illegal Immigrants through Enforcement.”

It scares me a lot because [my spouse] has to drive an hour [to work] and an hour back. . . It was always, “When you’re leaving your workplace, call me. When you get home, call me. If you’re halfway, call me. When you get there, call me.” I won’t see [my spouse] until 5:30, because I’m working, but [my spouse] sends me a text: “OK, I’ve left work.” [My spouse] sends me another text: “I’m here.” [My spouse] sends me another text: “I’m at home,” because [my spouse] has to pass by the school to pick up the kids.

The fear of police interaction is not solely confined to those who could be stopped while driving. HB 56 has also had a chilling effect on the willingness of immigrants to report instances of victimization. In one example, the unauthorized parents of a teenager who had been sexually assaulted refused to report the assault because they were concerned that Alabama police would interrogate the family about their immigration status (Conley 2013b). This fear was grounded in stories that had been told in immigrant communities throughout the state, especially in Alabama’s rural towns. In such communities, immigrants reported that police had begun knocking on doors in their neighborhoods looking for unauthorized immigrants with outstanding warrants. If someone who was not under investigation happened to answer the door, the police would nonetheless question that unlucky individual about his or her own immigration status. Sometimes, a police officer would wait outside, hidden, if no one answered the door; once the resident finally emerged from the house to drive to work or the grocery store, the officer would follow and stop the individual for driving without a license (*ibid*). Thus, it seemed that unauthorized residents had great reason to fear police interaction in the wake of HB 56.

Still, Alabama’s law went much further than the comprehensive legislation enacted in Arizona or other copycat states, and the law did not stop at expanding the immigration enforcement powers of state and local police officers. HB 56 also broadened the roles and responsibilities of public and private sector employees in determining the citizenship and immigration status of Alabama residents. In so doing, Alabama legislators created bureaucratic enforcement mechanisms to target the routine aspects of living and working in Alabama. According to Representative Hammon, the bill’s co-sponsor, HB 56 was designed to “attack every aspect of an illegal alien’s [sic] life” (Chandler 2011). Thus, the law required that residents provide proof of citizenship or lawful immigration status prior to entering into a “business transaction” with the state of Alabama, and it rendered unenforceable any existing or future public and private sector contracts with unauthorized immigrants. HB 56 also mandated that school administrators determine the citizenship or immigration status of newly enrolling students. These provisions, on top of the expanded role for police officers in immigration enforcement, intended to make everyday life exceedingly difficult for the unauthorized residents of Alabama.

How successful was the law in accomplishing this task? According to Mary Bauer, the Legal Director of the Southern Poverty Law Center, a civil rights organization based in Alabama,

HB 56 has devastated the immigrant community in Alabama. It would be hard for me to overstate the human tragedy that has been unleashed upon Alabama by HB 56. Under the provisions of this law that are currently in effect, undocumented persons are unable to

interact with the government—in any way and for any purpose. It has turned a significant class of people, effectively, into legal non-persons, subjecting them to a kind of legal exile. It has destroyed lives, ripped apart families, devastated communities, and left our economy in shatters.²

Bauer’s testimony that unauthorized immigrants were unable to “interact with the government in any way and for any purpose” after the passage of HB 56 is hardly an exaggeration. Since HB 56 compelled government employees to determine the citizenship status of anyone who applied for public services and prohibited the government from entering into a “business transaction” with unauthorized immigrants, but did not specify the scope of these provisions, public sector employees often erred on the side of caution by denying routine services. Accordingly, in Blount County, Alabama, an area with a larger than average population of both Latino and foreign-born residents compared to the rest of the state, the Allgood Alabama Water Works Company displayed the following notice:

Attention **ALL** water customers: to be compliant with new laws concerning immigration you must have an Alabama driver’s license or an Alabama picture ID card on file at this office. . . or you may lose water service [emphasis in original].

In the months following the implementation of HB 56, Alabama residents who could not prove lawful residence to the satisfaction of untrained public sector employees were denied access to public utilities (including water and electricity), child welfare assistance (even for US-born children), library cards, public school-sponsored after-school programs, and business licenses (Fleischauer 2011; Kennedy 2011; Southern Poverty Law Center 2012).

HB 56 also prohibited Alabama courts from enforcing existing contracts between unauthorized immigrants and private entities, but, again, the law failed to specify how this provision should be applied in practice. The resulting ambiguity left attorneys and immigration rights advocates wondering if child support payments, work contracts, and loan and rental agreements for cars, trailers, and houses would be enforceable under the law. Unscrupulous employers invoked this provision to prey upon unauthorized workers, often refusing to pay for services rendered by day laborers and other contract employees, and threatening to call police or immigration authorities if the workers asserted their rights to compensation or safe working conditions. Private business owners, too, took advantage of HB 56. In one example, a used car dealership in Northern Alabama repossessed a car—even though the owners were current on their loan and had made more than \$3,000 in payments; the manager of the dealership explained that “He could no longer sell to ‘illegals’ [sic] because he might lose his business license” (Southern Poverty Law Center 2012: 27–28).

Finally, since HB 56 required public schools to collect data on the immigration status of newly enrolling children, many feared that school employees would report unauthorized immigrant children and their parents to immigration officials. One

² Testimony presented at the Congressional Ad Hoc Delegation to Alabama, November 21, 2011.

resident of Alabama testified about the impact of this fear on the days immediately following implementation of this portion of the law:

The [school] bus was empty, none of the kids want to go to school, because they were scared that their parents won't—when they come back, their parents won't be there. I saw this twelve-year-old running to the bus because she got a test that day. And the mother went running after her, crying, saying, "You cannot go to school." She was scared. And I was at the window looking at this—this scene. And I couldn't—They start crying. [The girl] said, "I want to go to school, Mom," and [the mom] said, "No, you can't. . . They can take you." And they start crying, and I start crying too. And at that point I was like, this cannot be happening. People with good hearts, with sense of justice could see that this is not right.³

In actuality, HB 56 did not authorize public schools or their employees to directly enforce immigration law, and school officials, including superintendents and principals, reached out to local communities after the law's implementation to assure them that school employees would not report unauthorized immigrant children and parents to Immigration and Customs Enforcement. Yet, this did little to calm the fears of nervous parents, who pointed to the well-publicized examples of discrimination against Latino children in Alabama's schools. In one such example, a teacher asked a previously enrolled fourth-grader about her immigration status and the status of her parents, despite the fact that schools can only ask about the immigration status of newly enrolled students (Lyman 2011); in another case, a mother was barred from attending a book fair at her daughter's school because she could not provide proof of authorized residency. In the aftermath of the law, Latino children, including those born in the United States, were told to "go back to Mexico." At one school in Northern Alabama, the principal separated schoolchildren based on perceptions of their immigration status, which, in turn, were based on ethnicity. Following the implementation of HB 56, the superintendent of Birmingham noted that the city's schools experienced a higher than usual rate of student absentees, and newspaper articles indicated that an estimated 2,000 Latino children across the state of Alabama stayed home from school (Gomez 2011; Robertson 2011).

8.3.1 Racializing the Unauthorized: Immigration Enforcement and Latinos in Alabama

As Mary Bauer stated, the impacts of HB 56 on the everyday lives and vulnerabilities of Alabama's unauthorized residents cannot be overstated. However, the law's effects were felt especially hard in Alabama's Latino communities. Since there is no way to identify an unauthorized immigrant by sight alone, members of our communities—teachers, legislators, doctors, neighbors, and law enforcement

³ Testimony presented at the United States Commission on Civil Rights Field Briefing in Alabama, August 17, 2012.

officers—make assumptions about a person’s immigration and citizenship status based on a variety of biases about what it means to be or look “American.” At the same time, Latinos are often mistaken as both foreign and unauthorized, even if they are US-born citizens or authorized residents of the United States (Bohon and Macpherson Parrot 2011). This is particularly true in places with little history of Latino settlement, such as much of the Southeastern United States (Singer 2004). In a region that has long been characterized by a color line drawn along a white and black binary (Marrow 2009), Latinos complicate racialized understandings of belongingness, and their visible racial and ethnic markers signal their conspicuousness as distinct others.

In Alabama, Latinos cannot avoid the prying eyes and questions of those who perceive them as not fully American. Two experiences in particular highlight the constructed otherness of Latinos in Alabama. In one example, a Texas-born Latino resident of Alabama was told that he needed to show “American ID” (Southern Poverty Law Center 2012: 19) to purchase alcohol at a large retail chain. Yet, an African American woman who made a similar purchase immediately afterward was only asked for her driver’s license, because, according to the cashier, it was apparent that “she’s American” (ibid: 19). In another story, a Latina was told that she could not use her Puerto Rican birth certificate to renew the registration on her car. Despite the fact that Puerto Rico is, of course, a territory of the United States, and that Puerto Ricans are US citizens, the woman was told that she needed to provide a US birth certificate (ibid). In both of these examples, it was not the immigration status of these Latinos that encouraged others to question their belongingness—after all, both were US-citizens by birth. Rather, visible markers of their ethnic heritage, including skin color, prompted others to demand proof, not just of identification, but of their status as Americans. HB 56 has thus empowered ordinary citizens to enforce the boundaries of belongingness.

Given that US citizen Latinos have been harassed by Alabamans who were intent on enforcing the real or imagined provisions of HB 56, there is little wonder that the unauthorized Latino residents of the state have felt hypervisible. Certainly, at least part of this hypervisibility was by design. For example, since the Alabama law prevented unauthorized immigrants from entering into business transactions with the state, those who lived in mobile homes could not pay the annual fee required to renew their home’s registration; thus, unauthorized residents could not update the decal on their home, which was visible to any passersby. As a result, many Latino immigrants who lived in mobile homes felt that they were easy targets, and many mobile home communities across the state were abandoned en masse after HB 56 was enacted (Conley 2013b).

Initially, it seemed as though HB 56 had succeeded in making everyday life completely unmanageable for unauthorized Latino residents, so unsustainable that many gave up and left the state. Anecdotes from teachers, clergy, business owners, and community members suggested that many unauthorized immigrants—their students, congregants, employees, and neighbors—had deserted the state, fleeing the law and its punitive effects. One Sunday school teacher in the northwestern Alabama town of Russellville testified to this before a Congressional Ad-hoc

Delegation: “When HB 56 came into effect, my classrooms became empty,” she explained. “The students were crying. My nieces received goodbye letters from their friends saying they had to leave.” Isabel Rubio, director of the Hispanic Interest Coalition of Alabama (HICA), a nonprofit organization dedicated to the social, civic, and economic integration of Latino families in the state, confirmed the widespread fear that Latinos felt in the wake of the law:

There’s really been this huge terror in the Latino community, people who have been afraid to go to school, go to church, go to work, just because they’re afraid that they’ll get stopped for “driving while Latino.”

8.4 Resisting Vulnerability in Times of Uncertainty

In Alabama, Latino immigrants have been rendered increasingly vulnerable by the ubiquity of immigration enforcement in the aftermath of the Great Recession. The specter of the enforcement lottery, which has been made possible by the devolution of immigration enforcement powers to state and local police officers, and the bureaucratic enforcement policies of HB 56, have forced immigrants to confront the very real possibility of immigration enforcement consequences in everyday life. From a heightened wariness of police interaction to anxieties over mundane behaviors, such as driving to work, sending children to school, and paying property taxes and utility bills, HB 56 has shaped and constrained the ways that Latino immigrants interact with the world around them.

Yet, it would be mistaken to assume that the unauthorized residents of Alabama have quietly accepted the uncertainties of immigration enforcement. Even as Latino immigrants have been rendered vulnerable by HB 56 and the enforcement lottery, so too have they resisted the policies and practices that structure their vulnerability. Over time, the ubiquity of immigration enforcement has made everyday life so precarious for Alabama’s unauthorized residents that they have been forced to choose between leaving the state and struggling in opposition. And while some have given up and left, many more have stayed behind, tied to the state by jobs, children, homes, communities, and the memories of years or even decades lived in Alabama. The vast majority of unauthorized immigrants and their families continue living in Alabama in spite of the state’s draconian law. Rather than inspiring unauthorized residents to “self-deport,” HB 56 has actually galvanized the Latino immigrant community to organize in resistance to the policies and practices that render them vulnerable (Conley 2013b). As Rubio recalls:

The weird twist is that we have really gotten people engaged, just realizing that [they] might be undocumented, but [their] kids were born here, and so they have a right to be here, and [they] have a stake in this fight, so [they] have to stay and fight.

Since the passage of HB 56, immigrants in Alabama have engaged in acts of resistance ranging from massive protests and marches at the state Capitol to civil disobedience at immigrant detention centers. They have organized “know your

rights” trainings across the state and knocked on doors in immigrant neighborhoods to raise awareness of the law. Immigrants have also formed grassroots *comités populares*—popular (or people’s) committees—to empower themselves and others who are directly impacted by anti-immigrant laws with the tools and structures needed to fight back against the uncertainties and vulnerabilities of heightened enforcement practices. They have “come out of the shadows”—as undocumented, unafraid, unashamed, and unapologetic—and encouraged others to do the same.

Alabama’s immigrants and their advocates have also demanded an end to HB 56 and to the policies and practices that criminalize unauthorized immigrants. In many ways, those who champion the rights of immigrants—and, by extension, the civil liberties of all residents—are winning. Some of the most devastating portions of the Alabama law—including the provision requiring school officials to ask students about their immigration status—were permanently enjoined by the 11th Circuit Court of Appeals. It is true that other portions of the law are still in effect, and that the uncertainties posed by the enforcement lottery continue to manifest through cross-agency cooperation programs like 287(g)⁴ and Secure Communities. In a deeper sense, however, Alabama’s immigrants have prevailed in that they have refused to accept the practices that threaten to disrupt their lives and families.

As a case study, Alabama provides an extreme example of the escalation of immigration enforcement in the United States and its consequences for the uncertainty that immigrants feel in everyday life. HB 56 also provides a cautionary tale of the ways that periods of economic crisis can facilitate the scapegoating of immigrants, intensifying the vulnerability of Latino immigrants in particular. That Alabama’s immigrants have not quietly accepted the vulnerabilities of these harsh enforcement practices is a testament to their creativity and resilience. In these uncertain times, Alabama’s Latino immigrants have insisted on the right to a sense of security.

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⁴ Although many 287(g) programs have been phased out across the nation, parts of Alabama continue to operate under the 287(g) jail enforcement model, which authorizes designated officers in Alabama’s jails to verify the immigration status or legal presence of those who have been arrested and booked.

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