

Anonymous brown bodies: the productive power of the deadly US-Mexico border

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ABSTRACT

Over the last several years, we have witnessed a remarkable escalation in migrant deaths within the US-Mexico borderzone. For reasons deriving from the history that I have previously characterized as the legal production of Mexican/migrant ‘illegality’, furthermore, the migrants who die crossing the border are overwhelmingly Latina/o, and disproportionately Mexican. Rising numbers of border deaths are no mere coincidence or accident of geography, therefore, but rather a predictable result of US immigration law-making, as well as a systemic feature of the routine functioning of the increased physical fortification of the border and the increasing militarization of border enforcement tactics and technologies. In light of the evident systematicity of this (infra-)structural violence, which converts the desert into a landscape that kills, we are challenged to critically comprehend the spectacle of border policing in relation to its brute material effects, above all, a ghastly accumulation of dead brown bodies. These largely anonymous brown bodies, however, must likewise be apprehensible as specifically Mexican or Latina/o migrant lives. Thus, we are confronted not only with a lethal border but one that contributes systematically to the production of Mexican and other Latina/o lives as disposable. Nonetheless, the outright disposability of migrant lives so routinely verified by the deadly border cannot be seen as a purely “necropolitical” phenomenon. The blunt truth is some are made to die, while most survive as illegalized migrants who may proceed from this death-defying endurance test to commence their lifelong careers as precarious workers.

Keywords

US-Mexico borderzone, militarization, Latino migrants, necropolitics, labour precarity

Over the last two decades, we have witnessed a remarkable escalation in migrant deaths within the US-Mexico borderzone (Annerino 1999; Eschbach et al. 1999; Cornelius 2001; USGAO 2006; Feldmann and Durand 2008; Nevins 2008, 2010; Stephen 2008; Dunn 2009; Regan 2010; Doty 2011; Binational Migration Institute 2013; Martínez et al. 2014; Reineke and Martínez 2014; De León 2015; La Coalición de Derechos Humanos and No More Deaths 2016). From October 2000 through September 2016, the U.S. Border Patrol documented 6,023 deaths in Arizona, California, New Mexico and Texas (Fernandez 2017). In other words, on average, at least one person has died crossing the U.S.-Mexico border, every day, year after year. Rising numbers of border deaths are no mere coincidence or accident of geography, but rather a predictable result of U.S. immigration law-making, as well as a systemic feature of the routine functioning of the increasing physical fortification of the border and the increasing

militarization of border enforcement tactics and technologies. Indeed, for many years now, the U.S. border regime has actively converted the most rugged terrain of the borderzone, particularly the Sonora Desert, into a veritable mass grave.

Remarkably, U.S. border enforcement authorities were quite deliberate and explicit about this strategy. In a notorious 1994 “Strategic Plan,” the Border Patrol wrote: “The prediction is that with traditional entry and smuggling routes disrupted, illegal traffic will be deterred, or forced over more hostile terrain, less suited for crossing [...]” (U.S. Border Patrol 1994, 7). This strategy of “prevention through deterrence” – the purportedly ‘deterrent’ effect of which has predictably been negligible – was subsequently litigated in the Inter-American Commission on Human Rights on the grounds that the Border Patrol had organized and implemented its policies in a way that “knowingly and ineluctably led to deaths of an increasing number of immigrants seeking to enter the United States” (IACHR 2005, para. 30; cf. Feldmann and Durand 2008; Binational Migration Institute 2013; Martínez et al. 2014), to which the U.S. authorities replied that the escalation in deaths was simply the “result of people being ill-prepared to cross harsh terrain,” for which they could not be reasonably held responsible (para. 40). Indeed, the ample evidence of the abject failure of such measures to ‘deter’ unauthorized migration exposes the sadistic fantasy that always links such logics of deterrence to gratuitous cruelty (Fan 2008).¹

Hence, we must recognize an insidious kind of “killing at a distance,” in which the desert landscape itself has been converted into a geography that is made to kill (Pezzani 2015; Heller and Pezzani 2017) – a “killing desert” (Rosas 2006). Above all, the U.S. Border Patrol deploys apprehension methods in remote areas, which commonly result in the disorientation and dispersal of migrants into life-threatening terrain. In addition, Border Patrol agents actively interfere with and destroy humanitarian aid through acts of outright vandalism or the removal of life-preserving humanitarian supplies left for migrants, or routinely harass or otherwise interfere with humanitarian-aid work. Moreover, various local and federal government actors engage in discriminatory practices of emergency non-response for undocumented people in the border zone (La Coalición de Derechos Humanos and No More Deaths 2016; see also Stephen 2008; De León 2015). These forms of “killing at a distance” have arisen in addition to migrants being compelled to navigate the sometimes deadly outright violence of the U.S. Border Patrol, as well as the less systematic but no less systemic extra-state paramilitary “hunting” of migrants and physical attacks by anti-immigrant racists organized into border vigilante militias (Shapira 2013; Bauer 2016; Belew 2018; Romero 2019). The perfectly predictable lethal effects of border fortification thus consign migrants to disappearance and death by turning border crossing itself into a death-defying obstacle course.

On a global scale, intensified and increasingly militarized enforcement at border crossings of easiest passage relegates illegalized migrant and refugee mobilities into zones of

more severe hardship and potentially lethal passage, and also blocks, diverts, or deports migrants into spaces of abandonment (cf. Fekete 2004; Stephen 2008; Dunn 2009; Nevins 2010; Weber and Pickering 2011; Bredeloup 2012; Lecadet 2013; Andersson 2014 and 2017; De Genova 2015, 2017b). The escalation of migrant deaths along the U.S.-Mexico border therefore bears a striking resemblance to the parallel (but still more extreme) proliferation of migrant and refugee deaths instigated by the severities of the European border regime – particularly in crossing the Mediterranean Sea (IOM 2014; Rygiel 2014; Jansen et al. 2015; Pezzani 2015; Stierl 2016; Heller and Pezzani 2017). In the Mediterranean, untold tens of thousands of refugees, migrants, and their children have been consigned to horrific, unnatural, premature deaths by shipwreck and drowning, often following protracted ordeals of hunger, thirst, exposure, and abandonment on the high seas, supplying graphic spectacles of a seemingly unrelenting succession of human catastrophes.

As the U.S.-Mexico border makes abundantly clear, illegalized travel by land routes is also increasingly treacherous: exposure and abandonment on perilous terrain similarly multiply the conditions of possibility for deaths in transit. Indeed, the borders of Europe have also been effectively externalized across the entire expanse of the Sahara Desert, creating an escalation in border zone deaths across a vast geography that precedes the perilous maritime journeys. Notably, a significant difference is that the extended externalized borders of Europe ensure that migrants and refugees commonly die before they ever set foot on European soil, whereas the U.S.-Mexico border also extends itself *inward* and has ensured that migrant deaths have occurred disproportionately only after having actually crossed the territorial border line. This is not to suggest, of course, that the borders of Europe have not similarly undergone a redoubled process of (re-)internalization that likewise produces and exacerbates the conditions of possibility for migrant/refugee deaths in transit after crossing onto European territory. Nonetheless, the deaths that arise from the enforcement policies of the United States occur overwhelmingly only after migrants have managed to cross the U.S.-Mexico border. Over more than two decades, the repeated fortification of various forms of U.S.-Mexico border barricades has inevitably served to channel illegalized human mobility into ever-more perilous pathways, and has commonly ensured that even despite having succeeded to cross the border into U.S. territory, many migrants never, in fact, arrive.

In light of the evident systematicity of this (infra-)structural violence (Pezzani 2015; cf. Martínez et al. 2014), which actively converts the desert itself into a landscape that kills, we are challenged to critically comprehend the spectacle of border policing in relation to its brute material effects, above all, a ghastly accumulation of dead Brown bodies. This is a racial fact of profound social consequence, not only because of who is killed (or made to die), but also because of the way that these migrant deaths have deep ramifications for those who prevail in their migratory projects and live in the wake of such border brutalities. Avery Gordon (1997)

invites us to comprehend that social life is haunted by the ghosts of such dead and missing persons – above all, for those who have witnessed these tragedies, and for all who have in any event endured and survived the same lethal perils.

Whether in Europe or the United States, the brute *racial* fact of these increasingly deadly border regimes is seldom acknowledged, because recognizing that the targets of these diverse tactics of bordering are overwhelmingly Black and Brown people immediately confronts us with a cruel fact of (post)coloniality (De Genova 2016, 2018a). Simply put, in the face of the inevitable and ever-more bountiful harvest of empire, past and present, the mobility of the vast majority of people from formerly colonized countries – indeed, the vast majority of humanity – has been preemptively illegalized. Given that the horrendous risk of border-crossing death systematically generated by these border regimes is disproportionately inflicted upon migrants and refugees from the formerly colonized countries, that vast geography formerly known as the Third World and now more commonly re-branded as the Global South, we should be reminded here of Ruth Gilmore’s poignant proposition that this sort of unequal distribution of the prospect of violence, mutilation, and death may indeed be taken as the very definition of racism: “Racism,” she contends, “[...] is the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death” (2007, 28). Therefore, in the face of the escalation in border deaths, we find ourselves, in Michael Omi and Howard Winant’s words, “compelled to think racially” – because “opposing racism requires that we notice race [...] that we afford it the recognition it deserves and the subtlety it embodies” (1994, 159). The fervent fortification of the borders of the world’s richest countries may thus be understood to be nothing less than yet another re-drawing of the global color line (De Genova 2016, 2017b; cf. Balibar 1999/2004, 43-45, 2001; Sharma 2005; Nevins 2008; van Houtum 2010; Doty 2011; Besteman 2019). The production of migrant ‘illegality’ at stake in these bordering practices, therefore, is always already implicated also in a protracted process of racialization and racial subjugation.

The border spectacle of mass death in the Mediterranean, in particular, has intensified the contradictions of an increasingly militarized border that has had to also paradoxically shoulder the burden of a kind of minimalist humanitarianism, whereby border patrols become implicated in rescue operations, even as every ‘rescue’ remains haunted, all the same, by the horizon of arrest, detention, and deportation (Walters 2011; Pallister-Wilkins 2015; Pezzani 2015; Tazzioli 2015a, 2015b; Andersson 2017; Heller and Pezzani 2017; Garelli and Tazzioli 2018; Tazzioli and De Genova 2020; see also Williams 2015 and 2016). In Europe, there is nonetheless a dominant discourse that intermittently acknowledges the border deaths as horrific tragedies, even as it seeks to disingenuously and cynically place the blame onto predatory “criminals” – “smugglers” and “human traffickers” (De Genova 2013, 2017b). Yet, comparatively, there is a stunning silence around the accumulating border deaths in the U.S.-

Mexico border zone, and an ever more shrill and bellicose outcry for more border enforcement. It is as if the hegemonic common sense in the United States is that daring to defy U.S. borders, inasmuch as this is ubiquitously framed as an ‘illegal’ act, a violation of the law, pure and simple, could only be understood in terms of migrants taking their lives into their own hands, and deserving – or at least, bearing the responsibility for – whatever the consequences. This, after all, was essentially the position of the U.S. Border Patrol when challenged in the Inter-American Commission on Human Rights, arguing that the United States:

cannot be held responsible for the natural landscape or for the illegal activity that its law enforcement personnel are acting to prevent. [...] The State claims that in the present instance, the right to life is a decision that rests in the hands of an individual of whether or not to take the risk of crossing the harsh terrain of the US southern border. (IACHR 2005, para. 42)

It is as if, in the United States, the callous common sense about border deaths is that ‘they were asking for it’.

Whether in the United States or Europe, through measures that intensify the policing of physical (territorial) borders, we all become largely unwitting witnesses to a grand spectacle, where ‘the border’ is staged, and where we may be led to believe in the elusive specter of its violation by the seemingly devious and cunning migrants who transgress it. This is what I have called the Border Spectacle, a spectacle of *enforcement* at ‘the border’, whereby migrant ‘illegality’ is rendered spectacularly visible (De Genova 2002, 2005, 2013). The material practices of immigration and border policing thereby become enmeshed in a dense weave of discourse and representation, and generate a constant redundancy of still more of these languages and images. Thus, the Border Spectacle sets a ‘scene’, a scene of ostensible exclusion, where allegedly unwanted or undesirable – and in any case, ‘unqualified’ or ‘ineligible’ – migrants must be stopped, kept out, and turned around. As a scene of exclusion, the border appears to demonstrate, verify, and legitimate the purported naturalness and putative necessity of such exclusion, repeatedly, redundantly. Through these emphatic and grandiose gestures of exclusion, border enforcement performatively activates the image of migrant illegality as a seemingly real thing, as an apparently objective truth. The spectacle of enforcement ensures that ‘the border’ can be represented as ‘out of control’, beleaguered by ‘invasions’ or ‘floods’ of ‘illegal’ migrants or refugees. A more or less constant Border Spectacle of policing and physical fortification thus appears to verify both the ‘illegality’ and disorder of seemingly uncontrollable migrant movements as well as lend credibility and reality to the otherwise elusive border itself.

Migrants can only become ‘illegal’, however, if there have been legislative or enforcement-based measures to render particular migrations or types of migration ‘illegal’ – to *illegalize* them. From this standpoint, there are not really ‘illegal’ migrants or migrations so much as they have been illegalized. The origins of such illegalizations are usually located

where very few of us can ever see them plainly, because they are the product of law-making, and arise from the deliberations, debates, and decisions of lawmakers. This is what I have called “the legal production of migrant ‘illegality’” (De Genova 2002, 2004, 2005, 213-249). Through the machinations of U.S. immigration law, this illegalization process has long been very disproportionately targeted on migration from Mexico, in particular, but has had similar repercussions for all of Latin America and the Caribbean. Consequently, the migrants who have died crossing the U.S.-Mexico border are overwhelmingly Latina/o, disproportionately Mexican or (more recently) Central American (De Genova 2004, 2005, 213-249; cf. Ngai 2004; Nevins 2010). Assessing the real effects of this deadly border, therefore, we are left to ask: do ‘Brown Lives Matter’ within the U.S. border and immigration regime?

Analogous to the contemporary Black Lives Matter movement’s politicization of racist police killings inordinately perpetrated against African American men across the United States, we are challenged to discern the comparably momentous ‘racial’ significance of the deadly border regime (cf. Doty 2011; Provine and Doty 2011; Márquez 2012). Thus, we must recognize the contemporary controversy around immigration and asylum in the United States as inseparable from our wider multi-faceted historical moment of ‘racial crisis’.

Indeed, the contemporary racial crisis in the United States was crystalized and amplified during the presidency of Donald Trump in a way that situated the U.S.-Mexico border as its centerpiece (De Genova 2017a, 2020). Literally from the very outset of his bid for the presidency, Trump’s political strategy depended on castigating Mexican/migrant ‘illegality’ and excoriating the phantasm of a purportedly ‘open’ U.S.-Mexico border as pivotal elements in his rather crass mobilization of anti-Mexican racism, in particular, and anti-immigrant nativism, more generally. Anti-Mexican racism, in particular, and anti-Latino racism more generally, however, have been a potent and viral fermenting agent in the long saga of anti-immigration politics in the United States for the greater part of the last century, especially since the landmark reconfiguration of the legal infrastructure of immigration in 1965.

Whereas much of the 20th century history of Mexican migration to the United States had been disproportionately constituted by unaccompanied male laborers, the increasing migration of women and families came to signal the burgeoning of an unprecedented new racial ‘minority’. Over time, a predominantly male labor migration that was enthusiastically recruited, including in its more presumably pliable illegalized form, thereby came to be ever more castigated as ‘illegal’ and finally criminalized – precisely because the long-term and permanent settlement of families associated with the migration of women and children was equated with a racial ‘browning’ of the U.S. population. Furthermore, the shift over recent decades to a greater composition of Central Americans actively seeking asylum similarly transformed the overall dynamics of the U.S.-Mexico border and challenged its enforcement with new contradictions arising from the mass rejection and illegalization of asylum-seekers.

Subsequently, on April 6, 2018, U.S. Border Patrol agents and prosecutors along the U.S.-Mexico border were effectively directed to enforce “family separations” when then-Attorney General Jeff Sessions issued a “zero tolerance.” Thousands of predominantly Central American migrant/refugee families, a large proportion of whom were seeking to petition for asylum but who increasingly were systematically blocked from crossing the border at official ports of entry where they could lawfully present themselves to Border Patrol agents and apply for asylum, found themselves targeted at the spectacular center of the repugnant atrocity of state-sponsored kidnapping and child abuse perpetrated by the border authorities, and perpetuated across the country by the U.S. Office of Refugee Resettlement charged with superintending the children’s secretive internment following their abduction from their parents (Tazzioli and De Genova 2020). Furthermore, these “family separations” were implemented with no substantive plans or any effective systems in place for maintaining reliable records of the children’s familial ties, such that once abducted, it frequently became pragmatically impossible to reunite the children with their parents or any other family members (whether already resident in the United States, or in their countries of origin). The Trump administration could not even account for the precise number of children abducted. Thousands of migrant/refugee parents were eventually deported without being reunited with their children, who remained either abandoned in indefinite detention or were discharged into the foster care system. Trump administration officials and mass media apologists commonly blamed the parents for knowingly endangering their own children. Recalcitrant about this tactic, in the weeks following the memorandum, Trump remarked with his characteristic disdain for the truth and thinly veiled racist contempt: “You wouldn’t believe how bad these people are. These aren’t people, these are animals” (Davis 2018). Indeed, by perpetrating the perverse mass-mediated spectacle of the caging, encampment, and veritable torture of Latin American infants, toddlers, and other children through their protracted, indefinite abduction from their likewise traumatized migrant/refugee parents – which very predictably culminated in several of the migrant/refugee children’s deaths in custody – the Trump regime deliberately and cynically instigated an unprecedented humanitarian crisis and secured for itself an infamy of historic proportions.

Notably, the “zero tolerance” diktat mandating this infamous campaign of migrant criminalization and outlandish border cruelty was issued following Trump’s furious reaction to news media reports of a caravan of migrants and refugees (mainly Honduran and other Central American women, children, unaccompanied minors, and LGBT persons), organized as a model of collective migrant/refugee self-protection against the pronouncedly gendered predations of the migrant journey as well as an affirmative protest mobilization against unjust border and immigration policies. Indeed, the arrival of the caravan at the U.S.-Mexico border between Tijuana and San Ysidro on 23 April 2018 culminated in the migrants and refugees

triumphantly scaling and perching atop the border fence in a joyous celebration of what, at least at that moment, appeared to be the success of their journey and their defiance and subversion of the barricaded border. Thus, what provoked Trump's vitriolic reaction was precisely the sort of diminutive but nonetheless audacious refugee self-assertion and self-organization that Glenda Garelli, Martina Tazzioli and I have designated as the "autonomy of asylum" (De Genova, Garelli, and Tazzioli 2018).

The U.S.-Mexico border has long been a premier site for the deployment of increasingly militarized tactics and technologies of enforcement, including of course several hundred miles of physical barricades that partition the most densely populated and easily crossed portions of the border (Dunn 2009; Nevins 2010; cf. Loyd et al. 2012). Thus, when Trump incited his supporters with the utterly implausible fantasy of "building a wall," it was little more than a hyperbolic expression of what has otherwise been a rather routine fixture of U.S. immigration policy. The ceaseless fortification of the U.S.-Mexico border presents the epitome of what I have depicted as a spectacle of 'exclusion' that mystifies its own *obscene* secret: the permanent subordinate 'inclusion' of illegalized (predominantly Latin American) migration (De Genova 2013). Such spectacles of border enforcement conceal the fact that even those migratory movements which are officially prohibited, branded as 'illegal', and supposed to be absolutely 'unwanted' and rejected are in fact, objectively speaking, actively encouraged and enthusiastically facilitated. So-called 'illegal' and officially unauthorized migrations are, to various extents, actively and deliberately imported, and welcomed by prospective employers as a highly prized variety of labor-power. Thus, the increasing fortification of the U.S.-Mexico border, in its grand and ever-increasingly deadly performance of 'exclusion', is permanently accompanied nonetheless by the fact of illegalized migration.

Consequently, the brute fact is that some border crossers die while many others survive and prevail in their illegalized migratory projects. Thus, the outright disposability of migrant lives so routinely verified by the deadly border cannot be seen as a purely "necropolitical" phenomenon (Mbembe 2003; cf. De Genova 2015). Border policing has plainly become cruel, indeed murderous, but it is not about cruelty, pure and simple, and not exclusively about mass murder. The blunt truth is that some migrants must die – which is to say, some are killed and many more are made to die – yet most survive as illegalized migrants who may proceed from this deadly endurance test to commence their lifelong careers as precarious, ever-deportable workers. Hence, we must see the production of literal deaths for border crossers as part of the larger dynamics of cultivating the sociopolitical conditions for illegalized migrants of what Orlando Patterson (1982) famously depicted as *social death*. The analogy with African/American slavery is particularly apt precisely because enslavement was always principally a regime of labor subordination and, as I have argued elsewhere, racialized slavery remains the limit figure for *all* labor under capitalism (De Genova 2018b). Thus, the largely

anonymous Brown bodies that populate the U.S.-Mexico border zone as often unidentified and unidentifiable corpses must be apprehensible as specifically Latina/o/x migrant *lives*. We are confronted, therefore, not only with a lethal border but one that contributes systematically to the production of Mexican and other Latina/o/x lives as *disposable*. The deadly border does not only kill but also plays a productive role: its power is *productive*, crucial for the continuous (re-)production of Latino lives as disposable (deportable) labor-power (De Genova 2002, 2005, 213-249; Golash-Boza 2015). Hence, we begin to see not only the cruel extremities of U.S. border control as a regulatory regime, but also the regularities that it truly produces, foremost among them, the very ‘irregularity’ – the ‘illegality’ – of ‘illegal’ migration. In a de facto process of artificial selection, these deadly obstacle courses serve to sort out the most able-bodied, disproportionately favoring the younger, stronger, and healthier among prospective (labor) migrants, and likewise inordinately favoring men over women (cf. Pickering and Cochrane 2013). Of course, while this selection process has always had a profoundly gendered character, culminating in extraordinary gendered violence against women migrants, it has in no way ever succeeded to suppress or exclude the migration of women. On the contrary, it has simply exacerbated the manifold severities of the violence of the migratory journey and border-crossing that target, terrorize, and traumatize migrant/refugee women, with similarly productive and still more profoundly disciplinary ramifications.

Thus, there is a deep continuity between ever-rising border body counts and the disposability of life at the borders of the United States and Europe with the deportability of illegalized migrant labor. The vicious severities of these extended and expansive border zones present a fierce endurance test, a preliminary apprenticeship in what promises to be a more or less protracted career of migrant ‘illegality’, precarious labor, arduous exploitation, and deportability. Susan Coutin (2010) incisively notes that these tactics of bordering effectively convert the full extent of the ‘interior’ space of the nation-state into a zone of confinement – a veritable police state for migrants (Talavera et al. 2010). The militarization and ostensible fortification of borders, as a result, prove to be much more reliable for enacting a strategy of *capture* than for functioning as mere technologies of ‘exclusion’. Once migrants have successfully navigated their ways across such borders, the onerous risks and costs of departing and later attempting to cross yet again become inordinately prohibitive (Cornelius 2001; Durand and Massey 2004, 12). Rather than keeping illegalized Latina/o/x (and other) migrants out, therefore, the militarization of the border simply tends to ‘trap’ the great majority of those who succeed to get across, now caught – indefinitely – ‘inside’ the space of the U.S. nation-state as a very prized kind of highly vulnerable migrant labor. Thus, in spite of perennial appearance of the U.S.-Mexico border’s inadequacy or dysfunction – the border has long served quite reliably and predictably as a *filter* for the subordinate (illegalized) inclusion of migrant labor from Latin America (and above all, from Mexico). Again, the multiplication of

anonymous migrant and refugee corpses that is the direct effect of border militarization and fortification and other enforcement tactics – alongside the mutilated and violated bodies of those who survive (above all, women subjected to sexual abuse) – must be recognized as inseparable from the systemic relegation of the lives of those who survive the border's lethal perils to a racialized condition of permanent disposability.

The logic of capture through migrant illegalization and border fortification was only more perniciously and extravagantly amplified in the Trump administration's state-mandated kidnapping migrants and refugees' children. The atrocity of "family separations" instituted in a new and particularly vicious way the overall racialized degradation that upholds and exacerbates the disposability of illegalized migrants' lives – a sociopolitical condition that has an impact far beyond the actual fact of some migrants being literally 'disposed' of and excluded outright. Hence, the heterogeneous forms of the overall disposability of migrants' lives generated by border violence again underscores that this violence serves the ends of a power that is repressive and indeed deadly but also, and above all, productive.

Migrant 'illegality', much like the illegalization of asylum-seeking, always has a history within each particular juridical and border enforcement context. Similarly, present-day border policing and immigration enforcement practices confirm that such histories are never finished; rather than *faits accomplis*, established once and for all time, these diverse and historically specific productions of migrant 'illegality' must continue to be re-produced through ongoing practices of bordering and re-bordering. This is so because they are sites of ongoing and unresolved struggle. Notably, these border-making and border-enforcing activities have been increasingly and pervasively relocated to sites within the 'interior' of migrant-receiving states, such that illegalized migrants and refugees are made, in effect, to carry borders on their very bodies as border enforcement becomes a deportation regime (De Genova and Peutz 2010), and the border comes to permeate the full spectrum of the spaces and activities of everyday life. Nonetheless, the border formations of state power and sovereignty, and immigration law and politics, more generally, must be understood to be 'reaction' formations: through diverse tactics and techniques of bordering, state power 'reacts' to the primary exercise of an elementary freedom of movement, whereby, in practice, migrants and refugees make a priority of their human needs, over and against any border, law, or state power. Furthermore, migrants' needs, desires, and aspirations always supersede these border regimes' death-defying obstacle course – albeit, at times, at the cost of their lives. It is, after all, the sheer vitality of migrant life that these border and immigration regimes serve to subordinate as labor, and it is the subjectivity and autonomy of migration that precedes these regimes that is finally the incorrigible productive power that they seek to domesticate through their tactics of illegalization. Thus, these processes of illegalization remain the open-ended sites for

unforeseen political disputes over migrant and refugee life, with the full extent and scope of the spaces of state sovereignty saturated and encompassed by border struggles.

Notes

¹ There is perhaps no more flagrant example of this perverse pretense of ‘deterrence’ than the state-sponsored kidnapping and child abuse perpetrated by the U.S. border authorities enforcing the Trump administration’s draconian “zero tolerance” policy of “family separations” measure, which was defended as a “deterrent” that would “send a message” to would-be migrants and refugees (Bump 2018; see also Tazzioli and De Genova 2020).

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