The International Smuggling of Children

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The International Smuggling of Children: Coyotes, Snakeheads, and the Politics of Compassion

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Abstract
Each year, over 100,000 children are apprehended entering the United States unaccompanied by parents or legal guardians, and without valid immigration documents. As many as 8,000 of these children are placed in an elaborate system of border patrol detention centers, shelter facilities, and courts. While the Department of Health and Human Services (through the Office of Refugee Resettlement) funds programs that care for the undocumented immigrants, the Department of Justice, (through the Department of Homeland Security) sweeps up and deports the very same children (or their parents). Apprehended children therefore bring to light the competing agendas of security and humanitarianism. Based on interviews with policy makers and program officers, visits to the shelters, and interviews with the children, this article explores the politics of compassion surrounding these migrants. In order to provide more humane and egalitarian response to the migration, the tensions and contradictions inherent in current practices need to be made more conscious. Considering migration
from Mexico, Central America, China, and India, the paper challenges the racially and ethnically-coded system that protects some children more than others. Rather than dismantling the politics of compassion, what is needed is a clearer understanding of the children’s paths to the United States, and a system without the racial and ethnic hierarchies that are currently in place. Otherwise, children will be confined to the space between the war on terror that treats immigrants, even below the age of 18, as security threats, and politics of compassion that emerged from early 21st century immigration reform.

[Keywords: migration, immigration, state, children, childhood, politics of compassion, humanitarianism]

Each year, over 100,000 children are apprehended entering the United States unaccompanied by parents or legal guardians, and without valid immigration documents. Many more children escape detection and become part of the nation’s population of 10 million undocumented immigrants. Their migration would not be possible without human smugglers: “coyotes” or “polleros” bring hundreds of thousands of migrants across the United States’ southern border, and “snakeheads” transport children through complex routes from Asia. Most of the smuggling operations are better compared to small businesses than to what was considered, in the nineteenth century to be a “slave trade,” but the networks and operations vary. In the best-case scenarios, the children are reunited with family or other caregivers at the end of their journey. However, the debts incurred, ranging from several thousand dollars to come from Mexico or Central America, to an average of 50,000 to 70,000 dollars to come from India or China, make the children particularly vulnerable to human trafficking and other forms of exploitation. Children are expected to help pay off the debt, and in addition to laboring in restaurants, construction sites, garment factories, and chicken farms, are sometimes drawn into prostitution and forms debt bondage.

While the majority of children disperse into the landscape of undocumented immigrants, an increasing number are apprehended by immigration authorities and enter an elaborate system of border patrol detention centers, shelter facilities, and courts. With increased forces placed on the southern border, there are narrowed options for crossing. Once apprehended by Immigration and Customs Enforcement (ICE), children are held in detention centers. Although many (particularly Mexicans) are deported or transferred
to adult detention, children deemed to be unaccompanied are slated for reunification with family members. In 2007, roughly 8,000 children were transferred from ICE to the Division of Unaccompanied Alien Children’s Services (DUCS) managed by the Office of Refugee Resettlement (ORR), part of the Department of Health and Human Services (HHS). This article delves into the tensions and contradictions surrounding these children. The politics of compassion are explored through an ethnography of the smuggling dynamics, and going more deeply into three ethnographic moments: a visit to a facility that houses the children; the illness of a young undocumented immigrant in my caseload who received a heart transplant as part of the Unaccompanied Alien Children’s Program; and the annual Keeper of the American Dream Awards Dinner.

These three ethnographic moments are centered by my experience and perspective as an anthropologist and national program coordinator for a Washington-based non-profit organization that aimed to aid the children. Between 2004 and 2007, the stories of some two hundred eighty children came across my desk. My organization had taken significant part in the creation of the Unaccompanied Alien Children’s Program. Over the three-year period, I had several opportunities to visit the shelters where the children resided in the southwestern United States, and interviewed thirty children (described with pseudonyms here) telephonically. I also spent time at the border near Arivaca, Arizona in March 2007 interviewing members of the communities who are affected by the smuggling routes and collecting materials. In Washington, I worked closely with the US government officials responsible for administering the program. The ethnographic nature of my work on this topic is centered on turning an ethnographic gaze on the system that processes the children itself. As such, the ethnographic research was conducted at multiple sites. The standard objects of ethnographic inquiry have been expanded to encompass not just informants as in standard anthropological inquiry (Ferguson and Gupta 2002; Coronil 1997; Verdery 1995), but the shelter facility workers, federal officials, and the policies designed to structure their care.

My work intersects with the anthropological literature on children along three key axes. First, there is considerable work on the cultural construction of childhood (James 1997; Jenks 2005; Levander and Singley 2003; Steedman 1986, 1990; Stephens 1995; Scheper-Hughes and Sargent 1998). Building on Ariès’s (1962) argument that the conception of childhood as a separate life stage developed in Europe between the fifteenth and the eigh-
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tenenth centuries, a large body of literature explores how the child has become a rich site of cultural inscription (Levander and Singley 2003). In this article, I explore the ways in which the Division of Unaccompanied Children Services construes American childhood. I also illustrate how the program is structured around socializing and normalizing undocumented children. As Stephens (1995) has pointed out, the emergence of childhood as a distinct phase is linked to bourgeois notions of family, home, privacy, and individuality. The idea of childhood gives rise to the notion that children have special needs that call for attention to their emotional development, and for protracted formal education. All this is aimed at preparing children for the transition to the adult world (Stephens 1995:5). It is of course not only modern European national citizens who should have a childhood: colonial and imperial projects depend on the formation of social actors able and willing to function in complementary ways within these regimes. We can add foreign-born children temporarily (or permanently) staying in the US to the list of targets for interventions designed to ensure a healthy childhood. And yet, undocumented children have a complex relation to the cultural construction of childhood in the United States. Often viewing themselves as mature and ready for responsibility in their countries of origin, they are defined and treated as children within the Division of Unaccompanied Alien Children’s program that prohibits them from working. Olga Nieuwenhuys offers a more in-depth exploration of the ways in which government ideology shapes children’s lives and argues that we have to look closely to determine whether the labor of children, however vital to the livelihood of their families, is exploitative (Nieuwenhuys 1994).

Second, there is a large body of literature on various assaults on the space of childhood. Specifically, processes of globalization (including widening income disparities and migration) affect children disproportionately (Field 1995: Mandel 1995; Ndebele 1995; Reynolds 1995; Wee 1995). As Stephens points out, the evolving body of literature includes titles with dire connotations such as: Children Without Childhood (Winn 1984), Stolen Childhood: In Search of the Rights of the Child (Vittachi 1989), There Are No Children Here: The Story of Two Boys Growing Up in the Other America (Kotlowitz 1991), The Disappearance of Childhood (Postman 1982), Innocent Victims (Gilmore 1988, The Rise and Fall of Childhood (Sommerville 1982), and Children in Danger (Garbarino et. al 1992). Work on the smuggling and trafficking of children highlights some additional ways in which childhood is at risk. As I will describe, Central American children are particularly likely to be victimized
by smugglers. However, in this article, my approach is a critical one, focusing not on children as victims, but the striking ways in which the United States federal government protects some childhoods more than others.

But there is a third and perhaps more important way in which this article intersects with the literature on childhood, which is children as risks (Ingleby 1985; John 1995). Stephens points to the ways in which children of immigrants of color (especially Muslims) are perceived as ungovernable, unmanipulable subjects in German society (Mandel in Stephens 1995) and Prout and James (1990: 12) go further to explore some of the explanations behind the breakdown in social relationships that can occur. The point can also be made for the United States: undocumented children are simultaneously perceived as the most vulnerable of the vulnerable, and as security risks to the United States. This article demonstrates that children therefore throw into bold relief two contradictory impulses: there is an impulse to protect them as vulnerable persons (generating a politics of compassion), and an impulse to protect our communities in the face of rising immigration. Hence children provide a window on the complex relationship between humanitarianism and security. It is important to note this security has at least two dimensions: there is the risk adolescent children pose as potential offenders or “terrorist” elements and there is the threat children are perceived to pose to communities’ social service networks. I therefore extend this to consider the policies and practices of family reunification in a biopolitical context. The notion of the biopolitical emerged from Foucault’s lectures at the Collège de France on the history of state sovereignty. The notion has been expanded upon in the anthropological literature. In this context, biopower is the power to take life (expel, deport etc.) or let live. It is the means through which a fundamental distinction is made whereby some are allowed to contribute (work, vote, get an education, etc.) and others (those who are deported or offered “voluntary departure”) are stripped of everything but the ability to subsist. The biopolitical manifests for undocumented children in the care and treatment they receive in the facilities.

I begin by providing an overview of the children’s pathways through the system, contextualizing the reasons for leaving, and the care and treatment the children currently receive. I then focus on facilities as a way into the dynamic tensions surrounding the children and the affective grid (Stoler 2002:7) structuring their care. Then, through the treatment that one undocumented child received, I extend my argument about the tension between humanitarianism and security by looking at the biopolitical aspects of their
care. Carlos, who received an organ transplant, also provides points of contrast to the treatment children previously received and therefore underscores important aspects of the historical and legal context. The Keeper of the American Dream Awards Dinner affords us a closer look at the economy of affect surrounding unaccompanied children. In the second half of the article, in order to understand how children came to be viewed as threats, I look at the smuggling dynamics and discourses surrounding them. This leads me to suggest that the current policy with regard to children is based on powerful but faulty assumptions about security. What is needed is not dismantling the politics of compassion, but resolving some of the tension between humanitarianism and security by constructing a system without the racial and ethnic hierarchies that are currently in place. More ethnographies of state practices vis a vis unaccompanied and undocumented children will reveal and clarify the alternate and competing agendas at work today.

Throughout, I use the term “children,” although this is of course a contentious word. I use “children” because the program designed to serve them framed them in this way. However, it is still important to distinguish “children” below the age of 12 from adolescents or teenagers. I suspect the program conflated the categories for two reasons. The first is legal—anyone under the age of 18 could heuristically be defined as needing protection. But the second reason ties into my overall argument about the politics of compassion and the tension between these politics and our concerns about security. My point is that the program may have conflated children and adolescents because it is much easier to elicit the politics of compassion around “children” who are perceived as vulnerable than adolescent migrants who are much more apt to trigger security fears. Teenagers are more typically viewed as threatening.

Pathways through the System
After a child (or adolescent) is apprehended and deemed to be unaccompanied, s/he is taken into custody and given a Notice to Appear or NTA by Customs and Border Patrol (CBP) or Immigration and Customs Enforcement (ICE), depending on where the child is taken into custody. These bodies then transfer the child to the Office of Refugee Resettlement (ORR), which places the child in the most appropriate facility depending on the child’s location, nationality, and available bed space. Currently there are about 35 facilities ranging from nursing-home-like centers to detention centers used for adju-
dicated children. Facilities are categorized according to the level of security they provide so that children or adolescents who are deemed to be risks (e.g., with criminal histories) can be placed in more secure settings. Girls who are pregnant or parenting are likewise placed in facilities that can at least begin to meet their needs. Within the first few hours in the facility, the child is given something to eat, provided with clothing or a uniform such as shorts and a t-shirt, and oriented. If the child is from Central or South America s/he is also offered an immediate opportunity to telephone family members. If the child is from China or India, this contact is postponed until the identity of the person the child is calling has been investigated. This is to preclude release of the child to smugglers, who are believed to be particularly sophisticated working out of China and India.

Within the first day, the child’s prospects for release are also assessed in a detailed intake. Is there a parent or other family member ready to care for them in the United States? If not, are their other potential sponsors? For the child to be released, ORR requires that the parent or sponsor submit a packet of documents, including proof of income and fingerprinting results. Once all the documentation is complete, coordinators in the field request that ORR approve release and the facility coordinates a time and place for pick up with the parent or other sponsor. As a safety precaution, reunification usually takes place off site, at a neutral location such as an airport.

Due to the involvement of smuggling rings that are believed to be highly dangerous, all Chinese and Indian children go through a suitability assessment process. This is designed to ensure that children are released to true family members, and to rule out release of children into the hands of smugglers. Children from Latin America receive assessments also, but only when the child is believed to have been trafficked, there are complex medical or mental health needs, the child is severely traumatized, or there are other serious concerns. And while children from China and India are released only to documented biological family, according to a strict hierarchy privileging blood over marriage, Latin American children are released to family or friends with or without documents. I will have more to say about the differential treatment within this fundamentally racialized hierarchy below. Suffice it to say for now that many policy makers and practitioners are either unconscious of this hierarchy or would deny that it exists. Throughout this process, which typically takes from a number of days in some jurisdictions (e.g., Harlingen, Texas) to a number of weeks in others (e.g., Atlanta, Georgia) facilities have highly structured
school and recreational programs for the children. To assist their transition, all Chinese and Indian children receive 90 days of follow up; a fraction of Central American and Mexican children receive these services if they meet referral criteria.

Departures
The children (and adolescents) leave their countries of origin for a variety of reasons. Some are fleeing human rights abuses and are best considered asylum seekers. They are avoiding armed conflict, gang or forced military recruitment, female genital mutilation, forced marriages, prostitution, and life as street children. Others leave in search of love and care after parents have left them behind, typically in the care of a family member or friend. Juan’s story is indicative. When he was four, his mother left him in Guatemala in the care of his grandmother after a gang threatened her life. Ten years later, when his grandmother died, Juan was left with few options: live on the streets (a life that would most likely draw him into participation in a gang) or go north. Juan left Guatemala for New Jersey at the age of 14. I learned of Juan’s story when I interviewed him by phone in the facility where he was being held, pending release. Juan told me “I want to go to school and finish my education. That’s my goal, it’s want I want to do.” As it turned out, his mother had a deportation order that ultimately precluded reunification. Juan didn’t have any other relatives in the United States, and chose “voluntary departure.”

What usually precipitates a child’s departure is that fragile (or untenable) care arrangements break down in a process that often involves abuse, abandonment, or neglect. Still other children leave in search of work to support their families. Children left behind must often fend for themselves, as indicated by a letter that was given to me by an Arivaca resident who had found it while driving along the border between Mexico and Arizona. The letter is written in Spanish, on a now-tattered piece of notebook paper in the block letters of a child. The child’s age is unknown, as is her country of origin. In the heart-wrenching letter, the child, who is about to be left behind, pledges not to be changed by the experience, but to remain a child.

Mommy,
You know what? There are times I’d like to be able to tell you, “Don’t go.” But I can’t, because I know you won’t change your mind.
I want you to know you can trust me during this time of your absence. Because I know you’re not leaving to go have fun, and I will not let you down. I don’t want to bore you with this, but this is how I feel.

And don’t be afraid that I will take this as a door opening to freedom. I will continue to be like I am now. And, also, don’t worry that I will go get a boyfriend, because you know how I feel about that. I would not want to be or seem like a hypocrite, telling you one thing and then doing another. I just want you to trust in me like you always have up to now.

Please, keep this letter close, like all the others I send. I’m going to behave very well, and, when you arrive, you’re not even going to recognize me anymore, you’ll see.

I wish you the very best, and hope that you end up with lots of money.

With love,

Andy

P.S. Remember that I love you very much.

The child or adolescent who wrote this letter demonstrates that children take an active part in creating and maintaining the complex social formations that produce families divided across borders. At once childlike and mature, she wanted her mother to know she could be relied upon, and that she did not see her new independence as a “door” to some kind of freedom. Clearly a socially effective agent in her own right, she vowed simultaneously to remain the same, and to change beyond recognition. In a strange way, she may be accurate: she will remain her mother’s daughter at the same time that she continues to mature, without her mother’s daily presence.

The mother who received the letter must have indeed kept it close until she lost it while crossing the Arizona-Mexico border. If the child is like many others each year, she will eventually follow in her mother’s footsteps and seek her out in the north. Parents who leave children behind are often demonized and pathologized in US culture. However, from a Central American perspective it is important to note that the decision to leave a child behind is an agonizing one, and one made within a cultural logic in which it is vitally important to be a good provider.

None of these scenarios has received adequate attention. The literature on migration elides unaccompanied children, assuming children travel as dependents of adult migrants. Children are typically flattened and simplified into roles as adults’ accessories or as victims. The history of childhood is sim-
ilarly quiet on undocumented, unaccompanied children whose underground status keeps them below the radar of cultural and historical studies.

The agency required to depart from their countries of origin is seldom acknowledged in government policy or programmatic documents. As critiques of the humanitarian movement have pointed out, refugees and forced migrants are often framed as passive subjects (Malkki 1996). And humanitarian projects tend to portray people as pure victims (1996). However, the children’s agency was something that was consistently highlighted by the workers in the facilities who had direct contact with the children. As a social worker in a shelter put it:

It takes a special child to come to the US at the age of 12 or 13. We try to build on that strength. It takes a strong child to come to the U.S., and we try to encourage them to let their guard down while they are here.10

There is an urgent need to look more closely at children’s actions in seeking to rectify untenable situations. In this regard, Maria’s story is not unusual: Maria, 15, departed her native Honduras after she talked with Victoria, 25, who returned to the village for a visit from California. Victoria had left the village two years previously, and, after successfully crossing the border, had been living with her boyfriend and working in a restaurant in a small southern Californian town. Maria was intrigued by the prospect of a job: her parents were elderly and she could see they no longer managed the difficult manual labor. Victoria promised that Maria could live with her and her boyfriend, and that she could go to school.

Maria and Victoria made the drive north together until they were close to the border of Mexico. There, Victoria hired polleros to bring Maria across. Maria reports that the polleros raped her during the time when they held her in a house in Arizona, awaiting the final payment. Then the polleros decided to set off on their own, filling the car with other migrants destined for southern California. When the car was pulled over for a minor traffic violation, the other migrants panicked and pushed Maria out, intending to escape apprehension. But the car hadn’t stopped moving and began to drag Maria, running over her foot. Maria reports that when she regained consciousness, she was in a California hospital. She was transferred to federal custody and placed in a shelter for unaccompanied undocumented children.11
Based on their experiences, some children are eligible for forms of immigration relief such as asylum, special immigrant juvenile (SIJ) status, and trafficking visas. But for the majority of unaccompanied, undocumented children, the outcome of their immigration case is initially determined by their prospects for family reunification, suggesting that programs to release children to care givers have biopolitical dimensions. Children who have family members willing to come forward are released from federal custody with a Notice to Appear and a requirement to attend immigration hearings to resolve their status. Those without family to sponsor them are given an opportunity for voluntary departure or are ordered removed. In Maria’s case, Victoria came forward to sponsor. However, Victoria was rejected due to evidence that her repeated travel back and forth between California and Honduras also involved human smuggling.

**Threatened and Threatening: the Politics of Compassion**

At the same time that their transgression of state borders places them in the category of a threat to security, the politics of compassion create a moral and ethical framework in which there are forms of relief. The dynamic is encapsulated by juxtaposing statements made by DHS with the practices of Health and Human Services (HHS). In a statement made before the United States Judiciary Committee, U.S. Homeland Security Secretary Michael Chertoff states that, “The President believes—and I agree—that illegal immigration threatens our communities and our national security…. When we do not control our borders, we also risk entry into the U.S. of terrorists or others wishing to do us harm.” The US Patriot Act of 2001 codifies this attitude into law: it gives the executive branch the power to deport any alien (legal or otherwise) that the attorney general has reason to believe might commit, further, or facilitate acts of terrorism. In mentioning community and security, Chertoff’s statement hints that there are really two layers of security. Undocumented immigrants represent a breach in security by virtue of crossing a U.S. border without permission. But they are also felt to threaten our way of life because we can’t assimilate them culturally or linguistically and it is perceived they will become burdens on our social welfare system. This dual security threat is no less applicable to children. On one level, undocumented adolescents are viewed as potential juvenile offenders. At a deeper level, immigrants are perceived as having more children than they can support and therefore becoming a drain on scarce social and economic
resources. While this is the operative logic governing views of Latin Americans, it must be noted that Asian immigrants are viewed differently. Chinese children elicit more compassion because they are felt to be escaping communism and the discriminatory one-child policy. Additionally, they are typically middle, not lower, class. Central American and Mexican immigrant children are often poor, and thought of as dragging us down economically, in addition to posing a linguistic threat to an American way of life. At the same time that undocumented Latin American immigrants are perceived as threatening, there is now a highly developed system designed to guide all of the children from apprehension to release into communities. The conviction is that children must be treated with the utmost care and attention.

These converging and conflicting views of the children must be teased apart. This task is made difficult because while children condense powerful emotions in any society, unaccompanied children are at the center of a constellation of contradictory emotions in a country that sees its treatment of children as a marker of national identity. For example, the Women’s Commission Report “Prison Guard or Parent?” explicitly lays out this view. In underscoring how immigrant children are at once threatened and threatening, this article intersects with a body of literature on children that explores the ways in which childhood itself is increasingly threatened and threatening. Stephens argues that:

There is a growing consciousness of children at risk. But the point I want to make here is that there is also a growing sense of children themselves as the risk—and thus of some children as people out of place and excess populations to be eliminated, while others must be controlled, reshaped, and harnessed to changing social ends. Hence the centrality of children, both as symbolic figures and as objects of contested forms of socialization, in the contemporary politics of culture (Stephens 1995: 13).

Stephens and the other authors in *Children and the Politics of Culture* trace some of the ways in which children, in a world of shifting values and boundaries, are the targets of anger (and intervention) when they cannot or will not fulfill expected roles. While she names street children in particular, the point is equally apropos for immigrant children.

I am especially interested in the role of compassion (Ticktin 2006; Stoler 2002; Fassin 2005) in an emergent political and policy configuration that
makes family reunification a primary means by which undocumented children find a means to stay in the United States. Family reunification, as practiced by the United States federal government, is a form of politics, functioning as a system of transnational governance tied to labor and capital at the same time that the emotional bonds of family are portrayed as bracketed from the market. While framed in terms of an ethos of humanitarian child welfare, family reunification is eminently political. The child welfare perspective that is increasingly manifest in programs and policies organizing the care of the children is driven by a moral and ethical imperative to protect the children, but it can also make the children vulnerable and have negative consequences. For example, children arriving from China are not only separated from their nuclear family, but also asked to shoulder an enormous financial burden. Here, humanitarianism and the politics of compassion have unintended side effects (Ticktin 2006). These consequences are surprising because they are found in the midst of compassion that guides the program.

At a Facility
The dynamic tensions surrounding the care and treatment of children are encapsulated in a large poster in a facility that reads, “The hand that rocks the cradle controls the nation.” When I paused to consider this on a tour, the shelter facility worker added, “It’s how we feel about the job that we do.” Further interviews suggested that facility staff saw themselves in beneficial roles, literally rocking the cradle for the nation. This is an idea that coexists in striking tension with the overall thrust of immigration reform, which is oriented not toward nurture but toward control and enforcement measures to keep undocumented immigrants out. How does the program to care for the minors between apprehension and release articulate with the overall thrust of immigration reform? How does the child welfare perspective embedded in policies organizing children’s care articulate with the war on terror? The care and treatment of unaccompanied children concretizes alternate, indeed competing moral agendas. In this complex and contradictory environment, the poster points to the ways in which children’s vulnerability condenses diffuse yet powerful anxieties about security and the ethnic and racial composition of the country. The poster signals an interest in the childrens’ attachments and affiliations that can be traced back to largely unarticulated convictions that the micropractices of care
are critical to the making of reliable citizens, governable subjects, and modern nation states (Stoler 2002:19).

The poster is based on the poem by William Ross Wallace, who wrote, “For the hand that rocks the cradle; Is the hand that rules the world.” His poem takes the uncontroversial position that a woman’s role as nurturer is particularly sacred and powerful: “Blessings on the hand of women!; Angels guard its strength and grace; In the palace, cottage, hovel; Oh, no matter where the place….” However, there is also a tension here with more sinister references that the poster calls up, such as to the 1992 thriller, “The Hand that Rocks the Cradle.” My point is that while the facilities that house and care for undocumented children are of course well-intended, they are also financed and must manage to exist within a schizophrenic political environment. We have only to think of the raids outside of Boston in May 2007, for example, to realize that immigrants are increasingly treated as threats (Abraham and Ballon 2007). There is also the fact that not even the US census, presumably aiming to capture an accurate count of the undocumented, can deter immigration raids (Ohlemacher 2007). Our humanitarianism is bounded and limited by post-911 concerns about security and the associated debate about immigration.

To illustrate the environment in which the facilities must operate, it is useful to turn to comments of government officials. In describing the care and treatment of newcomers, a set of depth metaphors often come into play. For example, at the National Consultations in January 2007, Ellen Sauerbrey, Assistant Secretary of the U.S. Bureau for Populations, Refugees and Migration (Department of State) made the comment that the United States refugee program, which now also cares for undocumented children, had been characterized by a “deep and abiding” commitment to its beneficiaries. The choice of “deep” and “abiding” as appropriate metaphors is interesting in light of shifting levels of support and the contentious and essentially strategic policy debates about the admission of undocumented aliens and refugees. The metaphors illustrate part of the “affective grid” (Stoler 2002: 7; Graham 2003) of politics that is in point of fact hinged to the balance of power in Congress, the mood of the Administration, and the American economy.

Facilities construct themselves as distinct from “immigration,” even as the Department of Homeland Security and the Office of Refugee Resettlement seek new avenues for collaboration and dialogue and anticipate seconding staff between agencies. “We are not immigration” is one of
the first messages to children entering a facility as a means to help establish trust and rapport. This betrays a significant grey area. For example, children who reach the age of 18 in ORR facilities are transferred to adult detention in DHS facilities. Shelter staff worked diligently to make this transition as humane as possible, although my contact with them and the children suggested it was a nerve-wracking experience for all involved. It should be noted here that workers in the facilities do become attached to children, and it is not uncommon for children to call their worker for support after they have been released.

Ultimately, children provide one of the most powerful lenses on the disjuncture between humanitarian and security concerns. In other words, they enable us to see, in bold relief, contemporary United States migration politics and the ways in which these politics intersect with the politics of compassion. The options for immigration relief, indeed the whole affective grid discussed here looks quite different when it comes to migrants who are adults. They are neither monitored for moods, diet, thoughts, nor given psychotropic drugs to make them more governable. While there is a groundswell of concern for unaccompanied children, largely as a result of Herculean efforts on the part of NGOs, the broader category of migrants in general is still criminalized and pathologized (Malkki 1999; Massey 2007; Massey et. al. 2002; Rouse 1991; 1994). The operative sociopolitical logic makes migrant children a very different category than migrants. This is the result of about five years of lobbying on the part of primarily religiously-based NGOs such as the United States Conference of Catholic Bishops and Lutheran Immigration and Refugee Services. At the same time, it is important to realize that the two categories, migrants and migrant children, are connected through policies of family reunification. Some of the literature makes this connection explicitly by looking at the treatment received by families (Brané 2007).

The extent to which unaccompanied children activate politics of compassion is also made clear by the very different treatment they receive when apprehended with caregivers. Children who are apprehended with their families are subject to detention in penal-like conditions. The practice of detaining them has expanded dramatically in the last two years, especially with the opening of a new 512-bed facility called the T. Don Hutto Residential Center in Taylor, Texas. Prior to its opening, the majority of families were either released together or separated from each other and detained individually. Now, the US immigration and Customs Enforcement
Service (ICE) implements a penal model, locking up families in a facility that is a former prison. Operated by the Corrections Corporation of America (CCA), it still looks and feels like a prison: families are given only twenty minutes to go through the cafeteria line and feed their children and themselves; children are frequently sick from the food and many lose weight; there is limited recreation time and the children lack access to toys; the facility is bounded by razor wire. Interviews revealed the majority of inmates were traumatized by their incarceration (Brané 2007). Here, Angela Davis’ work on the US prison industrial complex is illuminating, adding that there are more than 2 million behind bars in the US today in a system that has racist and sexist underpinnings (Davis 2003).

While accompanied children come under the jurisdiction of the US Immigration and Customs Enforcement service, unaccompanied children are turned over to the Office of Refugee Resettlement, which operates under a very different logic, as the care and treatment of Carlos demonstrates.

Carlos’s Illness
In late 2006, a 17-year-old boy in my caseload whom I will refer to as “Carlos” became gravely ill in a facility where he was in federal custody. It was discovered he had an advanced stage of heart disease, and the decision was taken to give him a heart transplant and the best medical care available. Carlos had left his mother and father, who he described as impoverished rural dwellers who worked in the fields, to come north and try to make a living for himself and his family. Politicians wishing to promote the Division of Unaccompanied Children’s program used the boy as an example of the compassionate work being done on behalf of the undocumented children. However, children are not unproblematic objects of intervention. As Levander and Singley argue, the vulnerable child becomes a symbolic figure, an abstraction that may allow us to feel more human in a world that is torn apart (2003:8).

Carlos was flown from the facility where he had been in care to Children’s Hospital of Philadelphia. His mother was flown from Honduras to be with him during his care. A dedicated medical team performed the transplant, and Carlos received the best postoperative care. When his condition stabilized, he was transferred to transitional family housing in Philadelphia. Staff from the Office of Refugee Resettlement in Washington oversaw the transfer and rotated the responsibility of monitoring his care and treatment, taking
up residence in Philadelphia for weeks after the surgery. A team of volunteers from a local Catholic charity helped by providing Carlos’s mother with a kitchen where she could prepare their meals. Carlos resumed daily activities, including going to school. However, due to his compromised immunological status, Carlos could not eat cafeteria food. Social workers were then called in to counsel his mother on the proper hygiene and to help her organize their meals in America.

When the Director of the Office of Refugee Resettlement described the boy’s case, her voice shook and was eventually choked by emotion. She vividly recounted making the decision to do everything possible for the Honduran boy. The director reiterated her story about Carlos not just at trainings but major national meetings of service providers. And she glowed with pride at what had indeed been accomplished—a major organ transplant for one of the most vulnerable of an already vulnerable population. However, the government intervention was troubled by the fact that as of his 18th birthday, he could have been subject to deportation, something his doctors said would surely have resulted in death due to his compromised immunological status. The Special Immigrant Juvenile status (SIJ) that would enable him to stay in the US and continue his medical treatment also required he be declared a dependent of the state. Therefore, in the end, Carlos’s mother was asked by government attorneys to leave the country so that Carlos could be declared a dependent of the state. The last time the Director mentioned his progress, she told a story about how the minor was late for an appointment because he was shopping at Wal-Mart. Here, Wal-Mart is an icon of the American Dream, and the boy’s ability to partake of American consumer culture indexes his insertion in a fully American life.

The implications of Carlos’ case are two-fold. First, his case demonstrates the value that the United States can place on an individual life. For many who immigrate here for a better life, this is the signature of the American state. US authorities did everything they could, within an underdeveloped legal context, to protect the boy’s best interests. This brings me to the second implication, which is that the requirements for receiving Special Immigrant Juvenile Status are such that he was catapulted into an adulthood that severed him from his family in Honduras. Therefore, Carlos epitomizes the appropriate (if controversial) care of an extremely vulnerable young man that took place in a legal context that was not conducive to his needs for contact with his family.
In some ways, Carlos’s care was exceptional (he is the only undocumented child in US custody to receive an organ transplant). However, the care he received has the same operative logic as the care received by other children in the Division of Unaccompanied Children’s Services Program, calling up the care’s biopolitical dimensions. The biopolitical has two modes: an effort to control populations (as in controlling large migration flows) characterizes one biopolitical pole, and the desire to wield control over the individual body (i.e. institutionalized children’s bodies) constitutes another. Foucault conceived biopower (and governmentality) to draw attention to technologies that render populations thinkable (Dreyfus and Rabinow 1982). The undocumented, in crossing state boundaries, challenge the organization of the modern nation state and, when apprehended and managed by a system of courts and facilities, fall within the first biopolitical dimension.

In the facilities, intensive, almost panoptical, care and treatment brings individual children into the second biopolitical dimension. In addition to TV cameras designed to keep children under constant surveillance, there are fences and gates to keep them in. More to the point, the facilities implement a constant monitoring of the children’s emotional and psychological state in a hierarchy of shelter facility staff that confer among themselves and keep detailed records of the child’s thoughts and emotions. In some facilities, this hierarchy is comprised of three or four levels. A youth care worker monitors the child and reports to a case manager in the event that some distress is detected. Case managers direct children to their clinician and clinicians report to staff psychiatrists. Food intake and sleep are also monitored in this medicalized environment in which many of the children are given psychotropic medications to stabilize their moods and control behavior.

In this framework, the state’s compassion towards the children can be understood in a slightly different light, as part of a larger project of disciplinary power. At the very least, prolonged detention produces institutionalized children who are most well adapted to highly regulated institutional settings and often uncomfortable in the outside world. More research needs to be done to understand the short and long-term consequences of detention on children. The micromanagement of children in this environment points to a macropolitical project (Stoler 2002:19) accomplished through scrupulous attention to the children’s emotions, alliances, friendships, and attachments: the underlying assumption seems to be that this approach is crucial to the making of potentially reliable citizens, or at least governable subjects. This is complicated emotional terrain: these children and adolescents are
certainly better off with the scrupulous care they are receiving than had they remained in the hands of smugglers or worse, been trafficked or otherwise exploited. But it is also important to step back and examine the model of care. Why aren’t less-institutionalized, more family-like settings being provided? It is not a financial issue as these models have been proven to be cost effective. And what are the effects on a child when his or her stay is prolonged? Finally, could the energy and dedication of the staff be channeled, and could the structure of their care be rearranged in such a way that the children ceased to refer to any of the facilities as akin to prisons?

The Keepers of the American Dream Awards Dinner
What is helpful here is a closer look at economies of affect. In Weberian terms, the rise of industrial modernity was often described in terms of affective waning and decline or deficit. What was projected was the affectlessness of the bureaucratic machine. But as Agamben (1998) and others have theorized, this isn’t really the case. The seamlessness of modern governmentality can’t be taken at face value: political projects are eminently affective. This point is brought home by Senator John McCain’s (AZ) keynote address at a National Immigration Forum dinner. At the sixth annual “Keepers of the American Dream” Awards Dinner in the Mayflower Hotel in Washington, DC in May 2005, McCain gave a moving speech about immigration reform. The tone of his speech echoed that of many others given on the topic of immigration reform.

Stating we can no longer tolerate the reality of people dying in the desert, he talked about how they die, clawing for a cooler place to lie in the sand, or after the brain “cooks” and delirium begins, by hanging themselves. Drawing on the symbolic power and iconography of children, he also talked about some of the youngest victims. In his speech, a girl, almost two, is described in vivid detail as having thick curly hair and eyes the color of chocolate. Chocolate, with its sweetness, invoked her sweetness and innocence. This not only raised the injustice that innocent people are dying but embedded the immigration debate in broader politics of compassion. McCain’s speech is an excellent window on what Stoler has called the “affective grid” of politics (Stoler 2002:7). Here, the politics of compassion are not a threat to empire but an integral part of how it is being run. This dovetails with my point that children offer a unique entry point to the politics of culture and the politics of compassion. Precisely because of
their vulnerability, they are especially malleable symbols, susceptible to being used for a variety of political purposes. Most interestingly, immigration has been moved off McCain’s agenda and out of the spotlight for the 2008 presidential election.

The United States in not unique in experiencing a tension between security and humanitarianism. As detailed by Fassin (2005), France experienced a shift from humanitarianism to security and back again with the opening and closing of the Sangatte Center for undocumented immigrants. The Sangatte Center, a large warehouse outside Calais, France opened in August, 1999 and provided accommodation for immigrants on their way to Britain. It closed at the end of 2002. As Bloch and Schuster (2002) pointed out, the Sangatte epitomized the tension between the discourses and practices of compassion, and the repression inherent in immigration policies, particularly the politics of asylum in Europe.

**Historical and Legal Context**

Carlos stands in marked contrast to the children previously apprehended by federal authorities. In the past, the treatment the children received after crossing into the United States was potentially traumatic and degrading. The INS held at least a third of the children it apprehended in secure facilities designed for the incarceration of offenders, regardless of the fact that the majority of the children were not delinquent (Women’s Commission 2002). So although US law granted them the right to apply for asylum, the children were typically commingled with the delinquent population and subject to handcuffing or shackling. The children were sometimes required to wear prison uniforms, and were locked in cells. In this system, they often went without access to the legal and social services that would be crucial to their pursuit of an asylum claim or some other form of immigration relief: housed in remote facilities, services were simply not available.21

Today, a new set of policies and procedures organized around the *Flores v. Reno* Settlement agreement and other international instruments such as the Convention on the Rights of the Child (CRC) sets the parameters of their care. No longer subject to restraint or required to wear prison uniforms, the children live in facilities that in some settings, such as Phoenix, Arizona, are comparable to nursing homes. Other settings, however, are more dilapidated. Although there have been improvements, the vestiges of the INS system are still in evidence: children report abuse while in the hands of Border
Patrol and are still institutionalized as though they presented a threat, sometimes for prolonged periods. The United States is not a signatory to the Convention on the Rights of the Child, and has not harmonized its practices with those of European nations. An outstanding issue is therefore that rather than meeting the highest child welfare standards, children are housed in 100-150 bed facilities.

It was the Homeland Security Act of 2002 that transferred the functions of the INS to the Department of Homeland Security (DHS). Section 462 of the Homeland Security Act transferred the care of unaccompanied alien children who were apprehended for immigration violations to the Office of Refugee Resettlement (ORR), part of the Department of Health and Human Services (HHS). The reasoning behind this transfer was twofold. First, it eliminated the conflict of interest in which the INS was responsible for both the enforcement of immigration law, and the provision of child welfare services. As importantly, Health and Human Services was perceived as more equipped to take on the care of the children than the Justice Department.

The *Flores v. Reno* case challenged the constitutionality of INS practices and policies with regard to the detention of unaccompanied children. The *Flores* settlement agreement addresses a range of issues. Three are particularly important: first, *Flores* required the INS (and now ORR) to release children without unnecessary delay unless detention is required to secure the child’s appearance in court, or to ensure the safety of the child or others. As a result, the overall thrust of the program is now towards rapid release. Second, the agreement specifies minimum standards of care for the licensed programs the INS (now ORR) contracts with for the placement of children in their custody. Minimum standards include adequate access to medical and mental health care, recreation, education, religious services, and legal representation. Third, the *Flores* agreement requires the INS to place children whose release is pending, or for whom no release option is available, in the least restrictive setting appropriate to the child’s age and needs. Exceptions to this general rule are found for children whom the program deems dangerous, who can be placed in secure settings. Although it was hailed as a landmark decision at the time of settlement, the *Flores* Settlement has proven not to be adaptable to the spectrum of placements that would best meet children’s needs.

Although there have been changes in the legal framework for the care and treatment of minors, the situation is very different as pertains to their immigration status. Here we see that because they are perceived as risks,
their very childhood is at risk. Even in the absence of a parent, immigration law does not regard the unaccompanied minors as children. In fact, immigration law is not customized in terms of substantive or procedural protections for their age and development. As Thronson has argued:

Unaccompanied minors, who are not “children” under immigration and nationality law definitions, sit uncomfortably outside the dominant framework in which family related immigration strips children of agency. Unaccompanied minors thus are situated at another extreme where they are forced to function as adults without accommodation based on their level of development. (2006:11).

Thronson is referring to the fact that unaccompanied children constitute an exception to the tendency in immigration and naturalization law to assimilate children to their parents’ status, at least partially upholding the importance of family to the child’s wellbeing. Family and immigration law have intersections that are troublesome to the wellbeing of undocumented children. Upholding of immigration law goals often means compromising family integrity, and achieving family integrity is often at the expense of violating immigration laws. Children are often caught in the middle—especially when immigration law reaches different conclusions about the legal rights of parents and children to remain in the United States (Thronson 2006:1).

**Dynamics of Smuggling**

How did these children come to be viewed as threats? Popular journalistic accounts and government policy makers suggest there is a “shadow side” of globalization—transnational organized crime. In this portrayal, organized criminal networks are lumped in a single category perceived as coterminous with underworld mafias. This world is peopled by snakeheads, coyotes, traffickers, and various types of “international jetsam” (van Schendel and Abraham 2005:1). The parallel process of globalization taking place in the shadows is understood as an explicit threat to the legitimate international structure, which is comprised of international corporations, individuals, and state governments. Some go farther to use a disease metaphor to describe the threat. For example, Willems suggests that organized criminal networks can be compared to an HIV virus that infects a modern state,
breaking down its natural defenses (Willems 2003 in van Schendel 2005). This jives with the general tenor of Chertoff’s comments about the threat posed by the “illegal immigrants.”

However, there are important distinctions to be drawn between the activities of internationally organized criminal gangs and the scores of micro practices that comprise human smuggling, that while often illegal in the formal sense, are not in fact driven by the structural logic of a unified purpose. In other words, smugglers who cross borders with small groups of migrants may, taken together, account for huge migration flows, but they do not necessarily represent a network or organized crime. Therefore, it is necessary to rethink the core concepts that are currently being used to analyze human smuggling (Abraham and van Schendel 2003: 4).

That smuggling triggers fears is not surprising. The regulation and surveillance of borders are a crucial part of a state’s defenses. Ferguson and Gupta (2002) link preoccupation with the state’s borders with transnational governmentality. Transnational governmentality builds on Foucault’s (1991) notion of governmentality to examine how states are able to create a powerful impression of themselves as concrete, overarching spatially encompassing realities. Neoliberal globalization has revealed disjunctions, however, and exposed the profoundly transnational character of the state and the local. This draws attention to mechanisms of governmentality that take place not only outside of, but also alongside, the nation-state (Ferguson and Gupta 2002: 996). Smugglers and the human “cargo” they transport across borders are hence particularly threatening. Chinese smuggling is no exception.

**Snakeheads**

It is extremely difficult to estimate the scope of human smuggling by “snakeheads” from China for the obvious reason that the migrants cannot be counted in any formal census or survey. Einhorn (1994) estimated that in 1994 there were some 100,000 Fujianese living in New York City, the principal destination, and an additional 10,000 entering each year. This suggests that there may be well over 200,000 undocumented Chinese immigrants in the United States today.

The children are smuggled by air, sea, and land routes. Traveling by sea in containers was a popular route, especially in the early 1990s prior to the *Golden Venture* (Zhang and Gaylord 1996). In the case of air travel, children often travel with a smuggler by air to Mexico or Canada, and then cross the US border over land. It may take months to travel by these routes, as chil-
dren often fly through several transit countries. For example, Li Dan (a pseudonym) flew from his native Fujian to the United Arab Emirates, where he lived in a hotel for two months awaiting travel documents. He was then flown to Johannesburg, where he stayed for three months before flying to Mexico City. Li Dan then traveled in the back of a truck from Mexico City across the Arizona border. Other children are flown directly into major American cities and then make their way to their final destination, typically New York City, their smugglers having destroyed their travel documents on the plane. Most recently, a popular itinerary involves flying from Fujian to Taiwan to Japan, and from Japan to Hawaii, where the children are apprehended at Honolulu International Airport.

According to some observers, Chinese smugglers are highly organized transnational criminal enterprises (U.S. Senate 1992; Burdman 1993). U.S. authorities suggest that Chinese smugglers of people also bring heroin into the US. (U.S. Senate 1992). Political pundits gloss human smuggling operations as “powerful and elusive” (Naim 2005). And journalists tend to emphasize their power and organization, describing Chinese smugglers as well organized, with sophisticated networks: “Far from being crude criminal enterprises, investigators came to realize that these were slick multinational networks with operations that ran like clockwork” (Casciani 2006).

By contrast, the scholarly literature suggests there is little empirical evidence to continue to support these claims (Chin 2001: 218). For example, Myers argues that Chinese smuggling is “carried out as a form of entrepreneurial activity by and among persons who are linked by language (dialect group) and lineage (ancestral birth place)” (1994:4). According to a survey of 300 informants by Chin, drugs were virtually absent from smuggling operations (2001: 221). A survey conducted by Zhang and Chin and published by the National Institute of Justice (2004) suggested that smugglers did not consider themselves part of an organized group. In fact, none of them considered themselves criminals, but rather saw themselves as business people engaged in a benevolent enterprise of helping their fellow humanity. Researchers found no “godfather” figure who dominated an entire group of smugglers or commanded a group of subordinates (Zhang and Chin 2004). Smugglers who were interviewed emphasized the marked lack of a hierarchical order. As a Los Angeles-based smuggler said,

Everyone involved is useful in his own way and does his own thing only. There is no leadership in any smuggling rings. Leadership will
not emerge because the work involved is so specialized (Zhang and Chin 2001:8).

This smuggling of children, financed by the children’s families in China, is different than the large-scale Asian prostitution smuggling or eastern European smuggling for prostitution that also transpire: children and adolescents smuggled explicitly for prostitution, with exceptions, unfortunately remain outside the care of the Division of Unaccompanied Children’s Services. There are, however, anti-trafficking programs designed to serve them and these cases deserve to be analyzed separately.

If we turn to the children for a third perspective on smuggling, it is interesting to note that, as a key informant interviewed for this study suggested, the most frightening element of the journey is apprehension by United States law enforcement entities, not interactions with smugglers. It is of course difficult to ascertain with any degree of certainty the true risk posed by Chinese smuggling rings. Judging by the fees charged, the level of exploitation is significant. However, all of the children who were smuggled from China for family reunification and subsequently apprehended by federal immigration authorities arrived unharmed. None reported assault, rape, or any links to drug trafficking. It is important to note that the final “link” in this immigration chain also poses danger for Chinese children. For example, it was discovered that one sponsor who came forward was actually turning tricks in the New York studio she had proposed sharing with the child. If they are released to individuals who are willing to care for them, Chinese children may transition to life that is burdened with debt, but otherwise structured by school, friends, and meal times. If, however, children are released into the hands of smugglers, or if the debt, which becomes payable upon release from federal custody, is not paid in a timely manner, the children will face a much more difficult existence.

The program to reunify Chinese children with potential sponsors, (typically first and second cousins, aunts and uncles) screens out smugglers through a highly developed system of background checks, checks of the household registry and birth certificates from China, conversations with the family in China, and dialogues with the child. What is troubling is that even a child welfare perspective driven by a moral and ethical imperative to protect the children and ultimately to release them from federal custody to care givers, can make the children vulnerable and have negative consequences: Chinese children released from federal custody are not only separated from their
immediate family, but asked to shoulder an enormous financial burden. Here the politics of compassion have unintended side effects. Rather than comprising family reunification, the system promotes family disintegration.

While some parents’ motivations for smuggling their children out of Fujian stems from persecution, the majority of Chinese parents who have their children smuggled to the United States are middle class Fujianese who want better lives for themselves and for their children. The migration emerges from a set of factors including increasing inequality that arises out of China’s transition to a market economy. There are also cultural and psychological factors: going abroad has been woven into the traditional ethos of the dutiful son or daughter. Children who are reluctant to go are considered *mei chu xi* or “no great future.” This represents a marked change. During the cultural revolution, having relatives abroad was not something to be proud of, as it is now. This greater openness to transnational ties poses a new challenge for children, who now live in very different imaginative worlds. They no longer imagine themselves as national subjects but construct their identities, and their affective ties to friends and family, transnationally. This to say that their emotional attachments, like their life trajectories, span the globe. Their descriptions of being smuggled to the United States were also embedded in concerns about the filial piety and the sometimes difficult transition to what they perceived to be adulthood: working and going to school in order to make better lives for themselves and their families. The children bore this burden stoically. They also organized their lives bifocally; planning to visit as often as possible and to send their own children back to China for some part of their education.

Surrounding ideas of “no great future” are a whole set of impressions about overseas Chinese. Since the late 1970s, China has encouraged overseas Chinese to visit and to invest. Local Fujianese therefore witnessed exorbitant expenditures and imagined a lavish life in the United States. But Fujianese do not always have a realistic understanding of how hard one has to work, and how difficult the conditions in the United States are for undocumented workers (Liang and Ye 2001). The flow of remittances has also changed the income distribution and the life styles in Fujian, resulting in a sense of lack for those who do not receive them (Liang and Ye 2001). Chinese children are placed in the position of helping to fulfill parental dreams of success and prosperity. For the future, we need to paint a better ethnographic picture of the children’s imaginative worlds: children’s voices and stories can help us to make better sense of these tensions surrounding
immigration. The smuggling dynamics from China are fundamentally different than those from Latin America.

Polleros and Pollos
During much of the 1980s, the children who came from Central America were fleeing forced military recruitment. Today, it is most often to leave dangerous gang entanglements or to seek out family in the US. Parents who migrate north to escape poverty or violence often leave young children behind with their grandparents, aunts, or cousins for safety reasons. These care arrangements frequently break down in their absence and the children come in search of their parents in an attempt to avoid situations of abuse or neglect. Miguel’s story is typical:

After Miguel’s father was killed in a gang altercation, his mother Sophia left to find work in the north, leaving her son Miguel, then 6, in the care of her sister. Her sister soon remarried. Her husband resented Miguel, and when drunk, beat him. The abuse escalated to severe beatings, and Miguel, having no one to turn to in Guatemala, left in search of his mother.30

Their journeys can be distinguished from those of Chinese: unlike the Chinese children who pay high fees and arrive unmarked by violence, Central American children undergo harrowing journeys in which they survive or witness attacks and robberies, fend off or fall victim to sexual assaults and rape, and even lose limbs in the process of jumping trains. The journeys are so difficult that many children suffer from the symptoms of PTSD (post-traumatic stress disorder) and are frequently in need of counseling and medication upon arrival.

A typical journey from Central America begins with a bus ticket to Mexico. This is purchased with funds that are borrowed locally from friends or relatives, or wired from parents and relatives in the United States. Children also hitchhike and travel by car, often stopping along the way to work and make money for the journey. The children typically travel light but a common possession is a bible in which important phone numbers have been written. If their parents have not already hired a smuggler, it is in the borderlands that they find polleros or polleros find them. In this exchange the migrants are the pollos, or “chickens,” in need of polleros, or “chicken herders.” Polleros or coyotes transport migrants by truck or van through Mexican checkpoints
south of the border, the location depending on the sector. While some children are smuggled in vehicles through United States Border Patrol and Enforcement checkpoints, the majority walk across the border, typically in small groups, to stash houses on the American side. Children report staying in these houses for short periods of time, typically three or four days to a week, while the smugglers collect the second half of the payment, sometimes raising the price from what was originally agreed upon. Children are closely guarded, and threatened that if they leave, they will be apprehended by “immigration.” Rapes are common.

The fee for smuggling services ranges from $1,500 to as high as $12,000 depending on the distances traversed, the sector, and the mode of travel. In most cases, the relationship between the pollos and coyotes or polleros ends when the journey is complete. However, if the fee is not paid, or if the polleros want additional money and it is not forthcoming, the family in Central America may be threatened and even attacked. Leticia’s case is an example:

*Leticia came from Honduras to settle in the northeast with her mother, who had left her in Honduras when she was two. Leticia borrowed money from her aunt and hired two coyotes to transport her across the border. The coyotes decided, as they held her in a safe house, that the family would have to produce additional payment. However, neither the girl nor her mother could produce any more funds. To extract further payment from the family, the smugglers raped the girl’s sister who was still located in Honduras.*

There is growing evidence that the coyote business is hardening: abusive and extortionist tactics may be on the rise. Moreover, some argue that drug cartels are becoming involved in the smuggling that is taking place across the United States southern border. However, in spite of well-known practices of abuse and exploitation at the hands of unscrupulous smugglers, children and other migrants continue to rely on them because they feel it makes it more likely that they will arrive alive.

While the majority of the roughly 100,000 undocumented, unaccompanied children who are apprehended are Mexican, Mexican children are rarely slated for release to family through the Office of Refugee Resettlement’s Division of Unaccompanied Children’s program. In keeping with an agreement between the governments of Mexico and the United
In the United States, some 95,000 Mexican children are returned annually. Even for children, then, there is a limited humanitarianism on the ground: there are robust racial and ethnic hierarchies in operation that privilege some children more than others. The hierarchy is manifest not only in the likelihood that the child will be reunited on this side of the border, but in the kind of attention the child receives on the path from apprehension to release. Even though Chinese smuggling is relatively incident-free compared to smuggling from other regions, children from China and India are automatically referred for assessments to determine whether potential caregivers are true family members, and whether they are able to care for the child. The Asian model of (seemingly) innocuous smuggling behavior, in comparison to the Latin American model of violence, rape, and cruelty, is to a certain extent an artifact of demographics, geography, and national policy: until the tightening of the US-Mexican border, much of the smuggling was a familial, especially from Mexico. The trade was taken over by individuals who increased the risks, as well as the price per person. The assessment is supplemented with 90 days of follow up designed to help the child enroll in school, find a pro bono attorney, locate medical and mental health services, and adjust to his or her new community. By contrast, children from Latin America must meet multiple and specific criteria to be referred for assessment and follow up. So while the journey from Latin America is especially perilous, the Division of Unaccompanied Children’s Services still characterizes the smugglers from Asia as more dangerous. The cultural construction of childhood is not identical historically or culturally/socially, for all children: class, race, ethnicity and gender play important roles. Ultimately, the politics of compassion have created an uneven terrain of protection for children.

There are three interlocking explanations for this uneven terrain. The first explanation is historic: Chinese smuggling has traditionally been associated with virulent, drug-laden, and criminalized smuggling rings who used torture to extract payment. The federal system has not fully caught up with changing smuggling dynamics for many of today’s children and adolescents. Nor could they fully catch up because with changing border practices, the dynamics are constantly shifting. Second, aside from the tamer nature of smuggling from Asia, there may also be a racial explanation. In writing about the new demonization of Hispanic immigrants, Massey argues that while Hispanics used to occupy a position between Blacks and Whites, immigration reform and rhetoric have led to a situation in which Hispanics have come to replace African Americans at the bottom of the racial hierarchy (Massey
2007: 151). By contrast, “there is presently little conceptual framing or social boundary work going on to create social distinctions between Europeans and Asians in American society (Massey 2007: 113). Asian children may receive a higher standard of care as a result of higher standing within a racial logic. Undocumented immigration has been accompanied by a demonization of Mexicans who are framed as threats, not only to American culture, values, and workers, but national security. Not surprisingly, immigration has increasingly been described in militaristic terms (Massey 2007: 135). Finally, there are financial reasons: the vast majority of children crossing US borders undocumented and unaccompanied are of Hispanic origin. Within the present legal framework there are simply not enough resources available to provide all the children with comprehensive assessments and follow up services that would facilitate their integration.35

**Competing Agendas**

What the two migration flows have in common is the extent to which they are mediated by transnational imaginings and the children’s precarious legal status. Concretizing competing agendas, policies regarding unaccompanied alien children are inherently contentious. While child welfare advocates (such as the religiously-based NGOs) argue that the children are similar to refugees, immigration security advocates argue that unauthorized immigration is associated with community violence and illicit activities. The resulting policy configuration catches families in the middle, between competing agendas.

Navigating this contradictory space entails hard decisions. There are at least three specific ways in which apprehended children mediate their family’s transnational migrations and ultimately bring to light the competing agendas of security and humanitarianism. First, parents and family members coming to pick up children are often given Notices to Appear at immigration proceedings. This frightening prospect sometimes forces them to choose between risking exposing their undocumented status and repudiating the child. There are cases in which Department of Homeland Security uses the information it obtains from the Office of Refugee Resettlement to identify and track down undocumented immigrants for removal. Here, children are at the intersection of two alternate and competing moral agendas. One releases them into communities, the other, in keeping with the war on terror and the preoccupation with security, apprehends them in order to deport
them. A way forward that many have arrived at has been to put a friend or distant relative with immigration status forward as the sponsor for the child, instead of themselves. When undocumented families do take the risk to come forward to pick up a child they make very difficult choices between modes of transportation such as bus (cheaper but subject to immigration raids) and airplane (expensive, requiring documents). A new strategy is to rent apartments solely for the purpose of constructing a “cover” for the family’s actual whereabouts. Future research can investigate which strategies are likely to succeed and are subsequently adopted. Undocumented parents who cannot find anyone to come forward in their place are in a difficult position: without any prospects of family reunification, their child may be given a choice between voluntary departure and deportation.

Another juncture in the family reunification process that presents a difficult choice is the now mandatory fingerprinting and criminal background check that sponsors and members of their households must go through. This process, inspired by the security preoccupations of the federal authorities, is the single largest reason for reunifications to fall through. Since fingerprinting is required for all adult household members, sponsors must ask housemates to submit to the process. Not all are willing and the pressure prompts changes in households. Domestic partnerships break up and common law marriages are strained.

A third set of dilemmas obtains for the families whose children make it across the border and come and live with them, only to be later placed in removal hearings. “Sebastian’s” parents had to leave when he was three years old. After a ten-year separation, they brought him north, but Sebastian had difficulty adjusting to the complete transformation of his social landscape in which his parents had built a life around siblings he had never met. Sebastian began to act out, first setting a small fire in his school, and then becoming involved in a gang. After an incident in which he threatened another child with a pocket knife, school authorities called the police. When Sebastian’s undocumented status was then discovered, he was taken into federal custody. Sebastian was placed in a secure facility where he has done well, progressing through the disciplinary levels without any incidents.36

Learning that he might be deported, Sebastian’s family debated among themselves whether or not to return to El Salvador with him. My contact with
the family led me to believe it was a difficult time: they expressed the idea that they had waited a long time to be reunited as a family and did not want to be separated again. At the same time, undocumented children who enter the Division of Unaccompanied Children’s Services through law enforcement or the juvenile justice system are some of the most controversial. Opinions were divided as to whether Sebastian should be released or not. On one hand, the facility staff saw a traumatized boy that was open to reshaping. This was a view that Sebastian shared. In a personal interview, he told me that “I know what I did was wrong and it’s not going to happen again. I’m learning other ways to deal with it when I’m angry.” He was referring specifically to the anger management training that included strategies like journaling, that he received in the facility. On the other hand, the Office of Refugee Resettlement expressed the view that children with gang entanglements are not always releasable, posing a risk to the safety of their families and communities. In Sebastian’s case, we can see the extent to which children are an important interpretive site precisely because they are so open to competing and even opposing claims (Levander and Singley 2003: 5).

Conclusion

In this article, I have attempted to make visible the dynamics of children who are smuggled into the United States undocumented and unaccompanied. While the organization of care is predicated on fears of the smuggling networks, deeper analysis suggests that the danger to the children is systemic, not only lodged in smugglers. A constructive approach to this relationship considers the wider social and economic context in which human smuggling is expanding and thriving, rather than simply demonizing the smugglers. Placing human smuggling in its context can highlight a number of other important dimensions. Children who migrate unaccompanied and undocumented are highly agentive, marshalling inner resources as well as finding their way in the world. It is clear from stories of reunification that children mediate the transnational migrations and the imaginings of their parents and care givers in particularly powerful ways. Ultimately, the care and treatment of children is not just a migration issue but an affective one embedded in politics of compassion. As such, is it is shot through with tensions and contradictions.

While the Department of Health and Human Services (through the Office of Refugee Resettlement) funds programs that “rock the cradle” of unac-
companied, undocumented children in the United States, the Department of Justice, (through Homeland Security) tracks down, sweeps up, and deports the very same children. This article has begun to identify the regime of truth underwriting this dyslexic, political practice and the discourse surrounding it. In order to provide more humane, egalitarian, and just response to the migration, these kinds of tensions and contradictions need to be made more conscious. Rather than dismantling the politics of compassion, what is needed is a clearer understanding of the childrens’ paths to the United States, and a system without the racial and ethnic hierarchies that are currently in place. Otherwise, children will be confined to the space between the war on terror that treats immigrants, even below the age of 18, as security threats, and politics of compassion that emerged from early 21st century immigration reform.

ENDNOTES

1According to the Department of Justice Office of the Inspector General. A portion of this article is reprinted from Anthropology News, Vol 48, issue 5, with the permission of the American Anthropological Association.

2According to conservative estimates, there are 10,197,148 undocumented non-citizens in the United States (Gray and Gautier 2006). According to more liberal calculations, there are many more.

3Recently, the use of the term “slavery” to convey the exploitative relationships characterizing modern day trafficking has returned to use after its well known popularization in the nineteenth century. Smuggling, trafficking and concerns about these practices have a deep history that is beyond the scope of this article.

4In this article, I use “smuggling” to describe a consensual relationship in which a human smuggler aids another individual in crossing a border. The relationship typically ends with successful crossing. By contrast, trafficking entails force, fraud, or coercion, and usually labor or sex for the benefit of the trafficker. Trafficking may or may not involve crossing an international border. Smuggling can of course turn into trafficking.

5In this article, I use the word “children” to refer to any individual under the age of 18. This includes both children and adolescents. I select this term because it was how these individuals were framed by the program that served them. However, I recognize the terminological distinction is fraught with difficulty. Although it has been much critiqued in child research, “children” is still a more neutral term than “minor” and “juvenile” used by the federal government.

6According to Amnesty International, the number of children traveling alone has jumped more than 100 percent in the last seven years. See Vanderpool 2005.


8All names used in this article are pseudonyms.

9Case notes based on telephonic interview, October, 2005.

10Personal interview during site visit, September 2005.
11Case notes based on telephonic interview, June 26, 2006.
12In keeping with a biological logic operative in American understandings of kinship (Schneider 1980) the Office of Refugee Resettlement has constructed a hierarchy of preference for release in which consanguinal kin are given preference over affines.
13Victoria has a criminal record that included unresolved human smuggling charges.
16The literature on juvenile offenders has swung from framing offenders as in need of therapy and rehabilitation to viewing them as criminals deserving punishment.
17See for example the Women’s Commission for Refugee Women and Children Report “Prison Guard or Parent?: INS Treatment of Unaccompanied Refugee Children.”
18I also found my work with the children to be emotional labor that was at times exhausting. It is perhaps impossible to engage in this type of work without becoming emotionally involved. Over the three year period, I suffered vicarious trauma as result of becoming familiar with very traumatic life histories involving rape, torture, abandonment, murder, and various forms of mental and physical abuse.
19Of course, if US taxpayers knew the amount that had been spent on a young undocumented immigrant many would not only be surprised but dismayed.
20May 12, 2005.
21It is interesting to note here that the pendulum has swung between treating juveniles delinquents as in need of therapy and rehabilitation (which left them somewhat vulnerable legally) to treating them as in need of punishment.
22The case went to the US Supreme court before it was remanded to the court in which it originated, the District Court of the Southern District of California. The plaintiffs and the government reached a settlement in 1996.
23The average stay of a child in an ORR funded facility is 45 days. When the safety of their release is in question, or when children have complex needs, they are specially assessed, and the stay can be somewhat longer. www.acf.hhs.gov/programs/orr.
24The international legal framework is far more comprehensive in its humanity towards children. The 1989 Convention on the Rights of the Child (CRC) not ratified by the United States recognizes that all children under the age of 18 require special care and protection. The Convention codifies children’s needs and rights. States are required to address the needs of unaccompanied children to the same extent that the needs of native children are satisfied.
25Foucault points to all the processes by which the conduct of a population is governed. These include institutions and agencies including the state; discourses, norms, and identities; and by self regulation and the techniques for the disciplining of and care of the self. Foucault was interested in mechanisms of government that are found within state institutions and outside them.
26Human smuggling from China is known to many as a result of the Golden Venture (Jinse Maoxian Hao), a ship carrying 286 undocumented Chinese migrants that ran aground off the coast of Queens in New York City in 1993. The image of “evil snakeheads” and their human cargo was further dramatized in the popular Hollywood film Lethal Weapon 4, and swept into the spotlight in June 2000 when 58 Fujianese migrants suffocated in a tomato truck in Dover, England (Casciani 2006). While events in the 1990s catapulted human smuggling from China into the popular imagination, the phenomenon began at least a decade earlier. In 1979, the US established diplomatic relations with the Peoples Republic of China, and China liberalized its immigration regulations to qualify for most-favored nation status with the US (Dowty 1987). As a result, tens of thousands of Chinese legally
immigrated to the US. But US immigration quotas allow only a limited number of Chinese to come to the US. Therefore, in the late eighties, those who lacked legitimate channels of immigration began turning to smugglers to help (Chin 2001). While initial waves of undocumented Chinese or “human snakes” came from Guandong (southern China) and settled in Chinatowns throughout the United States, recent waves come from rural Fujian (a province in Southeast China) and settle primarily in New York City.

The networks that make this possible involve big snakeheads, who are typically Chinese living outside of China and invest money in a smuggling operation to collect profits. They work directly with the little snakeheads, who are recruiters. Recruiters are typically Fujianese known to, and respected by the families (Zhang and Chin 2002). They are responsible for collecting half of the smuggling fee, a sum that can range from 25,000 to 35,000 dollars. Also necessary are transporters who help immigrants in China travel by land or sea to make their way to the border or the ship. Transporters based in the US complete the journey. Crucial links in the chain are corrupt Chinese government officials (who accept bribes in return for Chinese passports) and the law enforcement authorities in transit countries who aid the Chinese to enter and exit.

In one case, the father of the family was beaten in front of the children and taken away due to violation of the one-child, one-family legislation. The injuries he sustained as a result of this beating disabled him and, unable to return to work he could not adequately support his family. Ultimately, this meant he was unable to pay the fees that would have been required for the second child to attend school. An aunt in San Francisco offered to sponsor the child if they could have her transported to the U.S., so the family borrowed money to have her smuggled to California. Under the one family-one child law, this family had been subject to intense harassment. Other immigration stories that fed into asylum claims included persecution due to Fulan Gong participation, and selling Bibles.

The micropractices of smuggling can be placed in larger geopolitical context. One of the largest migrations in the world is taking place across the Mexican border. It is estimated that nearly 15 percent of the Mexican workforce now resides in the United States (Bowdon 2006) and the remittances they send back support the Mexican economy. There are similar dynamics for Guatemala, Honduras, and El Salvador, primary sending countries of undocumented immigrants. Discussions of fencing the border, employer sanctions, and earned amnesty elide the fact that for decades, the United States not only tolerated but supported various non-democratic rulers in Central America and Mexico. Now, when millions flee, the migration is framed in bland terms of structural readjustment associated with globalization. The immigration debate is conspicuously thin on discussion of development and democratization in the countries the migrants are fleeing. As McCain’s speech and talk surrounding the boy who was given a heart suggest, complex and sometimes contradictory emotions are at the core.

It is important to note here that although Indian children often travel over land across the United States northern border with Canada, Chinese and Indian children are also coming across the same southern border as the Latin American children.

Case notes based on telephonic interview with Carlos and the facility where he was placed, February 2006.
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