

# Gender, Psychology, and Justice

*The Mental Health of Women and  
Girls in the Legal System*

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## Undocumented Mexican Women in the U.S. Justice System

### *Immigration, Illegality, and Law Enforcement*

ANNA OCHOA O'LEARY

While in detention, the women asked for food and milk for their children but received nothing. The cells were cold. Their children trembled with cold: "Mis hijos temblando de frio." [My children trembled with cold.] For two days they were with their children, after which the official made good his threat and their children were taken away. At first their feelings were mixed. At least their children would be warm, they consoled themselves.

—Betita and Irma, Nogales, 2007

Undocumented immigrant women, such as Betita and Irma, are increasingly coming into contact with the U.S. justice system. This is due to ramped-up immigration enforcement efforts throughout the entire nation (Rocha Romero and Ocegueda Hernández 2013) and the rise in the number of immigrant women entering the United States since the late 1990s (Cerrutti and Massey 2001; Donato 1994). The 1994 neoliberal economic agreement among Mexico, the United States, and Canada—the North American Free Trade Agreement (NAFTA)—disrupted subsistence economies in Mexico (Hing 2010; Koulisch 2010), which set into motion one of the largest migrations of undocumented immigrants in U.S. history. Women were disproportionately impacted by the economic disruption in Mexico brought about by NAFTA (McCarty 2007; McGuire 2007). This is reflected in the greater rates of women migrating through Nogales, from 4.9 percent of all immigrants in 1994–1995 to 37.1 percent in 1998 (Castro Luque et al. 2006).

Subsequently, in what is widely acknowledged as a backlash to the dramatic rise in undocumented immigration, thousands of state and municipal-level immigration-control laws have been proposed and/or passed in the United States since 2005 (Harnett 2008; Hing 2014) (see figure 10.1).<sup>1</sup> The anti-immigrant sentiment that this trend reflects has served to normalize general and long-standing disrespect and suspicion towards mostly Mexican immigrants (Romero 2008) and the pervasive and insidious social construction of immigrants as "illegals." The social construction of "illegals" is a product of ideas expressed outside the legal arena, through various discursive practices within the wider society that increasingly couple immigration with criminality, and immigration law with criminal law (Menjívar and Kanstroom 2014; Plascencia 2009; Romero 2008). These ideas contribute to immigration enforcement practices and the harshness immigrants experience when they come in contact with law enforcement (Orraca Romano, Paulo, and Corona Vilavivencio 2014; Juby and Kaplan 2011; Capps et al. 2007).

The intersection of the U.S. justice and immigration systems is a significant recent development that has impacted a great number of individuals. It is visible in the implementation of so-called consequence programs such as Operation Streamline. Operation Streamline is a "fast-track" legal procedure that requires the federal criminal prosecution and imprisonment of immigrants in certain jurisdictions as a way to dissuade unlawful entry and reentry into the United States (Lydgate 2010). Through this program, over 17,850 immigrants a year have been prosecuted and have entered the U.S. immigration detention system (Williams 2008). Those prosecuted include immigrants who have been in the United States for many years (Slack et al. 2013). About 7–10 percent of these are women.<sup>2</sup>

Operation Streamline was first put into effect in 2005 in a limited segment of the Del Rio U.S. Border Patrol sector in Texas. Since then, it has been expanded to seven of the nine southern U.S. Border Patrol sectors, including the busiest one, the Tucson sector. Operation Streamline cases are heard *en masse* in federal courts. For example, every day in Tucson Arizona, seventy migrants go through the process of initial appearance, arraignment, plea, and sentencing in a matter of a few hours. During this time, they are shackled at the feet, waist, and wrists (Slack et al.

2013). For their initial appearance in court, they wear the same clothes they wore crossing the border, and are undernourished (Nazarian 2011). The Streamline program has been sharply criticized for eroding due process guarantees (Nazarian 2011).

For immigrant women, the long-term psychological implications of arrest, prosecution, detention, criminalization, and repatriation by the U.S. justice system continue to be underresearched. This is due to several related reasons. One is that after their repatriation or removal from the country, women may return to their communities of origin, where few support services may be available to them. Similarly, for those who successfully make it across the border into the United States and settle into communities as “undocumented,”<sup>3</sup> immigration status complicates their ability to access health services in general (Kaltman et al. 2010; O’Mahony and Donnelly 2013). In such circumstances, silence, minimization, and suppression of traumatic events that are known to produce psychological distress may be the only way to cope. They may also explain the dearth of information about mental health disorders for these populations.

This chapter examines the experiences of recently deported Mexican immigrant women whose encounter with immigration enforcement officials came primarily through arrests by agents and agencies responsible for enforcing U.S. immigration laws. Most of these women came to Albergue San Juan Bosco, a migrant shelter in Nogales, Sonora, Mexico, as a result of their repatriation or deportation, either because they were living in the United States for any number of years and were detained by either the police, the U.S. Border Patrol, or both, or because they were detained as they attempted to cross into the United States. These women shared their stories in the context of a research project carried out in 2006–2007 that aimed to investigate the nature of their interaction with arresting officers (O’Leary 2008, 2009c).

The shelter Albergue San Juan Bosco is located in Nogales, Sonora, Mexico, a border city fifty-five miles south of Tucson, Arizona. Nogales lies within the busiest migration corridor that links Mexico to the United States. The shelter provides housing and food to repatriated migrants who, upon their release from the custody of U.S. immigration enforcement authorities, often find themselves without a support system in the area. It accommodates both male and female migrants who typi-

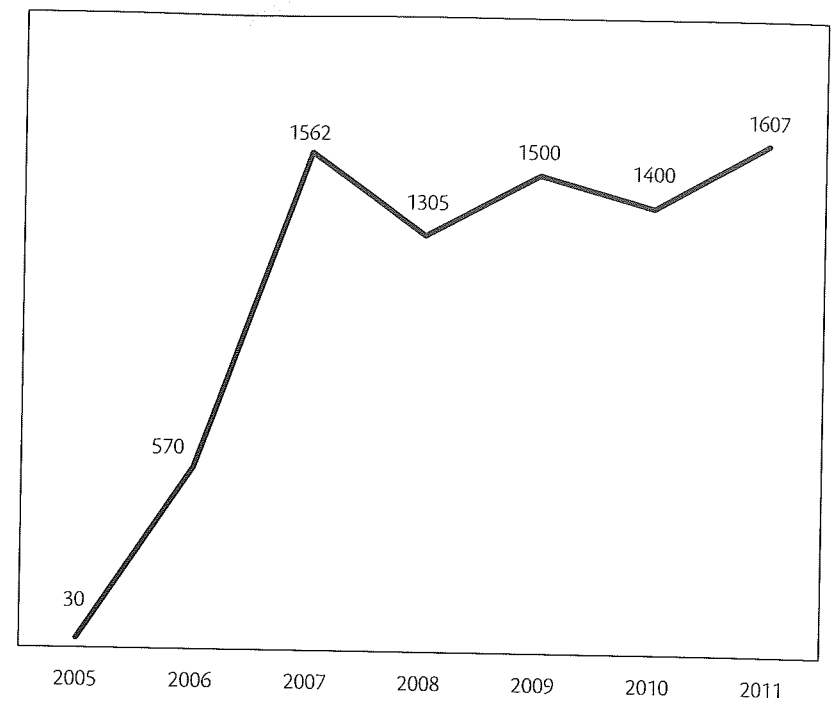


Figure 10.1: Number of State Immigration Laws, Proposed or Passed, 2005–2011. Data compiled from Immigrant Policy Project of the National Conference of State Legislatures.

cally stay only one to two nights before either attempting to reenter the United States or returning to their communities of origin.

Given the transient status of migrants at the shelter, I chose Rapid Appraisal (RA) techniques for the research (Beebe 2001). A semistructured topic guide was used to interview migrant women who arrived at the shelter. This topic guide was designed to investigate women’s encounters with the system of immigration enforcement laws, the agents responsible for carrying them out, and their practices. It also helped document more fully the various systems that simultaneously facilitate migration, such as social networks (O’Leary 2012), employer/employee relations, and the organization of the unauthorized crossing of the U.S.-Mexico border (O’Leary 2009a), and those systems intended to impede migration, such as border enforcement (Cunningham and Heyman 2004; O’Leary

2009c). The U.S. system of immigration-control laws and corresponding punitive measures are designed to dissuade and impede the unlawful movement of migrants across the U.S.-Mexico border. For example, in Arizona, migrants who reenter the United States without authorization and are reaprehended serve progressively longer prison terms in the state's immigration detention centers (Alvarado 2004), or may be repatriated to places distant from where they were apprehended, a practice known as the Alien Transfer Exit Program (ATEP) (De Leon 2013).

The interviews with the migrant women captured the different ways in which they experienced the system of immigration enforcement laws, and thus provided the opportunity to reflect on the possible long-term mental health effects of these experiences. Between February 2006 and June 2007, 129 migrant women were interviewed at the shelter. With the consent of those interviewed, the majority of these interviews were tape recorded. Other information-gathering activities included informal conversations during quotidian activities with migrant women, such as eating or assisting with shelter tasks. Interviewing the women was challenging due to the limitations on the time that I had to solicit their cooperation and establish a measure of trust.<sup>4</sup> The shelter opened its doors at 7:00 every evening, and during a span of about three hours, migrants had to register, eat, wash, and bed down for the night. Few stayed beyond one night, virtually eliminating chances to meet anyone a second time to ask follow-up questions. A few women were reluctant to be tape recorded, in which case I wrote notes during the interviews and attempted to write down as many quotations as possible. Fortunately, most were willing if not eager to relate their experiences on a variety of topics. During these months, I visited the shelter every two weeks to conduct interviews.

The profile of the sample of women I interviewed showed that an overwhelming majority were fleeing poverty. They came from Mexico's most economically "disadvantaged" states, which primarily rely on subsistence agriculture (O'Leary 2012): 35.7 percent came from Chiapas, Guerrero, Oaxaca, ranked as the most disadvantaged according to Mexico's Instituto Nacional de Estadística Geografía e Informática (INEGI)<sup>5</sup> and 37.2 percent came from Campeche, Hidalgo, Puebla, San Luis Potosí, Tabasco, Veracruz, ranked as the second most economically disadvantaged group of states (O'Leary 2012). This demographic profile is important for understanding how the U.S. immigration enforcement

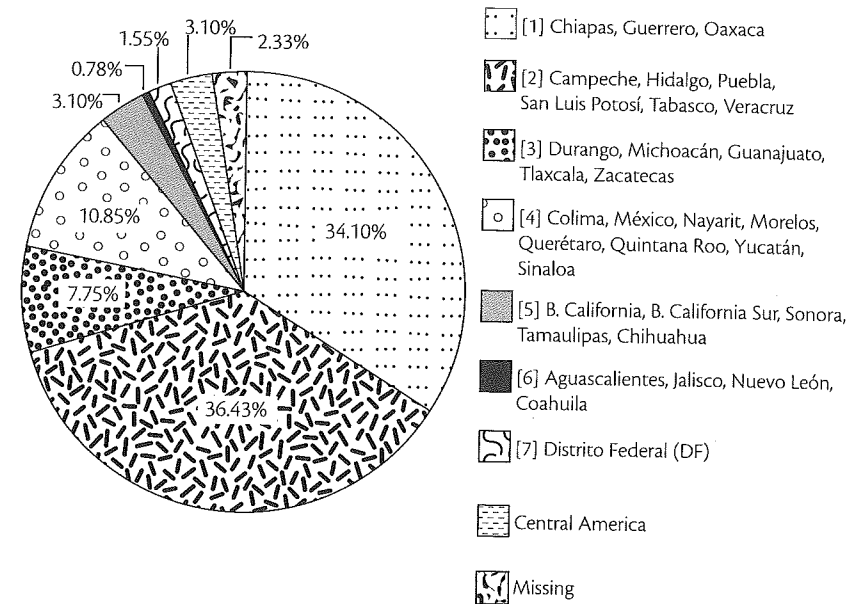


Figure 10.2: Distribution of Sample (N=129), by State Ranking (1–7) from Most Disadvantaged to Least.

system intersects not only with gender but also with class. Moreover, an analysis of data gathered from repatriated migrants along the border in another study found that those who are more likely to be victims of aggression during apprehension are less economically advantaged (Orraca Romano, Paulo, and Corona Villavivencio 2014).

### Violent Encounters with U.S. Immigration and Justice Officials

A content analysis of the interviews with migrant women revealed several patterns of mistreatment by immigration enforcement agents after women had been arrested and while under custody in detention facilities:

- 7.14 percent expressed complaints about the manner in which they had been transported to the detention center;
- 25.71 percent expressed complaints about the conditions in the detention center facility;

- 10 percent were physically abused by a U.S. Border Patrol agent;
- 21.43 percent witnessed someone else being physically abused by a U.S. Border Patrol agent;
- 10 percent were verbally abused by a U.S. Border Patrol agent;
- 10.71 percent witnessed someone else being verbally abused by U.S. Border Patrol.

The narratives, translated from Spanish, revealed that the women experienced both physical and psychological trauma. The sample included a total of forty-five reported incidents in which they witnessed or were victim of some form of physical or psychological abuse while under U.S. Border Patrol custody. They also reported fifty-five negative experiences in U.S. detention centers, mostly related to the lack of food, extreme cold, and unsanitary conditions. For example, one migrant woman, Elizabeth, witnessed the physical abuse of her husband at the hands of a border patrol agent, and she herself was subjected to abusive conditions while in detention. She explained that after the group of migrants that she and her husband had been a part of crossed near Sásabe, Arizona, they caught their ride, but while on the way to Phoenix they were stopped by a U.S. Border Patrol agent. At that time she witnessed a border patrol agent beat up her husband because he tried to run. Later, in detention, she observed that the officers seemed to enjoy making migrants suffer by ignoring their requests to go to the bathroom. She and others were detained for about nine hours and were not given any food.

In a separate incident, another migrant woman, Isabel, related that when the border patrol agent found them in the desert, some of the women and men tried to run, and that the agents beat them up, threw them to the ground, and kicked them and punched them. They too were denied food and drink at the detention center. Isabel referred to the detention center as the “*perrera*,” Spanish for “kennel”—a metaphor commonly used by migrants. The border patrol truck has also been referred to by this name. Migrants have also referred to the outdoor detention yards as “*gallineras*,” Spanish for “chicken coops.” The coyotes who guide them through the desert are often referred to as “*polleros*,” Spanish for “those who care for chickens” (O’Leary 2009a). The self-deprecating nature of these metaphors indicates the extent to which migrants have become dehumanized (Santa Ana 1999). This discursive practice is known

to occur in racialized spaces where inequality is articulated and reproduced. Placed in historical context, labeling used to dehumanize and objectify Mexican migrant populations can be traced to the end of the Bracero Program when it became common to refer to those who entered the United States to work in ranches and fields as “wetbacks” (Plascencia 2009), “muds,” or “illegals” (Rodriguez and Paredes 2014). As Rodriguez and Paredes (2014) argue, such derogatory labeling strips migrants of their human qualities, normalizes their harsh and cruel treatment by immigration-control officers, and prepares them for large-scale criminal processing in justice systems designed to achieve expediency by operating in assembly-line fashion.

The narratives of the immigrant women I interviewed at the shelter illustrate how ideas about immigrants and immigration materialize in callous disregard and rough treatment by agents when they arrest migrants. Antonia and Cecilia<sup>6</sup> were two women from the Mexican state of Puebla who crossed into the United States at a remote place in the desert near Sásabe, Arizona. Sásabe is one of six ports of entry in Arizona. Much of the area north and east of Sásabe is within the remote and isolated Buenos Aires National Wildlife Refuge. For this reason, Sásabe has been a major gateway for unauthorized border crossers. On the evening we met, the women described their encounter with the U.S. Border Patrol and their experience in short-term detention.

ANTONIA: We were all resting, a total of sixty persons, when the Border Patrol came walking through the desert, and, well, they caught us sleeping. We were only about ten minutes from where we would be picked up, or so the guide told us. We had walked three nights and three days. First four of them came. They were very angry and they treated us very badly. They spit on us, yelled at us, they spoke among themselves, humiliating us. One grabbed me by my hair and they threw me down and kicked me in the stomach. I think that because women were mixed in with the men, I think that he thought I was a man. I complained, telling him that I was not a man, but he just shoved me down and yelled at me. They also beat up a young man terribly, and his friend. Even one of their own fellow officers scolded him and told him to let us alone.

O’LEARY: Can you tell me what the officer looked like?

ANTONIA: He wasn't very tall. He looked like a Chicano and all he said were vulgarities. There were two Chicanos because they spoke Spanish.

CECILIA: There were two persons who were Latino. It is the Latinos who devalue being Latino. When I was detained the first time, it was a Chicano *migra* [border patrol agent], and he hit me against a pipe, and I heard him say "son of a bitch," and he put his knee on my waist to handcuff me.

O'LEARY: So then what happened?

ANTONIA: So then they put us all together and told us to spread our legs, as much as we could, then they stuck us all together, one behind another, men and women alike, and they dragged us along the ground, with the dogs at our side.

CECILIA: That is how they brought us down the hill, so that we would be picked up, and to count us, they sat us all down. There everyone was equal.

ANTONIA (incredulously): But opening up our legs? And putting one man inside of the other, one behind and one in front, men and women?

CECILIA: And that is how they dragged us, on our *nalgas* [rear ends], for about five minutes.

ANTONIA: That is how they detained us until about two, three in the morning. Then we asked them for water when we were inside the detention yard, and they told us to drink out of the hose. And then when we were hungry . . . the truth is that food didn't come until very late, about three in the afternoon. They fed us at around three, and they would say that if we asked for food, that they would throw us in prison because it is only there that we would be fed because they did not have food for us. The truth is that we were treated very badly.

The case of Betita and Irma, whose story was introduced at the beginning of this chapter, illustrates the psychological trauma that may result from detention. Betita and Irma, both from the Mexican state of Veracruz, left their communities fleeing poverty. They did not know each other prior to departing Veracruz. Neither had family in the United States, but Irma had a friend in Phoenix, Arizona, who had encour-

aged her to come to the North where she could work and make enough money to support her children. The two women had been walking near Sásabe, Arizona, for about fifteen minutes when they were picked up by the car that would take them to Phoenix. Betita had her small daughter with her, and Irma had her four small children. After about five minutes of being on the road, the car was stopped by a border patrol agent, who then arrested them and transported them to a detention center.

When I met the two women at the shelter, they had just been released after twenty-eight days in detention. They were tearful, confused, and upset. When they were apprehended, their hands and feet were tied up, with chains around their hands, waist, and feet. She says the immigration officers did not care that the chains were really tight. When they pleaded to be released, the officer replied that they deserved their punishment for coming to this country illegally.

Because of their distressed state, it took me a while to understand that they had been detained to serve as material "witnesses" in the legal case against their smuggler. The driver of the auto in which they were passengers was supposedly testifying against the smuggler. In 2005, lawmakers in Arizona passed an "anti-coyote" smuggling law<sup>7</sup> in response to the increase in smuggling activity through the state, some of which had resulted in a growing number of migrants being stranded in the desert, many of whom succumbed to death due to dehydration. The case of these two women may represent one of the first attempts to implement this law.

While in detention, Betita and Irma were pressed for information about the smuggler, a woman whom they had never met. At first, immigration officials threatened them with taking their children as a way to elicit their cooperation. While in detention, the women asked for food and milk for their children but received nothing. The cells were cold. Their children trembled with cold: "Mis hijos temblando de frio." For two days they were with their children, after which the official made good his threat. Their children were taken away. They were told that the kids were going to be placed with families (presumably with foster parents). Irma protested, telling them that they could not do that with her kids because they were Mexicanos. The women were tormented by their children's cries, which continued to ring in their ears. Another woman in detention, who was later released, contacted the Mexican consulate about Betita and

Irma's children. The Mexican consulate was able to locate Irma's children and to turn them over to Irma's mother. Irma was relieved at this news. She was able to contact one of her children with a calling card that she was given. Betita, on the other hand, said that she had signed off custody of her daughter to her father; however, she was worried about what was going to happen because he was so poor that it was uncertain whether he would be able to travel to the border to pick up her daughter. She later heard that Irma's mom had taken her daughter.

According to the women, the immigration officer told them they were going to release the driver who had transported them (a young "gringo") because he was supposedly a minor, but they wanted information about the woman who acted as the smuggler. The women feared that they were being forced to confess something they had no knowledge of. Irma related what they had said to the officer:

But how is it that he wants us to tell him the truth if in fact we are telling the truth, we do not know the woman, we do not know her [ . . . ] "Sir: We cannot lie to you and you want us to lie [ . . . ] that yes, we did know the boy that brought us across the border, but we did not know the 'gringo,' the boy who was driving."

The officer insisted that the women needed to testify because the suspect was a drug addict and criminal. He badgered the women and kept demanding that they confess that they knew the smuggler. They threatened the women by telling them that if they did not speak the truth, they would take away their children.

Betita was inconsolable that her daughter had been taken away. She was so sick with grief that she was taken to a medic while in detention. Irma feared for her, saying that she became unrecognizable with grief. Even as they were transferred to the second detention center, they kept hearing—or imagined that they heard—their children crying.

### Biases, Micro-aggressions, and Immigration Enforcement Practices

The practices described in the women's narratives rest on the uncritical view that undocumented immigrants are criminal (Rodriguez and

Paredes 2014) and therefore less deserving than those who are legally present in the United States, and therefore "law-abiding." The perception that such arrestees are criminal, and therefore undeserving, gives rise to their unjust and often overly harsh mistreatment by those in positions of power, who may harbor biases based on one or more social identities, such as ethnicity, race, gender, sexual orientation, or religion (Nadal et al. 2014).

At the heart of this unjust and often overly harsh mistreatment of immigrants are spaces that provide opportunities for enforcement officials to perpetuate "micro-aggressions." Micro-aggressions are hostile, derogatory, and insulting slights that may or may not be intentional (Milovanovic and Russell 2001; Nadal et al. 2014). They target individuals who belong to racialized or minority groups. Although they can take place anywhere, they often happen behind closed doors, outside of the public purview, in interrogation rooms and jail cells where officials have opportunities to abuse their discretionary power during their interactions with arrestees (Milovanovic and Russell 2001). Micro-aggressions are committed by individuals (such as law enforcement officials) who, as members of the larger society, harbor and share biases that work to normalize and even encourage the dehumanization and mistreatment of those they arrest. Micro-aggressions are "everyday instances of harm" that work to maintain differences and inequality (Milovanovic and Russell 2001). They have also been shown to have consequences on the mental health of victims (Nadal et al. 2014).

The narratives of the immigrant women I interviewed shed some light on the micro-aggressions that take place where women are under the control of U.S. immigration control agents: the detention cells and the isolated areas of the Arizona desert that are outside of the public eye. Micro-aggressions are reflected in the patterns of mistreatment the women experienced in the hands of immigration enforcement agents:

- Migrants reported on the harsh manner in which they had been transported to the detention center. Migrants regarded incidents of excessive jolting while in transit to detention centers in border patrol vehicles as intentional and mean-spirited.
- Migrants complained about the conditions in the detention center facility, such as not having access to restroom facilities and excessive temperature.

Again, these were regarded by migrants as intentional and designed to make their experience as unpleasant and uncomfortable as possible.

- During arrest and while under custody, migrants regarded their treatment at the hands of U.S. Border Patrol agents as unnecessarily rough and abusive. They also witnessed others being physically abused by U.S. Border Patrol agents.
- Migrants suffered or witnessed unnecessary verbal abuse by U.S. Border Patrol agents. Most considered that this abuse was intended to unnecessarily dehumanize and degrade them.

These mistreatments are not isolated incidents but routine, subtle, and normalized events that denote the biases of the perpetrators—biases that are acted upon freely once the perpetrator is out of the public eye. For example, Milovanic and Russell (2001) argue that law enforcement's targeted surveillance of Blacks who are going about their daily business communicates that Blacks, by virtue of their membership in a racial group, are dishonest and not credible, and therefore undeserving of civility. Racial biases and micro-aggressions are processes that perpetuate the differential treatment of racial minorities under the law. They also explain why racial minorities are more likely to be charged with an offense and to receive harsher sentences compared to Whites.

The intimidation tactics used by Border Patrol agents against Betita and Irma, as well as the acts of abuse the women witnessed while in custody, are examples of micro-aggressions in the context of immigration enforcement. They have become normative behaviors because they take place outside of the public purview and thus “enjoy” impunity. News reports have provided evidence of the daily instances and normalization of harm that occur under the supervision of immigration officials. In June of 2015, an incident involving the shooting and death of nineteen immigrants led to an internal investigation of the U.S. Border Patrol; all but three agents were absolved of any crime (Bennett 2015).<sup>8</sup> Also in June 2015, the American Civil Liberties Union (ACLU) filed a lawsuit on behalf of three immigrants—one man and two women—who claimed they were denied food, adequate clothing, and sleep while in custody. These are not unique circumstances: Reports indicate that immigrant detainees are kept in custody for at least twice the limit of time allowed to process their cases; are locked up

for days in overcrowded and unsanitary holding cells, without basic hygiene items such as soap, toilet paper, and sanitary napkins; and are stripped of their outer layers of clothing and forced to suffer in excessive cold temperatures, without beds, bedding, sleep, and medical care (Fischer 2015).

### The Impact of Immigration and Justice Practices on Women Migrants' Mental Health

To understand migration-related experiences and their relationship to mental health outcomes, it is imperative to examine the role of the broader social contexts (Kayali and Iqbal 2012). In the case of migrants, immigration control—its measures, enforcement practices, and procedures—provides the context. These would include environments where immigrants contend with a militarized enforcement climate, such as that found in the U.S.-Mexico border region, as well as the micro-aggressions that are integral to the experience. The research by Nadal and colleagues (2014) indicates that racial micro-aggressions are correlated with negative mental health outcomes, ranging from immediate distress to the manifestation of depressive symptoms. In addition, although little is known about the long-term impact of immigrants' dehumanizing and violent experience with the U.S. legal and immigration systems, a growing number of scholars in the emerging field of immigrant health have expressed concerns about the effects of justice practices on a range of outcomes critical to human development and well-being, including health and education. For example, Sabo and colleagues (2014) and Carvajal and colleagues (2013) identified specific immigration-related stressors linked to the militarization of the border region, such as experiencing or witnessing acts of aggression, use of excessive force by immigration officials, and fear of being separated from family. Mary Romero (2008) has argued that immigration enforcement practices are designed to publicly humiliate and further stigmatize immigrants. These practices also induce shame among nonimmigrant relatives and children, but equally importantly, they routinely occur as family members carry out their routines, such as going to and from otherwise safe places like work, shopping, and schools. This induces fear, restricting the movement of immigrant and



nonimmigrant relatives and their employment opportunities (see also Nuñez and Heyman 2007). Such limitations are known to cause stress (Valdez, Abegglen, and Hauser 2013), manifested in feelings of anger, humiliation, and suffering (Sabo et al. 2014). Capps and colleagues (2007) found that families affected by the Postville immigration raid subsequently had to contend with unemployment and the inability to provide for their families. Persistent or perceived threats of immigration enforcement raids also subject children to fear and trauma that disrupt schooling (Capps et al. 2007). Rabin's (2014) study of immigrant women in long-term detention highlighted the extreme stress and anxiety mothers experience as relates to the custody of their children, when facing deportation. Rabin's (2014) report also described the mothers' fear of giving out information about close family members who might not be able to take care of their children in the United States but who might also be undocumented, which could lead to the removal of the children and the termination of parental rights of migrant mothers.

Consistent with these findings are results from research by the community organization No More Deaths, based in Tucson, Arizona. This humanitarian group has for many years surveyed recently repatriated migrants in Nogales, Sonora, and documented abuses by the U.S. Border Patrol, issuing a report on the state of health services for deported immigrants (No More Deaths 2011). The report indicated that the migrants experienced high levels of stress: On a scale of one to ten, with ten indicating "most distressed," the respondents had an average score of 8.27 (No More Deaths 2011). In addition, greater distress was correlated with more time living in the United States (No More Deaths 2011). The psychological literature indicates that stressful life events, including poverty, are associated with the onset of mental health disorders, in particular depression (Kayali and Iqbal 2012) and posttraumatic stress disorder (PTSD) (Kaltman et al. 2010). Research on immigrant women shows that they are increasingly exposed to traumatic events, including rape, attempted rape, sexual abuse by police and immigration authorities, physical violence, and other dangerous situations that are part of the migration experience (Falcon 2001; Monteverde García 2004; O'Leary 2009a, 2009b, 2012; Ruiz Marrujo 2009; Steller 2001; Urquijo-Ruiz 2004). These events play a critical role in the development of depressive symptoms, after the migration journey has taken place and after the mi-

grants have settled in the United States (Kaltman et al. 2010). Traumatic experiences may have a lasting effect on the migrants' health and may require long-term health care management and medical treatment over time (Ornelas and Perreira 2011). Kaltman and colleagues (2010) found that 79 percent of immigrant women with depression only and 100 percent of women with both depression and PTSD reported a history of trauma, and that comorbidity is more likely to result from multiple exposures to traumatic events that may have occurred in the country of origin or during the migration process. The psychological impact of the hardships experienced during the migration process is also captured in Ornelas and Perreira's (2011) survey. In this survey, 84 percent of the respondents were women, and two-thirds of these women were undocumented immigrants. This study looked at the traumatic effects of robbery, sexual and physical abuse, and illness—experiences commonly encountered in migration—but the authors did not provide information about the impact of abuses by officials responsible for enforcing immigration laws. Future research is needed to understand the mental health consequences of harsh and even abusive immigration enforcement tactics for immigrant women, especially in light of the research by Nadal and colleagues (2014) that demonstrates that micro-aggressions (both perceived and real) can lead to negative mental health symptoms, such as depression, anxiety, and negative affect.

A few studies have also highlighted the familial and environmental risk factors that are associated with depression among immigrant women (Kayali and Iqbal 2012). Whether in the middle of the migratory journey or in settlement communities, what is at stake for immigrants is their ability to provide for families. The inability to do so carries with it a psychological price: Immigrants may experience a sense of entrapment (Nuñez and Heyman 2007; Sabo et al. 2014) and intensified feelings of loneliness and alienation (Salgado et al. 2014). In addition, separation from children and spouses due to migration has been found to contribute to depression after immigrants settle in communities in the United States (Ornelas and Perreira 2011). Betita's story illustrates the importance of familial factors as relates to women's mental health: Her concern over her father's poverty and what that implied for her daughter's safety and well-being could account for her state of mind while in detention.

In tracing the migration of women engaged in the tomato industry, Barndt (2007) has referred to the Marxist concept of “alienation” to advance our understanding of how over time and geography, industrial agriculture, fueled by free trade principles, capitalizes on the displacement of subsistence farmers. As women are dislodged from the land as their means of production, they are led away from collective endeavors that define households and families, including important reproductive activities (Barndt 2007). Leaving family behind sets into motion processes by which social cohesion—and the benefits this provides—is undermined. It has been characterized as a “fracturing experience” whereby the search for better opportunities splinters domestic units (McGuire 2007). In the survey conducted by No More Deaths (2011), family disintegration was an important concern. With important income-earning activities and the ability to provide for the material needs of families impeded by systems of immigration enforcement, women are at risk for hopelessness and depression (Marsiglia et al. 2011).

Recent studies have also shown that when migration is coupled with discrimination and harsh treatment, migrant women are at greater risk of experiencing depressive symptoms than women who have not had a migration experience (Salgado et al. 2014). Although an immigrant who was apprehended by a border patrol official may not have been personally attacked by an official, witnessing the aggression of a loved one (like Elizabeth, quoted previously in this chapter about the border patrol's attack on her husband) is a traumatic event that may result in the development of depressive symptoms.

There have been numerous calls from the mental health professions for studies that take into account the broader social context of psychological disorders. This would include the role of mutually constitutive determinants of discrimination, such as social status, class, race, and stigma, on mental health outcomes. This “intersectional” approach to mental health research not only is attentive to institutional patterns of unequal power relations that contribute to minority health disparities but also promises to lay bare the roles that institutional actors and policies play in racializing immigrant groups, producing hostile and even violent environments that have an adverse impact on migrants' mental health outcomes (Viruell-Fuentes, Miranda, and Abdulrahim 2012; Carvajal et al. 2013).

## Towards Proactive Strategies to Mitigate Harm

More and more undocumented immigrant women with long-standing connections in the communities where they have settled are subjected to immigration enforcement (Rocha Romero and Ocegueda Hernández 2013). Immigration enforcement is becoming more common in places far from the border, thus increasing the likelihood that more migrants will come in contact with immigration authorities and the U.S. justice system. In this way, nonborder populations may experience the same legal practices and abuse by authorities that populations in the border region have long experienced,<sup>9</sup> such as being pulled over by a police officer for a minor traffic violation or a broken taillight, being the subject of further inquiry, and subsequently being turned over to an immigration enforcement officer (Rocha Romero and Ocegueda Hernández 2013). Moreover, given the rising number of women migrating to the United States, it is essential to study current justice interventions and to produce empirical knowledge that will help reduce the likelihood that more women will suffer adverse health outcomes as a result of increasing efforts to enforce immigration laws. With this in mind, the literature suggests some strategies to mitigate harm.

*Recommendation #1: Conduct multilateral, collaborative research on immigration and mental health outcomes.*

Existing research tends to have a unilateral view of immigration wherein borders are defined as spaces that separate nations and their populations from outsiders (O'Leary, Deeds, and Whiteford 2013). A binational or multilateral approach to immigration research is better suited to identifying the factors that affect communities on both sides of the U.S.-Mexico border. It calls for collaboration between government stakeholder agencies, consulate services, community health workers, and nongovernmental social service agencies in the United States and Mexico. It also requires sharing reports on mental health resources and trends; developing metrics for documenting trends and program outcomes; identifying and providing mechanisms for filing grievances; and addressing systemic failures in the justice delivery system (O'Leary, Deeds, and Whiteford 2013).

*Recommendation #2: Adopt a holistic approach to mental health assessment.*

Mental health service providers should first be aware of the link between micro-aggressions and mental health (Nadal et al. 2014) and use assessment strategies that take into consideration the broader social determinants of psychological disorders related to immigration. For example, they may use instruments that measure the effects of trauma, violence, isolation, humiliation, and degradation by authorities, as well as low self-esteem and feelings of frustration that come from individuals' inability to provide material support to their family. A holistic approach to mental health assessment would capture vital information about individuals' premigration and postmigration contexts that could be used to select interventions to reduce stressors and prevent more debilitating psychological disorders.

*Recommendation #3: Evaluate availability of social support networks and community resources for immigrant women.*

Border regions are highly dynamic, with highly transited nodes of social interaction in a constant state of flux. This is especially true on the Mexican side of the U.S.-Mexico border, where migrants often find themselves stranded after being removed from the United States. Accordingly, there is a need for ongoing appraisal of the region in terms of available resources to mitigate the potential damaging effect of isolation, alienation, and hopelessness. Women are particularly vulnerable to victimization as a subgroup of the total immigrant population. For women immigrants, building extra-familial networks that can increase access to resources is hampered by cultural norms (O'Leary 2012). Women's isolation, often within the confines of households, means that family members and husbands in particular can exert pressure on wives and daughters to abide by gender-specific norms, thus limiting their mobility and access to resources (Silvey and Elmhirst 2003). Municipalities should thus invest in periodic needs assessments designed to identify and update the resources available in the area, and through the use of social media technology and in collaboration with local stakeholders (using community-based participatory research methods) disseminate

this information proactively to immigrant families, with particular attention to female members of households.

*Recommendation #4: Create interdisciplinary research partnerships.*

With increased migration, highly transited nodes of social interaction introduce different cultural understandings of mental health, including the stigma often associated with mental disorders. Stigma results in the underutilization of mental health services and counseling; it also obfuscates understanding of the debilitating impact mental disorders may have on individuals and families. Because mental illness is a frequent concern of both scientific researchers and various administrative officials, research should include interventions using community outreach and community health workers and cross-disciplinary partnerships between health sciences and social sciences. Such collaborations will allow researchers to better grasp the relationship between psychological conditions and sociocultural environments and structures.

These recommendations are consistent with the American Psychological Association's (2007) Guidelines for Psychological Practice with Women and Girls. In particular, they provide directions for increasing awareness and knowledge of the sociopolitical and geopolitical contexts in which women's and girls' complex life experiences take form and meaning. Transnational and interdisciplinary research on Mexican women's migration experiences will yield valuable insight into the intersection of immigration, race, geography (e.g., rural or urban residence), class, and gendered socialization as it affects these women's mental health needs and outcomes, and may be used to design gender-sensitive programming for immigrant women involved in the justice system.

## Conclusion

This chapter has highlighted the harms that undocumented immigrant women experience in the U.S. immigration control and justice systems. As efforts to identify and remove immigrants from the country intensify, undocumented immigrant women increasingly come in contact with law enforcement officials, prosecutors, detention facilities, lawyers, and judges, primarily through those connected with enforcing U.S.

immigration laws. At issue are the ways in which unsubstantiated negative assumptions and social constructs about immigrants as criminals work to influence the practices of those responsible for upholding the rule of law.

This chapter also examined the little research available on immigration and mental health to point out some of the possible long-term psychological outcomes of immigrant women's interaction with the U.S. justice system. The review of the literature available on the U.S. side of the border indicated that long-term mental health disorders may be attributed to postmigration stress, and more particularly, to the traumatic events experienced during migration and settlement in the United States. The dearth of research on the Mexican side of the border makes it difficult to assess the psychological needs of women who have been deported and repatriated to their communities of origin. It also makes it difficult to determine what support services, if any, are available. In sum, more research is needed to advance understanding of the mental health needs of immigrant women and to develop culturally and gender-sensitive interventions on both sides of the U.S.-Mexico border that will mitigate the harms they experience during the migration journey.

## NOTES

- 1 See also chapter 7 in Koulish (2010) for a history of the development of state and local laws and ordinances.
- 2 According to personal communications between the author and the Secretaria de Relaciones Exteriores, July 13–Oct. 19, 2010.
- 3 The term “undocumented,” while ambiguous, has real and symbolic consequences for those living in the United States. Immigrants are “undocumented” if they entered the United States without official authorization or may have entered legally but subsequently overstayed the term limit of their visa. For an in-depth analysis of this term, see Plascencia (2009).
- 4 For more on the range of methodological challenges that border researchers contend with when conducting research among vulnerable undocumented immigrants, see the volume by O'Leary, Deeds, and Whiteford (2013).
- 5 INEGI is the equivalent of the U.S. Census Bureau in Mexico.
- 6 The names of the women interviewed have been changed to protect their privacy.
- 7 The 2005 smuggling law has since been struck down as part of the Obama administration's challenge of the 2010 SB 1070, in part because the law had come under heavy criticism for being used to charge migrants, rather than their smugglers, with conspiring to smuggle themselves across the border (Billeaud 2014).
- 8 The three cases not absolved were pending as of this writing.

- 9 In 1975, in *United States v. Brignoni-Ponce*, the U.S. Supreme Court found that the “Mexican appearance” of the driver and passengers was one of several factors that could be used in combination with proximity to the border to warrant stopping and questioning the driver and passengers. The Court relied on a statute of the Immigration and Nationality Act that provides any officer of the (then) INS the power without warrant to interrogate “any alien or person believed to be an alien” (Perez 2011). A year later, in 1976, in another Supreme Court case, *United States v. Martinez-Fuentes*, the tactics of stopping and searching people in efforts to detain all individuals entering the country “illegally” was seen as an extension of the border patrolling. The Court upheld these tactics because of the perceived threat of a growing “problem” of “illegal” immigrants in the border region and in the country as a whole. Later, in 1996, Section 287(g) was added to the Immigration and Nationalization Act by the Illegal Immigration Reform and Immigrant Responsibility Act, which authorized the federal government to enter into agreements with state and local law enforcement agencies, permitting these to perform immigration law enforcement functions.

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