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Cover Page Footnote

This paper is written by researchers focusing on immigration and the carceral state through the University of Michigan (U-M) Humanities Collaboratory Documenting Criminalization and Confinement and a research partnership team at the U-M School of Public Health and University of Iowa College of Public Health under Dr. William Lopez and Dr. Nicole Novak.

State Sanctioned Violence Across Latinx, Black, Arab, and Muslim Communities in a Post-9/11 America

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Abstract

Following the inauguration of President Trump, communities are witnessing an increase of vocal anti-immigrant sentiment. Immigration enforcement is moving away from solely the border and into the heartland of America, spreading throughout the Midwest states. Latinx communities, particularly, are experiencing this escalation of immigration enforcement, which has been characterized by hypermilitarized activity and a return to local police collaboration. While the increase in interior immigration enforcement is perhaps unique in scale, state violence against communities of color has historical precedents in the U.S., including in Black and Arab and Muslim communities. We consider the experiences of immigration enforcement, police violence, and surveillance across Latinx, Black, and Arab and Muslim communities. We find that state violence across these communities is often justified in similar ways, including the construction of narratives that position communities of color as 1) violent threats to safety and health of the public and 2) threats to the white, Christian, “American” way of life. As a result of racist interactions and targeting by government representatives, communities are less willing to engage with government systems and services. Advocates should consider the recurring patterns and effects of enforcement across underrepresented communities. Finally, we must broaden our

understanding of health to reflect the environmental and systemic factors influencing the well being of marginalized groups.

Keywords: Race, Law enforcement, 9/11, Immigration, Police

Introduction

As anti-immigrant sentiment increased after the 2016 elections, mixed-status communities experienced heightened levels of state violence. Mixed-status communities are communities composed of mixed-status families, or families with members that have different immigration statuses, often including one or more of the parents and/or children being undocumented (Enriquez, 2015). Previous research reveals significant findings on the health and social implications of immigration enforcement in mixed-status communities. These findings are referred to as spill-over effects in the aftermath of the trauma. Taking a closer look at these experiences, it is clear that racialization and political administration play a pivotal role in the development of immigration policy. During the 21st century, immigration strategies included two approaches, border militarization and interior enforcement. Border militarization refers to the increase of military force and techniques at our Southern and Northern borders to prevent undocumented migrants from crossing the border. Interior enforcement refers to the active policing strategies used within our country to seek out undocumented individuals for detainment and deportation (Golash-Boza, 2019). Interior enforcement is of particular interest as the methods used to enhance the strategy actively targets a specific racial identity, Latinx individuals and communities. This is not the first time we see stereotypes feed policy and enforcement tactics. As communities of color are frequently the targets of racialized injustice, the manuscript will discuss the historical and present-day racialization of state enforcement within the Latinx

community- then use these findings to draw comparisons across Black, Arab, and Muslim communities.

This journal will discuss the historical context that has led the United State to the state-sanctioned violence seen today. Our organization of the paper follows the sequential order for **Figure 1** (see appendix) as we break down the various components and impacts of state violence. We will examine the impact of early immigration policies of the 20th century and take a closer look at the drastic militarization in a post-9/11 America. These historical periods are discussed largely looking at their impacts on Latinx communities, but we then compare Black, Arab and Muslim communities and how government practices show similar evidence of racialization through constructing these communities as threats to public safety and the “American” way of life. More importantly, we highlight the differences in outcomes that have manifested as a result of state-sanctioned violence and racialized policies and consider why communities are affected in the different observed ways.

Background

In order to understand the present-day racialization of immigration enforcement, it is imperative to recognize that immigration policies were always constructed for one part of the world to access and exclude others. Additionally, immigration was extended to different parts of the world only when it benefited the capitalistic ventures of American economy.

Immigration Act of 1924

As stated previously, the U.S. has historically seen trends of exclusive immigration policies. This narrative of exclusive immigration was heavily prompted by the passing of the Immigration Act of 1924. This Act became one of the first policies that clearly defined eligibility of citizenship and specifically limited immigration from Asian and African countries. With few

exceptions, it reads "no alien ineligible to citizenship shall be admitted to the United States," and proceeds to clearly define who is "ineligible to citizenship" (Parker, 2017). In 1929, the U.S. Senate presented a plan for specific immigration quotas that were based on national origins. Congress mandated these quotas under the Immigration Act of 1924. The quotas presented in this mandate specifically favored Northern and Western European immigrants, which saw higher quotas per country of origin of the immigrants. The shift in policy went on to restrict hundreds of thousands of immigrants each year and set the precedent for future immigration reform (Ngai, 1999).

Bracero Accord of 1942

Almost 20 years later, the U.S. saw another big shift in immigration policy that, like the Immigration Act of 1924, molded the current immigrant demographics within the country. The Bracero Accord of 1942 saw yearly importation of Mexican laborers working with temporary visas to assist the U.S. with labor shortages that had resulted from deploying a large portion of the population to serve in the military for WWII. Mexican laborers would seasonally arrive to work in farms all over the country which greatly impacted the economic success of the U.S. After the war, tight labor markets persisted. This led to the extension of the Bracero program which was first seen as a temporary fix to the labor shortages. By the late 1950s, about 450,000 Bracero migrants were arriving to the U.S. with the temporary visas, along with 50,000 legal permanent residents- whose numerical presence was not limited in the U.S. at that time (Massey, Durand, & Malone, 2002). These high numbers prompted Congress to scale back the Bracero program, which was eventually discontinued in 1964 despite objection from the Mexican government. Shortly after, the U.S. began amending immigration law to limit the entrance of immigrants. The restrictions steadily increased until 1976, when immigration was capped at

20,000 persons per country (Massey & Pren, 2012). This reform abandoned the discriminatory quotas enacted by the Immigration Act of 1924; however, very little thought was given to what would happen to the annual flow of half a million Mexicans when legal visas were removed.

Immigration flow and trends amidst scaling of border security

With the expiration of the Bracero program in the 1960s, for the first time Congress tightened restrictions on immigration from the Western Hemisphere, with significant implications for immigrants from Canada and Latin America. Consequently, immigration was capped at 20,000 people per country per year. It was not until the 1970s that quotas and labor programs were abandoned, reviving migration flows. By lifting immigration quotas on the Americas, we saw a resurgence of migrants from Latin America, only this time they were undocumented.

From 1988 to 2010, the number of undocumented immigrants has increased by six-fold. Regardless of political attempts to amplify militarized tactics at the border, increase in border patrol agents present, and presidential attempts to fortify the border, the number of migrants has not decreased. While immigration quotas were lifted, the ability for immigration services to retrieve visas or citizenship was a long and costly process. Political instability and economic strife in the migrant's country of origin coupled with the potential for greater opportunity were, and continue to be, motivating factors in families' decisions to move by any means, (Castelli, 2018).

Post 9/11: The Critical Shift

After the incidents of September 11, 2001, we saw an increase between the linkages of immigration and criminality. Media articles would mention the nation of origin when reporting on criminal acts, regardless of citizenship status. This created and perpetuated the othering of

communities and fostered the narrative of these communities as a threat (Hauptman, 2013). While the media exacerbated the narrative surrounding communities, the restructuring of our government shifted how we institutionally approached immigration enforcement.

Our post-9/11 world also saw a critical shift in operations and structure of law enforcement entities. Capitalizing on the widespread fear and panic produced by our new rhetoric, politicians began to push forward policies in the name of “counter terrorism” that directly impacted communities of color. Most notable is the change of enforcement structure. The emergence of the Department of Homeland Security (DHS) and, under DHS, Immigration and Customs Enforcement (ICE) is a critical shift in operations as they took on immigration enforcement from the Department of Justice (DOJ) and Immigration and Naturalization Services (INS). The expanded powers and budget of DHS would profoundly impact our approach to immigration enforcement as it became related to fighting terrorism. Prior to the creation of DHS and ICE, immigration enforcement pertained more to broader security and retroactive response to undocumented individuals. With their establishment in 2003, we see the scaling up of immigration enforcement to a proactive approach. This means ICE, now with a 233% increase in budget compared to INS, was actively deployed throughout the interior of the country, and hunting down undocumented individuals, families, and communities (Golash-Boza, 2019).

Immigration enforcement is racialized and politicized

The narrative surrounding immigration policies and enforcement differ among administrations, clearly showing the politicization of immigration. After 9/11, the Bush administration established the USA PATRIOT Act of 2001 that called for heightened surveillance, such as tapping cell phones, among individuals suspected to be related to terrorism (Gabriel & Rajan, 2015). The Enhanced Border Security and Visa Entry Reform Act of 2002

(Committee on the Judiciary U.S. Senate, 2002) emphasized the use of technology to track immigrants and visas in the attempt to detect future terrorist attacks. President Bush also established the National Security Entry-Exit Registration System (NSEERS), a national registry of visitors arriving from countries with terrorist groups (Gabriel & Rajan, 2015). Policies such as these that target people of certain countries and races, in this case Arab and Muslim, give law enforcement the reign to racially profile. It fosters xenophobic attitudes and reinforces the narrative of a group of people as a 'threat to the American way'. Along with this, Bush also began the use of 287(g) agreements (Pham, 2018). These allow local and state law enforcement to enforce federal immigration law.

In the years of the Obama administration, NSEERS activity became dormant in 2011. President Obama rescinded the system in 2016 for fear that upcoming President Trump would use the system to support his xenophobic platform. In 2012, Obama also scaled back 287(g) due to concerns of unnecessary and unreasonable searches and arrests made by local law enforcement (Coleman & Kocher, 2019). It cannot be ignored that during Obama's eight years, record numbers of immigrants were deported back to their country of origin. However, with Trump's deportation numbers rising, the difference in motives of mass deportation between the two administrations must be recognized. Obama's policies focused on the deportation of undocumented immigrants with a history of criminal activity and the deportation of recent unauthorized immigrant arrivals. However, Trump's immigration policies are far more broader. Trump's deportations have shown that it does not matter if an undocumented immigrant has a criminal record or not. This includes those suspected of committing a crime or of being a threat. In fact, arrests of noncriminal immigrants rose 150% after the election from 2016 to 2017 (Martinez & Ortega, 2018).

With the reinforcement of 287(g), Trump's agenda to deport as many undocumented people as possible comes with the police carrying out collateral arrests. Collateral arrests occur when law enforcement racially profile and arrest those suspected to be "undocumented" or "threatening" (Martinez & Ortega, 2018). Law enforcement work in an 'arrest everyone first, ask questions later' approach, causing unnecessary trauma for those involved. The spillover effect of these tactics reigns deep within these communities, as we will discuss later in this journal.

Where else have we seen this

The foundation of these underlying issues surrounding race must be recognized. To do this, one must examine Critical Race Theory (Delgado & Stefancic, 2013). Critical Race Theory examines how victims of systemic racism are affected by stereotyping and representation in society. The concept of race is not something defined biologically but rather a social construction created by people to categorize society. That is, notions of race can be conveniently used to manipulate parts of society. The United States exerts control over its statistical minority races through racialized policies that target certain communities. These policies create threats out of communities and allow for the perpetuation of stereotypes. Differential Racialization is defined as when the dominant society racializes different minority groups at different periods over time (Allen, 2016). Initiatives made to fight against drugs, terrorism, and illegal immigration in the United States have done just this and create a space in the media to tie races to these categories and maintain stereotypes. It becomes widely acceptable to treat people of color as a threat to the 'American way'.

Historical precedence of state violence

Michelle Alexander in *The New Jim Crow: Mass incarceration in the Age of Politics* explains the “racial caste system” that she asserts came out of the Civil Rights Movement. The racial caste system is one where communities of color are continually kept in inferior positions. Particularly toward Black communities, Alexander explains that the 13th Amendment and the passage for the 1960s Civil Rights Acts did not abolish the systems of oppression, but rather they continue to be reformed (2011). We recognize the long-standing history of oppression, inequity, and targeting policies faced by Black folks in this country. For the purpose of this paper, we will focus on the implementation of the War on Drugs in the creation of racialized mass incarceration and the negative impact on law enforcement engagement in Black communities. Similarly, we will examine the War on Terror’s impact in Arab and Muslim communities. It is important to note the difference in both campaigns on the Black, Arab and Muslim community. While the Black community has always been targeted by systemic oppression, the Arab and/or Muslim community experienced new and heightened institutional racism following 9/11.

The Presence of Racialized Campaigns in Communities of Color

War on Drugs

The War on Drugs is a prime example to the Critical Race Theory component of differential racialization. In the 1970s, President Richard Nixon’s declaration of a War on Drugs as a government led initiative was supposedly in response to the increased use of recreational drugs that occurred in the 1960s. The actions that resulted from the War on Drugs were justifiable due to the widely accepted prejudice that Black folks are inherently criminals and heavy drug users. The War on Drugs continued through the presidency of Ronald Reagan with heavy reinforcement. Although research shows that rates of drug use or possession between Black and white communities do not significantly differ, law enforcement efforts were almost

exclusively conducted in communities of color. Stemming from the War on Drugs included racially driven policies like New York's Stop-and-Frisk, which allowed law enforcement officers to stop and question anyone they suspected was eliciting drugs. Policies like this were rooted in racism and implicit bias as law enforcement officers were highly stationed in low income communities of color and their decision to stop an individual was out of suspicion, only further perpetuating stereotypes of communities. During these stop-and-frisk encounters, the role of implicit bias is prevalent as police engage Black folks much more aggressively. With many instances leading to police using force including chokeholds, knee to the neck and firearms. This violence is perpetuated frequently against Black folks who are unarmed, and as a result of police's "suspicion" that they are involved in drug related offenses. It is important to note that whether drugs are present or not, the police's mere suspicion is enough to justify the violence (Center for Constitutional Rights, 2012).

The Black community was the main target of the War on Drugs, not for their higher use or selling of drugs, but for the heightened presence of law enforcement officers in their communities working to actively place them into the widely and unconsciously accepted narrative of "criminals" and "drug lords." The War on Drugs is responsible for creating the school-to-prison pipeline and the system of mass incarceration. Together they arguably make up the current racial caste for Black Americans (Alexander, 2011).

War on Terror

As mentioned previously, the Bush administration created many acts that enabled racial profiling and targeting of Arab and Muslim communities. Acts such as the PATRIOT Act of 2001, the Enhanced Border Security and Visa Entry Reform Act of 2002, and NSEERS allowed for law enforcement to incessantly intervene and disrupt the lives of innocent people. A post-

9/11 world saw an increase in perpetuation of associating immigrants with criminals. Like the War on Drugs targeting Black communities, a War on Terror was targeting Arab and Muslim communities. During the War on Terror decade, similar themes of immigration enforcement tactics in Latinx communities were being perpetuated in Arab and/or Muslim communities. This includes raiding homes and mosques due to suspicion of terrorism activity by the FBI and ICE. Many Arabs and Muslims faced deportation as they were seen as a threat to national security. In cities including New York, NY, San Francisco, CA and Detroit, MI local and state governments issued legislation that called to mapping and surveillance of Arab and/or Muslims in the area, (Jamal & Naber, 2008). Additionally, we see a blatant attack on Arab and/or Muslim folks' resources including the freezing of assets. If Arabs and Muslims sent money overseas to foreign countries, generally we see this in immigrant communities to support family members abroad, their bank accounts would be frozen by the government. This targeting of social determinants across communities is comparable to other experiences including redlining of Black communities and working permits for undocumented folks. Intentional policy and actions that prevent communities from accessing resources that enable their progress.

Likewise, both the Latinx and Arab and Muslim communities face the common theme of "othering." The "Latin Threat" and the "Orient" perspectives create a narrative that places both communities in opposition to the American way of life. As mentioned before, this form of othering is perpetually enforced by increased policing in these communities. Hate crimes increased, primarily for those identifying as Arab and/or Muslim. People of these communities become targets for hate crimes and an over-policing agenda. As authors Amaney Jamal and Nadine Naber state, communities transformed "from invisible citizens to visible subjects" in the eyes of law enforcement (Jamal & Naber, 2008).

Presence of local police aids the system of mass incarceration and mass deportations

The role of local police in Black and Brown communities is interconnected in their use of racialized policy to their advantage to racially profile, search, and arrest civilians. As mentioned previously, 287(g) agreements allow local and state law enforcement to enforce federal immigration laws (Coleman & Kocher, 2019). Much of this can be seen today when ICE collaborates with local police enforcement to arrest and detain those living in predominantly Latinx communities. Police take this to their advantage within traffic patrol to pull over Latinx drivers for a traffic violation, if any, in the attempt to arrest an undocumented immigrant. In fact, both Black and Latinx drivers are more likely than white drivers to be stopped and have their vehicles searched with no evidence to support the search (The Stanford Open Policing Project, 2020). These acts of racial profiling lead to the comparable experiences of Black and Latinx communities - the detainment of Latinx immigrants on accounts of immigration and charging Black folks with criminal offenses for minor crimes. The mass deportation of Latinx folks and mass incarceration of Black folks are blatantly connected to the prominence of police surveillance and activity in these communities.

Violating Civil Liberties

As previously mentioned, the PATRIOT Act allowed for the surveillance, questioning, deportation, and indefinite detainment of those deemed suspicious. Surveillance within Arab and Muslim communities included the tracking of financial payments and tapping cell phone calls to monitoring local mosques (Gabriel & Rajan, 2015). Financial payments, such as sending money back home to support families, were heavily surveilled. Mosques were heavily monitored as well, with some being raided by the FBI. The FBI's anti-terrorism campaign encouraged distrust in Arab and Muslim communities within the American public. As stated before, racialized

actions by law enforcement normalize the “othering” of these communities. Since 9/11, hate crimes in Arab and Muslim communities drastically increased (Victor, 2003). Reported hate crimes occurred in immigrant-owned shops to schools and mosques. Hate crimes even targeted people perceived as Arab and Muslim, such as South Asians and Sikhs (Victor, 2003). The “othering” of these communities allowed for those committing these hate crimes to find their actions “justifiable” with the example set by law enforcement.

The increased surveillance of activity in these communities is greatly comparable to the over-policing in Black communities associated with the War on Drugs and in Latinx communities associated with immigration and detainment. Even more comparable to the experiences of Latinx immigrant communities was the drastic increase in deportation and detainment of thousands of Arabs and Muslims after 9/11. Again, the government promoted ethnic and racial profiling in the name of “public safety” (Ginsberg, 2003). To enforce this, the FBI collaborated with local police to monitor communities more closely (U.S. Presumption of Guilt: Human Rights Abuses of Post-September 11 Detainees, 2002). The collaboration of the FBI with local police in Arab and Muslim communities reflects greatly with ICE’s collaboration with local police in Latinx communities.

Impacts and spillover effects of heightened law enforcement

The impact of extensive police surveillance and activity in Black and Brown communities results in generations that are socialized to face this trauma and oppression. Studies have shown that living in constant fear and growing mistrust in officials and public services greatly affects the health, both physical and mental, of these individuals (Bor et. al. 2018; Martinez & Ortega, 2018). The most impacted individuals are arguably the children that experience losing a loved one to deportation or incarceration. As they grow up, they learn how to

adapt to a world that fails to view them as innocent. Black and Brown children are taught how to act when stopped by police or what activities to avoid appearing less as a “threat” (Elliot & Reid, 2019).

The spillover effect of unjust arrests in these communities is tremendous. This is evident in mixed-status Latinx communities that experience heightened immigration enforcement. One study examining the health effects on pregnant women before and after an ICE raid revealed that undocumented Latina mothers are not the only ones affected by these traumatic events (Novak, Geronimus, & Martinez-Cardoso, 2017). This study found both immigrant and USA-born Latina mothers had a higher likelihood of giving birth to low birth weight babies than non-Latina, white mothers in the same community. This study clearly indicates that regardless of citizenship status, the stressors of living in fear spreads wider than just among undocumented people.

Another form of spillover effects in heavily surveilled communities is the perpetuation of cultural racism and the racialization of one’s national origin (Naber, 2006). As stated by author Nadine Naber, this cultural racism and racialization of origin penetrates everyday life as a local form in these communities (Naber, 2006). Increased hate crimes against Arab and Muslim communities result in increased fear and stress among its people. Hate crimes targeting mosques create fear in an environment that is supposed to foster love and peace. As the racialization of culture is normalized through the example of law enforcement, families fear for their safety and children are bullied at school. The government’s racialized policies allow for the perpetuation of racial exclusion. As an entity deemed as protecting the public, law enforcement does quite the opposite in these targeted communities.

Discussion

We gathered historical accounts, analyzed the effects of enforcement policies passed by the U.S. government, and combined this with our knowledge on policing specific communities to place importance on the current state of state sanctioned violence in our country; more specifically, everything *wrong* with it. Our research was intentionally presented chronologically, which allowed us to see major shifts in state sanctioned violence over two centuries. This compilation of historical and present-day state sanctioned violence allows us to study correlations between government actions and institutionalized oppression of communities of color. While this information is useful to begin questioning intentions behind government decisions, we wish to put more emphasis on *how* Latinx, Black, Arab and Muslim communities suffer health and social consequences.

Health Outcomes

To begin, previous research on immigration enforcement shows its negative consequences on health. Much of the findings include high rates of post-traumatic stress disorder (PTSD), depression, lack of health insurance, physical abuse, and low birth weight (Perreira 2013; Garcini et.al 2017; Artiga, Diaz 2019; Novak 2017).

PTSD- 29% of foreign-born adolescents and 34% of foreign-born parents experienced trauma during the migration process. Among those that experienced trauma, 9% of adolescents and 21% of their parents were at risk for PTSD (Perreira, 2013).

Hypervigilance- 23% of adult undocumented immigrants who live by the border are at risk for mental health disorders; 7% for anxiety (Garcini, 2017).

Depression- 14% of a sample of undocumented Mexican immigrants met criteria for major depressive disorder (Garcini, 2017).

Healthcare- 45% of undocumented immigrants were uninsured compared to less than one in ten citizens (8%) as of 2017 (Artiga 2019).

Physical Abuse- Over 400 allegations of sexual assault/ abuse, more than 800 instances of physical force against detainees, nearly 20,000 grievances filed by detainees and at least 29 fatalities since 2017 (Alvarado, 2019).

Low Birthweight- After a huge worksite raid in 2008 that took place in Postville, IA, *both* U.S. born and foreign-born Latina mothers experienced higher rates of low birthweight; non-Latina White mothers saw no change (Novak, Geronimus, & Martinez-Cardoso, 2017).

Social Outcomes

The mentioned health outcomes have taken a toll on immigrant families for years and the increase in Trump's large-scale immigration raid suggests that the situation is worsening. These increased consequences are not limited to health, unfortunately, and social outcomes also burden these communities.

Financial Burden- Immigrant detainees are predominantly men who typically serve as the main breadwinner for their families. Consequently, families take a financial hit which is furthered by expenses with bonds and/or legal proceedings. The legal process involving immigration cases is a lengthy endeavor due to a backed-up system and the extensive wait for court dates. As a result of this, detainees may opt for voluntary departure: deportation.

Government Distrust- Individuals respond to immigration enforcement with lack of trust in police and other social institutions. Something as simple as walking a child to school is avoided for fear of encounters with officials. Additionally, as evidenced by our interviews in communities following a raid, fewer students attend schools after the raid, creating an educational disadvantage for these students. Likewise, a combination of individuals not seeking

out health services and the stress endured from the aftermath of such an event, leads to poorer health.

The above research specifically looked at Latinx, immigrant communities, but we know that these outcomes are not limited to them. Based on our research, we know that there is significant overlap between Black, Arab, and Muslim communities that suffer from very similar outcomes, although they are policed by different government entities in different forms. We created **Figure 2** to describe this “comorbid” interaction between the outcomes and how the government uses fear tactics to continue this cycle of oppression. **Figure 1** also explains the mechanisms we see in society that leads to these outcomes. The three factors we researched most were over-policing, surveillance, and immigration enforcement. These are the most common factors that we see affecting the Latinx, Black, Arab, and Muslim communities.

Appendix:

Figure 1:

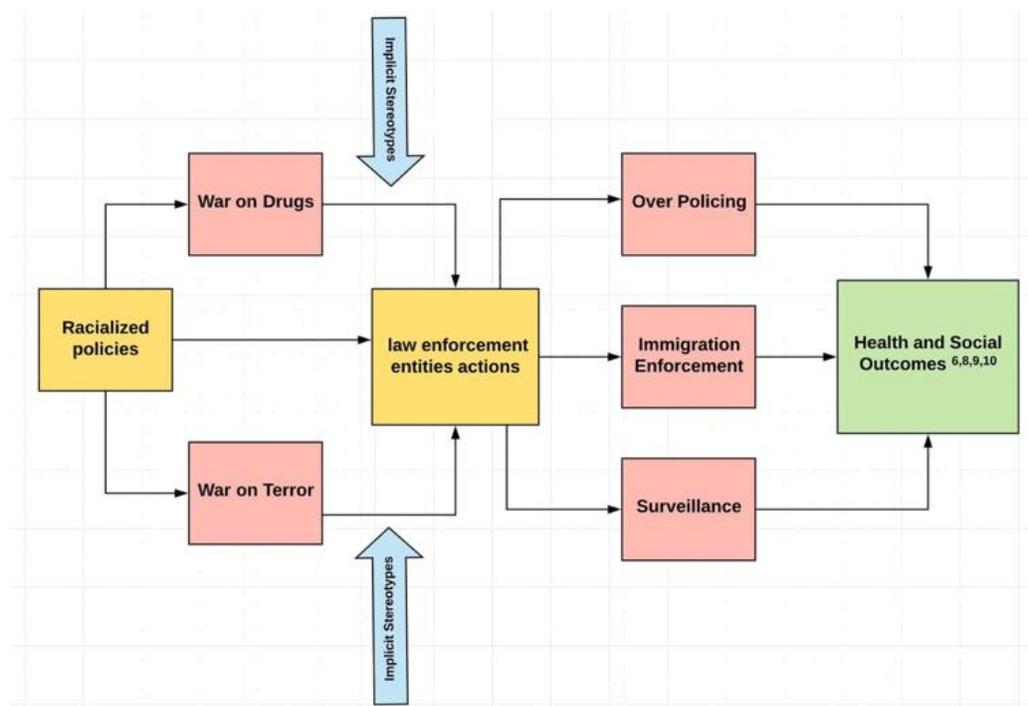


Figure 2:



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