With the emergence in the United States of what Nicholas De Genova (2007) has termed “the Homeland Security State” and the rise of the undocumented noncitizen as the state’s particular object of regulation and control, policy makers and ordinary citizens alike now regard immigration to the United States as a major threat to national or “homeland” security (Chavez 2008; Inda 2011). Especially since the events of September 11, 2001, public discourse and law enforcement conflate undocumented immigrants with “terrorists,” constructing them as challenges to the sovereign territory of the United States who invade the country through clandestine border crossings, most notably at the U.S.-Mexico frontier (Miller 2005; Hing 2006). In addition, the undocumented are imagined as a threat to national populations, the “legal” citizens and residents whose interests are imagined to be in direct opposition to
those of the undocumented, who are thought to steal U.S. jobs, overtax U.S. social institutions, and contaminate the bodies and minds of U.S. citizens with their diseases and alien ways. All of this is captured in the concept of “illegality,” understood not merely as a legal designation but as an “existential condition,” identifying a particular kind of person thought to be different from, and threatening to, the social mainstream (Menjívar and Kanstro om 2015, 2; see also De Genova 2002). The illegalization of millions of undocumented people resident in the United States has produced “shadow populations,” communities of the undocumented living in distinct and separate worlds made invisible and insecure by immigration law, even as they remain important contributors to U.S. economic production and consumption (U.S. Select Commission on Immigration and Refugee Policy 1981; Chavez 1998; Coleman and Stuesse 2014). U.S. immigration law and its enforcement thus produce an ingenious contradiction, in which the very people who are supposed to be the cause of national insecurity are themselves rendered among the most insecure people in national space.

Meanwhile, in response to the perceived threat posed by the undocumented, legislators have introduced a variety of laws represented as efforts to confront the “problem” of immigration. The most visible signs of these are at international borders, understood as the front lines in the unending war on terror. At these geopolitical frontiers, laws and technologies both old and new effect increased surveillance of foreigners trying to enter the United States, and enable the Customs and Border Patrol to capture and detain those apprehended crossing without authorization (Cornelius 2004; Levi and Wall 2004; Maguire 2009; Maguire and Fussey 2016). Additionally, the focus of immigration law enforcement has expanded from the nation's borders to include the spaces within those borders, part of the “securitization of immigration” — a shift in national security policy that “reconceptualizes security as the collective management of subnational or transnational threats and the policing of borders and the internal realm, rather than just the defense of territory against external attack” (Faist 2002, 9; see also Bigo 2002; Bourbeau 2011). So, even as the U.S.-Mexico border has in recent years been increasingly militarized, with clandestine border crossings becoming ever-more risky and deadly, the policing of daily life in the cities, suburbs, and small towns of the United States has also intensified, incorporating new programs and technologies of detection and screening that allow for greater policing of immigrant bodies and that recruit new segments of the citizen population to enforce immigration law. This raises levels of anxiety and fear among immigrants...
who drive cars, send their children to school, walk the streets, or work outside the home.

Mathew Coleman and Angela Stuesse (2014) have suggested that we consider these varied forms of immigrant policing—both within and at the edges of national space—in terms of geopolitics and biopolitics, concepts that scholars of immigration typically differentiate but that here are better understood as working in concert to produce and regulate immigrant shadow populations. Whereas border control is a geopolitical (or, for Coleman and Stuesse, a topographical) system by which transborder movement is regulated (today through a strategy of “prevention through deterrence,” which forces immigrants into rougher and more dangerous terrain, intended to discourage immigration; De León 2015), the biopolitical (or topological) regulation of immigrants reaches beyond the specific site of the border, penetrating the interior of the nation and impacting immigrant daily life. Border geopolitics represents a “hard” system of enforcement, involving the building of walls and detention centers and making the United States into a “zone of confinement” (Coutin 2010), contained by razor wire, metal fences, and concrete, and thus ever more difficult to enter (and re-enter). Interior biopolitics, on the other hand, includes “soft” forms of immigrant regulation, unlocalized and immanent, which shape the behavior of undocumented people within the United States while dangling the continual threat of removal. “Soft” tactics of immigrant policing include hindering immigrants’ ability to drive to work or to transport their children to school, limiting their “automobility” and making their lives more difficult (Stuesse and Coleman 2014). Immigrants have to alter their behavior to accommodate these interventions; and while some may elect to “self deport” (see Kobach 2008), the majority remain in the shadows, ever-more constrained in their options and liberties. The biopolitics of immigrant control target behavior modification rather than deportation, threatening removal without actually removing anyone: “interior enforcement in the main,” Coleman and Stuesse say (2014, 52), “works by using the looming threat of territorial banishment as a result of traffic enforcement and other social reproduction-specific policing, in conjunction with the specter of lethal geopolitical infrastructures like the U.S.-Mexico border, to regulate the ways in which resident undocumented immigrant communities learn to socially reproduce as well as work.”

In this chapter, we examine the biopolitical regulation of immigrant behavior through another form of “social reproduction-specific policing,” this one centered on the immigrant workplace. Our focus is a web-based biomet-
ric technology called E-Verify, which allows employers to determine their applicants’ and current workers’ eligibility to work in the United States. Since the passage of the Immigration Reform and Control Act (IRCA) of 1986, federal law has prohibited employers from knowingly hiring people not authorized to work in the United States. Meanwhile, lawmakers have struggled to balance the popular demand to protect the nation from the perceived immigrant threat with the demands of U.S. capital, which requires a steady supply of cheap undocumented labor (Zolniski 2006). E-Verify serves these contradictory interests. An instrument for what is known as worksite employment eligibility enforcement (Newman et al. 2012), E-Verify introduces the threat of deportation into the jobsite by promising to reveal the presence of an undocumented worker to the state. It instills fear in undocumented people, discouraging them from pursuing their rights as workers while granting employers new disciplinary powers to pacify workers who threaten to do so (compare with previous studies, e.g., Heyman 1998; Zolniski 2003). As a biometric tool, E-Verify deputizes private-sector employers as immigration control officers, empowering them to determine who is and who is not eligible to work and whether or not to expose the ineligible to the gaze of the state (Stumpf 2012). The technology sorts laboring bodies by their legal status, augmenting undocumented workers’ vulnerability to exploitation without actually removing them from the space of the United States. At the same time, E-Verify conveys to the citizen public the appearance that the government is “serious” about immigration enforcement. Through E-Verify, the workplace becomes another site of immigrant surveillance and recognition, exploiting undocumented people’s “legal nonexistence” to enhance their vulnerability and submissiveness (Heyman 2001; Coutin 2003; Horton 2015). E-Verify signals legislators’ compliance with the politically popular goal of deporting all undocumented immigrants while maintaining the increasingly precarious subclass of non-citizen workers required by U.S. business interests.

Scholars of immigration have debated whether immigration law is in fact intended to serve as labor law—that is, whether federal policy on immigration is designed with immigrant impact on labor markets explicitly taken into consideration (see, e.g., Delgado 1993; Heyman 1998). Clearly, E-Verify represents a direct intervention by the U.S. government in the sites where immigrants work; the fact that use of E-Verify is expanding even though the technology fails to achieve its stated objectives (discussed below) suggests that “immigration policies [and, we would add, technologies] that appear self-contradictory and ineffectual . . . are actually quite effective at maintain-
ing a large and vulnerable undocumented work force” in the United States (Gomberg-Muñoz and Nussbaum- Barberena 2011, 367). Furthermore, as our ethnography shows, E-Verify is successful at instilling fear in the undocumented noncitizen—not least of all due to the lack of understanding about E-Verify among the immigrant population—and immigrant workers modify their behaviors in response. E-Verify, it can thus be argued, represents an effective biopolitical tool for a “soft” immigration policing, enacting policy prescriptions and controlling threatening populations through the deployment of biometric technology that gestures to the “hard” enforcement of the geopolitical border and so functions in collaboration with it. E-Verify screens out ineligible workers while neither detaining nor removing them from national space; it inspires fear in the objects of its attention, shaping consciousness and bodily praxis without providing the recognition that might convey rights or underwrite claims for citizenship or national belonging.

E-Verify: Biometric Surveillance in the Workplace

E-Verify, while a relatively recent innovation, is not unprecedented as a form of biopolitical regulation. Beginning in the late 1970s but intensifying in the 1990s, federal authorities expanded policing of the U.S.-Mexico border as its principal strategy to control undocumented immigration into the country (Nevins 2002). The plan was to fortify the border itself through the “hard” technologies of enforcement: stronger and higher fencing across a wider expanse of terrain; increased surveillance through lighting, video cameras, and heat-sensitive detection equipment; and a significant increase in Border Patrol personnel. This approach to immigration control was authorized through federal legislation like the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, which criminalized violation of U.S. immigration laws and expanded the range of people who could be deported on the basis of such violations (Dowling and Inda 2013). Already ten years earlier, authorities had begun to turn their attention to the regulation of immigrant life within the territory of the United States itself. Most significant was the Immigration Reform and Control Act of 1986 (IRCA), which Jonathan Xavier Inda (2013, 303) says, “helped set in motion the contemporary practice of targeting ‘criminal aliens’ for deportation.” The act not only increased funding and support for enhanced border enforcement in the U.S. Southwest while authorizing the “expeditious” deportation of “criminal aliens”; it also criminal-
ized the hiring of undocumented workers, imposing sanctions on employers who knowingly employed the undocumented (Rosenblum and Kandel 2011), making the workplace another site of immigrant policing.

In the aftermath of 9/11, the expansion of immigrant regulation into the heartland of the United States intensified (Meissner et al. 2013), a process that Cecilia Menjívar (2014) calls the “insourcing” of the border. This effort was framed by the Department of Homeland Security (DHS) in terms of securing the homeland against terror, which required “developing a ‘continuum of border security,’ treating the territorial boundaries of the United States and the interior as a seamless security space” (DHS 2010; Inda 2013, 299). One mechanism for this already in place was section 287(g) of the Immigration and Nationality Act of 1965 (added under section 133 of the REAL ID Act in 1996), which allowed local and state police departments to partner with Immigration and Customs Enforcement (ICE), essentially deputizing them as immigration officers within their own districts. This was supplemented by the program called Secure Communities (2008), the Obama administration’s signature immigration control policy, which ran until 2014. Secure Communities allowed ICE to penetrate the ordinary spaces of immigrant life, extending federal reach via technology into local policing jurisdictions (Coleman 2012). Under Secure Communities, all those arrested for any offense were biometrically screened for immigration violations; a positive “hit” for such a violation resulted in ICE issuing a detainer, a request to local authorities that the individual be held for up to forty-eight hours to allow ICE to determine if an order of removal should be issued. Laws and programs such as the Immigration and Nationality Act of 1965 (IRCA) and Secure Communities are best understood as biopolitical technologies in societies of control (Deleuze 1992; Coleman and Stuesse 2014). They are regulatory apparatuses through which the everyday lives of people—but especially immigrants of color—are subjectivized for intervention and management, biometrically selected for detention and deportation (Gold 2012), and disposed of for the purification and well-being of the social body.

The employment provisions of IRCA extended the border into the workplace, a process that has intensified through the use of E-Verify. E-Verify is a web-based platform that enables employers to check the work eligibility of job applicants and current employees using the data on the federal I-9 employment eligibility form, which is to be completed by all job applicants at the time of hiring. The system checks individuals against databases of the DHS and the Social Security Administration to confirm that an individual is legally authorized to work, mainly by establishing that they have a valid name and Social
Security number (uscis 2015). In 2010, E-Verify added a “photo matching” tool, a biometric component intended to provide another layer of certainty to the determination.\(^2\) The E-Verify website is remarkably free of politics, and no reference is made to immigrants or immigration. We have not even been able to find a statement describing what the E-Verify program is intended to achieve. The website does, however, contain a strong privacy statement, rather striking under the circumstances, claiming that “E-Verify is committed to protecting your privacy and civil liberties with the same rigor that DHS places on protecting our homeland” (uscis n.d.). The intended audience here is clearly citizens, whose “privacy and civil liberties” are apparently threatened by undocumented job seekers stealing their employment opportunities.

Problems with E-Verify abound. The system is often criticized as unreliable because it depends on inaccurate databases, imposes undue financial burdens on employers, and leaves immigrant workers vulnerable to subjective determinations about their legal status (Patel 2010). While the system functions adequately to identify U.S. citizens, noncitizens with work authorization are much more likely to experience false denials of permission to work (Wesstat 2012). Moreover, other critics of the system argue that its implementation results in employment discrimination based on race or national origin (Liao 2013), as “some employers may be more reluctant to hire any worker who fits whatever profile the employer may associate with undocumented workers” (Good 2013, 4283). Others fear that E-Verify presents an obstacle to the freedom of movement for workers and employers, and subjects many dimensions of U.S. citizens’ lives to government control (Harper 2012; Kravets 2013).

At first glance, E-Verify seems to be an effective tool for discouraging employment of the undocumented and for encouraging immigrants to relocate, either to states that don’t mandate E-Verify or to another country entirely. However, on closer examination it becomes clear that the technology does little to impact the overall labor market. In Arizona, for example, where E-Verify was first implemented on a statewide scale under the Legal Arizona Workers Act (LAWA), the reduction in the size of the undocumented workforce had no positive corollary for native U.S. workers in terms of employment: Studies found that low-skilled, non-Hispanic, native-born white men in Arizona in fact experienced a 4 percent lower employment rate, a decline that the investigators statistically linked to the E-Verify law (Bohn, Lofstrom, and Raphael 2015).\(^3\) In addition, the Arizona law contains a loophole that exempts independent contractors from the E-Verify requirement. Even as they found a significant decline in the number of unauthorized workers hold-
ing formal jobs in Arizona, Bohn, Lofstrom, and Rafael (2015) also noted an 8 percent increase in “self-employment” among unauthorized workers, suggesting that many of the people forced out of the formal sector found work in an expanding informal sector (Lofstrom, Bohn, and Raphael 2011; Menjivar and Enchautegui 2015). As these jobs tend to contain fewer wage and benefits guarantees, the resulting situation is all the more precarious for unskilled, undocumented workers and their families, many of whom remain in Arizona in conditions of augmented vulnerability and invisibility. The effect of mandated E-Verify in Arizona appears to be a deepening of precarity for marginal workers; overall, “there is evidence that undocumented workers are being pushed further to the periphery of the labor market in the wake of” the move to E-Verify and other forms of enhanced immigrant policing (Hall and Greenman 2015, 407).

Notably, E-Verify augments the employer’s role as a frontline enforcer of immigration policy while posing little risk to the employer of the undocumented. As with IRCA before them, E-Verify laws contain sanctions (including fines and loss of business license) for employers who don’t use the technology or who hire the undocumented; in practice, again as with IRCA, these stipulations of the law are rarely enforced. In Arizona, E-Verify compliance among employers remained “spotty” five years after it became mandatory in the state, with only 43 percent of employers enrolled in the system, and only 19 percent among businesses employing fewer than five people (Henke 2013). Virtually none of the noncompliant employers had been sanctioned. Legal scholars (e.g., Lee 2009) speculate that the state prefers to ignore employer violations of the law in exchange for the role that employers now play in identifying undocumented immigrants for removal. The result of this collusion between state and private enterprise is that employers have become “immigration decision makers,” free to decide whether or not to run employees through the E-Verify system and thereby reveal their presence to the authorities. This is a one-way street, however: “unencumbered by fear of being punished, employers can threaten to report workers for removal, whereas workers do not possess any similar ability to blow the whistle on employers” (Lee 2009, 1105–6). Undocumented workers, of course, are not “unencumbered by fear”; to the contrary, the threat of being run through E-Verify is often enough to cow a worker seeking her rights under federal labor law, which protects all workers regardless of immigration status (Hall and Greenman 2015). The vulnerability of undocumented workers to the threat of exposure is further heightened during difficult economic times (which, incidentally,
tend to coincide with upticks in the passage of harsh employment laws [Ellis et al. 2014]), when employers gain even greater leverage over their workers due to the scarcity of other local options (Menjívar and Enchautegui 2015). As Sarah Horton (2016) has noted, employers can also create “denounce-ability” in their workers by requiring them to work under someone else’s identity papers, making them vulnerable to charges of “identity theft,” a situation only worsened by the threatened use of E-Verify (see also Stuesse 2010). These facts demonstrate the negative impact of E-Verify on workers, who are discouraged from organizing or making demands on employers who could threaten them with deportation. Employers, meanwhile, benefit from enhanced control over more disciplined workers, and enjoy the lower costs associated with the shift to a more informal workforce.

E-Verify, then, combines the “hard” federal threat of jail and removal with the “softer” state incitement to hide, relocate, or self-deport. Although E-Verify is not technically about immigrant removal, the existence of the militarized border, though not locally present, is a persistent reminder of the precarious situation of the undocumented and the potential for deportation if they step out of line. Fear and anxiety are the common responses to this situation, feelings that are intensified by the crosscutting, mutually reinforcing laws across legal scales: “Federal laws control who comes in and who is expelled, and policies at the state and local levels shape how immigrants live once they are in the country, in effect, complementing each other. Indeed, a key feature of the U.S. immigration regime today is its multilayered character, composed of federal, state, and local legislation with each layer magnifying the power and control of the other layers” (Menjívar and Enchautegui 2015, 111). E-Verify in this context operates in conjunction with other laws and practices to push undocumented workers out of the legal employment market and into underground settings where they are even more exploitable. The terror and anxiety found in such settings is typical of what one might expect to find among the “shadow populations” of the United States.

“The Dream Will Turn into a Nightmare”: E-Verify in Hometown

Our ethnographic analysis of E-Verify and its effects is based in a place we call “Hometown, NJ” a pseudonym that resonates ironically with the ubiquitous “homeland security” agenda, and indexes the Bruce Springsteen song “My Hometown.” (Springsteen was born and raised in central New Jersey.)
Hometown is a small borough with a population of about 15,000 residents. Over the course of four years (2011–2015), we engaged in a research project in activist anthropology, a disciplinary stance and mode of conducting research that is explicitly collaborative and constructive in its approach (for a small sample of the literature, see Speed 2006; Hale 2008; and Stuesse 2015). Thus, the research questions and methodology were developed in consultation with local advocacy organizations and with undocumented immigrants themselves, and were designed to focus on issues of particular concern to them in order to develop understandings that would serve the community in its struggles. We trained local individuals to participate in data collection, and two undocumented women became particularly close, serving as paid collaborators in the project. Using an ethnographic methodology of qualitative data collection, our four-person team (the authors of this chapter and two undocumented residents of Hometown) recorded over 100 individual and focus-group interviews and wrote thousands of pages of field notes describing our daily activities of participant-observation. Additionally, the four of us worked as volunteers in two local advocacy organizations, participating in the day-to-day work of legal advocacy and assisting people to cope with the challenges of living undocumented; Goldstein served for two years on the executive committee of one of these organizations.

New Jersey is an interesting state in which to study immigration, in part due to its history as a collection of autonomous municipalities, complicating any attempt to generalize about the state as a whole. In terms of immigration law, some New Jersey towns are highly securitized, with restrictive municipal ordinances that limit undocumented immigrants’ ability to work, rent property, or own businesses, while others are “sanctuary cities” that exhibit a welcoming stance toward immigrants. The state is thus a patchwork of contiguous and sometimes overlapping political, legal, and social milieus through which immigrants move in the course of their daily rounds of work, school, socializing, and home. For immigrants, this patchwork is particularly critical in terms of immigration law: as discussed above, state and municipal laws operate in concert with federal law, and there is a substantial degree of variation across localities (Provine and Varsanyi 2012; Menjívar and Enchautegui 2015). New Jersey is a popular destination for immigrants arriving to the United States. On a per capita basis only California and New York have larger nonnative populations; New Jersey ranks fourth in the nation (after Nevada, California, and Arizona) in the percentage of its workforce that is undocumented (Fine et al. 2014), and as a whole it is a relatively tolerant state.
as far as immigration law is concerned. The state legislature, for example, has consistently voted against requiring E-Verify statewide (initiatives to mandate its use failed in the legislature in 2008, 2010, 2012, and 2014). But there is substantial variation across municipalities, a fact to which undocumented workers must attend as they travel between jobs or simply shop for groceries in an unfamiliar town.

Floating like an island in the middle of a vast suburban sea of what used to be farmland, Hometown Borough is a close-packed cluster of colorful wood-frame houses and stone storefronts centered around an old Town Hall. Parts of Hometown look like classic middle America. There is a historic Main Street, a stately courthouse with white pillars fronting a trim green lawn, and many beautiful old homes with porch swings and American flags. Not far from the Jersey Turnpike and the Garden State Parkway, Hometown is a bucolic place for commuters to reside, an escape from the workday in New York City. More recently, Hometown has also emerged as an ideal place for the settlement of undocumented immigrants who live in the borough and work in the surrounding suburbs. Indeed, a predominantly white town where racial minorities were almost exclusively African American until the mid-1990s, in the past twenty years Hometown has seen a so-called “illegal invasion” (Kelsey 2007) and is now about 50 percent Latino (mostly Mexicans, but also Peruvians, Guatemalans, and others).

Relations between Hometown residents and the newcomers have not historically been cozy. In January 2004, a group of local residents and Latin American immigrants filed a suit in federal court against the borough on behalf of its Latino day laborers. The suit argued that an antiloitering ordinance passed in 2003 prohibiting workers from congregating in public spaces to wait for work was unlawful. In April 2004 a federal judge ruled in the plaintiffs’ favor, stating that the borough was violating Latino workers’ right to seek employment. In the aftermath, Hometown Borough has become a relatively safe place for immigrants to reside. The people—Latino, African American, and white—who came together to fight the municipality subsequently formed Casa Hometown, an immigrant rights advocacy organization that offers various services to immigrant workers and their families in central New Jersey. The police no longer harass workers in the muster zone, and the municipality has ceased its midnight “home inspections” intended to surprise people crowded into unauthorized housing. Many of the undocumented people we know in Hometown express a strong sense of security about living there. They try to avoid unnecessary contact with the police and with situations
that might bring them unwanted exposure to the federal immigrant detection system, but many of them believe that “as long as you don’t go breaking the law the police will leave you alone.” Many others express a surprising confidence in the local authorities and even told us about instances in which they called the police on someone else (in most cases a patrón who refused to pay them their salary at the end of the day), arguing that the police are there to protect their rights as well.

But Hometown Borough is part of the New Jersey patchwork of municipalities, and the policies and politics of one town have implications for others. Hometown Borough is an island in the sea of Hometown Township, the neighboring town that completely surrounds the Borough of the same name. Or, to mix metaphors, Hometown Borough is the hole in the Township’s donut, and the two places couldn’t be more different (compare with Coleman’s [2012] work in North Carolina communities). Whereas Hometown Borough (in the aftermath of the federal lawsuit and the changing demographics that followed) is now relatively tolerant of immigrants and is less than 40 percent white, Hometown Township is 85 percent white and immigrants are only welcome insofar as they are there as contracted laborers. Immigrant residents of the Borough do not like to enter the Township for fear of being stopped by the police on any imaginable pretext. Driving with a broken taillight, for example, or riding with too many people in the car, or riding a bike on the sidewalk, or “loitering” (i.e., waiting for work in the parking lot of a convenience store) can be enough to get you arrested. And once you are arrested, you are fed into the ICE computer, and from there it is a short step to detention and deportation.

Nor do people entirely trust the police of Hometown Borough. Despite some people’s willingness to call the police in emergencies, other immigrant residents of Hometown are less trusting, adopting a range of behavioral self-monitoring techniques to limit their contact with the authorities and so minimize the risk of detection, detention, and deportation. Some of these self-disciplinary practices are learned passively through observing other immigrants, or one’s parents and friends. Others are explicitly taught. Experienced immigrants instruct new arrivals on how to comport themselves to avoid detection. A Mexican immigrant named Mayer says that when he first came to Hometown, his cousin taught him the rules. Don’t drink, he told him, because alcohol can make you noisy, or violent, and either way the cops may be called. Don’t go to parties for the same reason. Don’t shoplift—it may seem like a small thing, but if you are caught you can be deported. Don’t go
out after dark, when your presence on the street may attract attention. Make sure not to litter. And so on. Undocumented workers learn the regulatory geography of the New Jersey patchwork and know in which towns they are safer and in which they are more in danger of detection (e.g., through more aggressive policing practices). The emphasis in all of these trainings, both formal and informal, is preparedness, a message echoed locally by workers at Casa Hometown and at the national level by organizations like the National Day Laborer Organizing Network (NDLON) and Domestic Workers United (DWU).

Despite their best efforts to avoid detection, undocumented residents of Hometown—like undocumented people nationwide—have recently begun to encounter new forms of regulation in the workplace through the imposition of E-Verify, which can electronically invade spaces that immigrants previously perceived as “safe.” New Jersey does not require employers to use E-Verify, but many elect to use it for the benefits it grants them as employers, as discussed above. This creates another quasi-legal patchwork overlaid atop the jurisdictional patchwork that already constitutes the political geography of the state, though one that is harder for potential workers to identify and map out in their self-disciplining. The challenge lies in anticipating whether or not they will be screened upon applying for a job, or whether or not their current employer might decide to adopt E-Verify and require worker screenings. Of course, many undocumented people do have documents. Some of these documents are fakes that people purchased upon their arrival in the United States, and which enable them to pay income and Social Security taxes, but more often people borrow or buy the papers of a citizen or legal resident, sometimes giving a percentage of their earnings to the owners of the documents (Horton 2015). Indeed, acquiring someone else’s valid papers can be seen as a rational response to the possibility of encountering E-Verify in the workplace, though this strategy is not without risks. As one interviewee told us, “a solution to [E-Verify] is to buy someone’s Social Security number. But then that can be even worse because using someone else’s Social is a crime. If you are caught, the dream will turn into a nightmare.”

The fear of encountering E-Verify comes partly from not knowing if a fake or purchased Social Security number is adequate to the test of the biometric database. Although E-Verify is not explicitly designed to deport undocumented immigrants, people who spend their lives in fear of immigration authorities and deportation are threatened by a program that requires them to present their Social Security card to their employer and risk being “outed” as undocumented. Silvia, a longtime undocumented resident of Hometown,
described the fear she felt when asked by her employer of thirteen years to present her Social Security card so her information could be entered into E-Verify; she told us that she “became very afraid of immigration. After thirteen years it was a difficult decision to present my papers.”

Silvia decided not to quit her job but instead submitted the fake Social Security card she bought twenty years ago, right after arriving in Hometown. Miraculously, her Social Security number was accepted by the system and she was able to keep her job. But the terror and anxiety she felt in the encounter were very real.

Not everyone is as lucky as Silvia, though. Many people lose their jobs once their data is processed; others simply resign when asked for their papers. Losing their jobs due to E-Verify further destabilizes people’s employment security, pushing them into more insecure situations as they choose to remain in New Jersey. People in Hometown describe how their encounters with employment eligibility verification forced them to move from one job to the next, changing positions each time an employer threatened to use E-Verify, or to search for jobs where the employer wouldn’t be using the technology.

Clementina, another undocumented resident of Hometown, recently got a job working at a fast-food restaurant. Fortunately, she says, this restaurant does not use E-Verify; but the nearby McDonald’s does, and many of her friends at that place fled their jobs in advance of being screened. As in Arizona, where lawa has pushed many undocumented workers out of formal jobs and into the informal economy, New Jersey residents also move from formal, full-time jobs to contracted, temporary work. These jobs usually consist of domestic or construction day labor and are significantly more precarious than the stable—if barely adequate—biweekly paychecks offered by more formal employers.

Informal workers are especially vulnerable to wage theft and on-the-job injuries, a situation made even more precarious by the use of E-Verify. Flavio, a longtime Hometown resident who works as a day laborer doing construction, was fired by his boss after having a work accident. This is not an uncommon occurrence: employers often deny workers their right to compensation for work injuries by dismissing them, believing that the worker will not pursue her or his rights for fear of being exposed as undocumented. E-Verify makes this practice even easier to employ. As Flavio said: “[My boss] told me I wasn’t fired due to my accident. He said he is now using E-Verify and I needed to show him my Social if I wanted to keep my job.” Regardless of his undocumented status, Flavio knew he had the right to receive compensation after his work accident, but his employer’s request for a valid Social Security Card was
enough to discourage him. “People told me it was just an excuse to fire me,” Flavio told us, “but I decided to leave things at that and look for another job.”

These feelings of insecurity and anxiety are not only linked to the fear of being detained and deported, but to economic worries as well. Although deportation figures largely in the scholarly literature on immigration, economic insecurity is a powerful force shaping the behaviors and politics of undocumented immigrants. Juana, who lost her job at a fast-food restaurant due to E-Verify, told us, “this really affected me both emotionally and economically. I have three kids and I had a good job that helped me provide for them. I now have to start from zero and get used to a totally different job. I was making sixteen dollars an hour. Going back to making eight dollars an hour deeply affects me and my family. . . . I didn’t [even] receive any compensation from my employer after working for her for seventeen years.”

And this was not only her loss, Juana says. In her own words, “with E-Verify we lose because we can’t provide for our families, employers lose because they won’t have people to work for them, and the state [of New Jersey] loses because even if we have fake papers we still pay taxes every month. If we Hispanics stop paying taxes, New Jersey has much to lose.”

The fear that accompanies E-Verify is intensified by people’s lack of knowledge of the legal system, and the resulting uncertainty and confusion further contribute to people’s insecurity. Apart from the NGO Casa Hometown and some private law offices, there are few venues for undocumented people in Hometown to learn about immigration policies and laws. As a result, they are often confused as to what exactly E-Verify is. Clementina, for example, associates the McDonalds’ workers “Fight for $15” campaign for a higher minimum wage with the company’s use of E-Verify: “They got rid of all of their undocumented immigrants and now people working for 7 dollars an hour have papers and are asking for their rights.” Not coincidentally, Clementina associates E-Verify with the loss of or inability to claim workers’ rights. Another interviewee named Roberta told us that “E-Verify is a tool for deportation. It is a law that allows cops to ask for your papers at any point.” When we asked Yuri if she’s ever had to deal with E-Verify, she proceeded to tell us a story about her place of employment, a local nursery and garden center, being raided by ICE: “E-Verify sent my employer an email saying they’d be checking everyone’s papers and then they showed up at my work asking for our documentation. Two months later ICE agents returned and demanded that the employer fire twenty-one of us whose Social Security numbers turned out to be false.” What is interesting about this story is that E-Verify is unrelated
to physical ICE raids (though it is connected to what have been called “silent raids,” in which ICE electronically audits employer records to identify undocumented workers; see Menjívar and Enchautepigui 2015, 109). What Yuri perceived to be E-Verify was a routine workplace raid, probably (as her employer ventured) in response to a disgruntled former employee’s finger-pointing. Within the complex network of local and national immigration legislation that undocumented people in Hometown have to navigate on a daily basis, E-Verify takes on a life of its own in the minds of the people it targets. In this context, E-Verify, like the highly securitized U.S.-Mexico border, does not keep people away from Hometown but rather makes them more afraid—and therefore more prone to exploitation and abuse.

Conclusion

The border, as mentioned, has been insourced or interiorized, so that it is now everywhere in the United States, an immanent frontier of politics and control situated not merely at the edges but inside the body of the nation. But as our ethnography shows, the border has also been interiorized within the bodies of undocumented people themselves. Authorities seeking to manage the immigrants’ presence in the United States have targeted their internal worlds for disciplining, deploying sophisticated regulatory regimes to terrorize undocumented people and thus influence their behavior (compare with Willen 2007). This terror is all the more intense as these regulatory technologies become increasingly pervasive in daily life.

E-Verify is one technology by which this interiorization is accomplished. It is part of the biopolitics of immigrant policing, a form of “soft” regulation that pushes undocumented people into shadow populations and underground economies, where they are made even more vulnerable, their labor rendered even cheaper and more accessible to the needs of U.S. capital, their ability to demand their rights as workers inhibited. As Ruth Gomberg-Muñoz and Laura Nussbaum-Barberena have observed (2011, 366; citing Delgado 1993, 58), “cheap labor is not necessarily docile labor,” and E-Verify as a biopolitical instrument is effective in generating worker docility. The production of terror is critical in this regard: Through technologies such as E-Verify, the state can penetrate the inner world of the undocumented immigrant to effect a particular policy outcome by inducing fear of deportation within the subject and causing them to make choices that appear to be agentive but are in fact
highly overdetermined. In this, E-Verify and other immigration-related technologies, laws, and programs are not unlike other forms of neoliberal governmentality (Inda 2013), which strive to inculcate particular subject dispositions marked by qualities of self-regulation and individual responsibility—here, the immigrant is even expected to become the primary actor responsible for her own removal.

Although the securitization of immigration is a phenomenon of the twenty-first century, the political power of fear has a long history as part of the public discourse about immigration in the United States (Ngai 2004). Indeed, if fear of the terrorist, criminal, undocumented immigrant has been mobilized in the United States to rally support for the increasing securitization and interiorization of the U.S. border, fear of detention and deportation has also been mobilized to keep the noncitizen and her family in place. But if technologies such as E-Verify are intended to terrify, they are also unlikely to make the undocumented give up the promise of finding prosperity for themselves and their families in the United States. What this reveals, however, are the ways in which state-sponsored security discourses and programs cultivate fear among all segments of the population, citizen and undocumented alike, contributing to a climate of racism, uncertainty, and despair with which everyone must cope.

Notes

1 “Criminal aliens” is the term used by immigration authorities to refer to an undocumented immigrant who has been convicted of a felony or misdemeanor (Inda 2013, 293).

2 There has been some debate in the media about whether or not E-Verify actually constitutes a biometric program, given that it largely relies on name and Social Security number to establish a person’s identity. Others argue that these are indeed biometrics, and the inclusion of the photographic requirement seems to obviate any doubt. For more, see Jason Green (2013) and David Kravets (2013).

3 Unfortunately, this study (like most of the other studies reviewed in preparing this chapter) does not provide data on the employment effects of LAWA on other categorical population groups (e.g., African Americans, Native Americans). This seems to be something of a pattern with strictly quantitative analyses of E-Verify.

4 For a comprehensive history of New Jersey, see Maxine Lurie and Richard Veit (2012).
Although federal policy under the Priority Enforcement Program (PEP), which went into effect in July 2015, is now intended to target only the most dangerous or criminal immigrants, the decision on whether or not to process a detainee through ICE remains at the discretion of local or state police and judges. Thus, in a place such as Hometown Township, it is likely that detention and deportation rates will remain similar to what they were under Secure Communities.

All names are pseudonyms, to protect the identities of our undocumented research collaborators.

These facts run contrary to the common belief that the undocumented do not pay taxes on their salaries. On the contrary, undocumented workers pay billions of dollars annually in income taxes using false documents or those of other people, including Social Security taxes to which they will later have no claim (American Immigration Council 2011). Many undocumented workers also have a legitimate Individual Taxpayer Identification Number (ITIN) that they receive from the government and with which they pay income taxes.

References


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