

# Neither Here nor There: An Immigration Case Study on the Juárez-El Paso Border

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## Faculty Introduction

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Jesus Ayala-Candia's detailed analysis of local responses to federal immigration actions is unique. What the primacy of federal immigration policies means for local municipalities who must deal with the impact of these regulations has been largely unexamined. This outstanding work details one border city's response during an immigration crisis which witnessed children being taken from their parents and mass removal of asylum seekers to Mexico under the Migration Protection Protocols implemented by the Trump Administration. Ayala-Candia conducted interviews with city and county officials on both sides of the border. He found that local charities and churches provided most of the humanitarian assistance; the municipal response was transportation-related and involved shuttling immigrants released by federal agents onto El Paso streets to the local shelters. The county response is a law enforcement one enabled by federal funding from Operation Stonegarden. Ayala-Candia describes the resulting border panopticon.

## Abstract

Over the course of the Trump administration, the flow of migrants from Latin America has ticked up. Correspondingly, Americans have become increasingly xenophobic. This pattern of foreign immigration and anti-immigrant sentiment is a recurring one. Calls for the need for immigration reform are made and often drastic actions ensue. Thus, what we are presently witnessing is simply a new verse in the ongoing immigration chronicle. This condensed report of findings extends from a research project that investigated the local responses to record numbers of immigrants seeking asylum at the Juárez-El Paso border.

## Introduction & Methodology

In 2018, a large (and well-publicized) caravan of migrants from Central and South America reached the US-Mexico border. With wall funding blocked, the Trump administration turned to other drastic measures to address the “crisis” at the border and deter immigration from Latin America. They began separating children from their families—not only traumatizing migrant families, but also significantly increasing the amount of shelter space needed to house the immigrants, which then led to overcrowding and unsanitary living conditions. This overcrowding eventually led to immigration officials releasing hundreds of migrants at a time into public spaces in cities like El Paso. The Trump Administration formalized this program through the Migrant Protocol Program (MPP)—infamously known as “Wait In Mexico”—an Executive Order that forces asylum seekers to stay in Mexico while they await their hearing with an immigration judge instead of allowing them to wait in the US where they may have access to a more robust support system (i.e., through sponsoring families and easier communication, among other options).

The MPP has been largely criticized for its override of due process within asylum laws while also placing an unjust strain and congestion on border communities like El Paso and Juárez, to provide shelter and food for the surge of migrants notwithstanding that they may be unable to host them in the first place. This policy has caused overcrowding at Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP) detention facilities and led to improvised shelters under the Paso Del Norte International Border Bridge.

At the time this research began, migrant families were being separated, caravans of immigrants were being released into the streets of El Paso, and thousands more immigrants were waiting across the border in Mexico for their asylum cases to be processed in the US. Much of the existent immigration research discusses the effects and rationales from previous hardline immigration mandates (Douglas & Saenz 2013; Douglas, Saenz & Murga 2015; Vereza 2018), but I was interested in learning the perception from the local and public officials along the border under these circumstances.

The following research questions are addressed in this paper:

- What role do local officials play in the current migrant population?
- What are the effects of this constrained migratory system on the borderland society?

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This qualitative study, approved by the SHSU Institutional Review Board (IRB), consists of in-depth interviews with key immigration officials. The location for the research was El Paso, Texas, and Juárez, Mexico. Interviews were conducted from June through August, 2019. As sister cities, Juárez and El Paso share a strong cultural and economic symbiotic relationship where positive or negative experiences in one location invariably impact the other; this close-knit relationship made it an ideal setting for my research.

After first identifying key officials mentioned in various media accounts, a snowball sampling methodology was implemented to recruit additional participants—one subject recommends another one, and that one recommends another one, and so on. Interviews ranged in length from thirty minutes to over an hour. Each participant was allowed to decide if they would like to be identified in the report by indicating their preference on the consent form that was provided at the beginning of each interview; those who chose not to be identified are simply referred as “official.” In total, 22 in-depth interviews were conducted.

### **On the Ground in El Paso: The Local Response**

According to one public official, more than 75,000 migrants were released by ICE and CBP into the El Paso community between January and May 2019. These immigrants were simply dropped off at the local Greyhound bus station, which in the past had allowed immigrants to wait inside the facility. However, the sheer numbers of immigrants, and the fact that the immigrants had no tickets or means to acquire tickets, forced Greyhound to bar immigrants from inside the terminal. Thousands of immigrants were simply left to mill the streets. Several non-Governmental Organizations (NGOs) such as Annunciation House, Hope Border Institute, *La Casa Del Migrante*, members of the

clergy, and other activist groups stepped up to help provide housing for the stranded immigrants (Public Official A. Personal Interview June 2019; Kolenc, 2018; Martinez 2019).

Annunciation House, in particular, rented hotel and motel rooms to shelter the migrants incurring a cost of upwards of \$10,000 per night for 200 rooms. However, the uncertainty over how long housing would be needed, and the costs of housing migrants in hotels and motels, forced officials to seek more long-term accommodations. Ruben Garcia, director of Annunciation House, and officials with the City of El Paso scrambled to establish more shelters and hospitality centers throughout the city. Annunciation House opened a mega shelter called *Casa del Refugiado* (House of the Refuge), a 500-bed migrant shelter in a vacant warehouse to help prevent capacity overflow at the smaller shelters (Borunda 2019; Martinez 2019).

Long on the wish list, the ongoing crisis in El Paso provided the impetus for the city to move forward with the creation of the Office of New Americans (ONA). ONA is a department that offers various civic, educational, and citizenship services for immigrants and works to improve the quality of life of the general community, and help the

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integration of migrants into a more seamless transition. A report provided by the office of El Paso County Commissioner David Stout offered further insight into the services offered by ONA similar to those in the city of Houston, where monthly citizenship meetings are held in order to assist migrants to obtain legal naturalized status, as well as a place to report fraudulent immigration services. ONA of El Paso provides legal services that can help immigrant business owners work through the complicated immigration process, ostensibly improving the legal immigrant retention and general well-being of the community.

Commissioner Stout agrees that though this is a small step forward, it is not the only way to provide immigration services. Nevertheless, local governments are in a better position of providing migrant assistance in collaboration with other local organizations before transitioning into

a more independent one. The Office of New Americans is currently being funded with an endowment of \$100,000 from the El Paso County 2020 Fiscal Year budget cycle. However, ONA had still not begun operations (Stout, D. Personal Interview, June 2019).

The crisis of unhoused migrants was even more acute in Mexico. Due to the Migrant Protection Protocols, an unprecedented number of migrants were being returned and released onto the streets of Juárez. In order to minimize the risks to public health and safety, the State of Chihuahua, Mexico, implemented a large operation to help guide migrants in applying for social welfare assistance programs and help them integrate into the Juárez community. Juárez's version of El Paso's ONA is *El Centro de Atención Integral al Migrante* (CAIM)—Comprehensive Migrant Care Center—CAIM is part of a larger state-level program that assists Mexican, and now South and Central American migrants in their social welfare applications, their asylum applications, and in finding housing based on the individual migrant case (Lucero, 2019).

CAIM's director, Mr. Dirvin Garcia, delineated that CAIM's mission is to collaborate with several NGOs and churches in Juárez, along with the Mexican Government Federal entities such as the *Instituto Nacional Electoral* (INE)—which helps migrants request a new registration or renewal of their Identification Card (for non-Mexican migrants, the INE can schedule IDs to be registered or renewed from their respective nation), in conjunction with the Mexican Red Cross providing first aid services to many of the migrants who are suffering from dehydration, heatstroke, or lacerations on their hands or feet after their long trek on foot from their countries of origin.

In 2018, Juárez only had four recognized shelters available to house the migrants. As the level of returned migrants increased in 2019, CAIM and other local governmental entities had to motivate other charitable organizations to become shelters. They were surprised to discover that most of the places they recruited were already working as shelters, and simply needed to expand their housing capacity. By the time I began the interview process in the summer of 2019, Juárez had twelve registered shelters and hospitality spaces to help house migrants.

Shelters in Juárez were also reaching a breaking point in terms of capacity, because their guiding philosophy per Garcia is that “the altruistic mission of religious organizations is to say, ‘if you shield one, shield all,’ but the logic of altruism and physical availability will collide.” In order to prevent an overflow of capacity and evenly distribute the migrants, CAIM decided that it was necessary to understand the socioeconomic background of the migrant population. To that end, CAIM constructed a database register with a filter system to orderly divide the migrants and assess those who were able to afford rental housing (hotel or motel rooms) or needed to be placed in a shelter. Once migrants arrived at CAIM, their information would be gathered using a 74-question survey to assess the need levels of the arriving migrants. Once a migratory profile was created, the degree of vulnerability and need of each migrant was determined.

Based upon their answers, the social workers would provide directions to the shelter to those that required it, and those who could afford rental housing would be provided with a list of inexpensive local hotels and motels. Garcia also noted that they created a handbook with specific conduct rules and each migrant was forewarned that many of these shelters were “not five star hotels, you may have to wait in line to use the toilet or shower, some are religious groups and if they ask you to behave a certain way (no usage of foul language or smoking), you’ll have to be respectful and do as told.” Garcia said that these warnings deterred some of the more “affluent” migrants from requesting admittance into the shelters and would instead opt for rental housing. The option of sheltered housing was always open should the migrants need it later.

Garcia commented that the effect of the MPP in Juárez showed the weaknesses in Mexican policy in regards to immigration. He explained that Mexico does not have a homogenous immigration policy to be followed at their borders as opposed to the United States. Garcia noted that immigration policy and procedures change from border town to border town, thus leaving their officials to legally interpret and implement their response to immigration surges based on the availability of their resources instead of need. For example, in the border towns of Tijuana and Tapachula, the Mexican National Guard has been granted authority to act as immigration officials whereas in Juárez, “that has not been the case; here we are being told that the National Guard will work jointly as immigration agents.” In terms of the position of the US,

Garcia states that these restrictions have caused an unexpected strain on their resources because the policy dimension of both Mexico and the United States have not synchronized with each other but created an imposition for municipalities like Juárez to retain the migrants on their own.

Furthermore, CAIM's records show that by July 7, 2019, their registry had counted a total of about 17,330 migrants seeking asylum in the US who had been returned to Juárez. In just that first week of July, their records indicated that of the 8,649 migrants returned to Juárez, 36% of them were from Guatemala; 29% from Honduras; 19% from El Salvador; and 16% from other nationalities. Despite the large number of migrants funneled into Juárez and the workload burdens on organizations like CAIM, Garcia says that while it has not been easy, they are coping as best they can and learning how to handle immigration situations in a state of flux (Garcia, D. Personal Interview, July 2019).

### **Local Churches: A Call to Action**

Local churches also stepped in to assist the migrants released in El Paso. One church's response, St. Thomas Aquinas Catholic Church in northeast El Paso, serves as one illustration of responses from local churches to the migrant crisis. Father Ed Roden-Lucero from the parish of St. Thomas Aquinas Catholic Church leads his ministry with a focus on social justice. St. Thomas church became a hospitality center for migrants at the request of the Bishop of El Paso, Mark J. Seitz, in 2018. Father Roden-Lucero preached about it to his parish on the first Sunday of December asking for volunteers to participate; 200 parishioners volunteered by the end of the day. Parishioners also generously stepped forward to donate and organize donations of food, clothing, toiletries, and other items from the community at large. Further, the church also housed migrants. They had the capacity to host sixty migrants per week.

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At the end of each week Father Roden-Lucero and his ministry would assess the issues his hospitality center encountered and survey donations. In order to keep his parish motivated and aware of the situation migrants

had lived through, Father Roden-Lucero would include a narrative of

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the reasons these migrants had fled their home countries in the church's Sunday bulletin alongside a list of the items they lacked or had in surplus. He believes that this gave the parish a reminder "of why we are doing this." Father Roden-Lucero and his volunteers at times were weary, since most days revolved around ten to twelve hour shifts and overnight shifts to look out for the refugees while they slept in the parish hall. Father Roden-Lucero noted that "there was never an issue, a fight or an argument amongst the refugees... and we never felt unsafe while housing the migrants...they are good people unlike what we hear in the news." Though Father Roden-Lucero never mentioned the US President or the current administration by name in his sermons, he did notice that a handful of parishioners left because they did not agree with what St. Thomas was doing (Roden-Lucero, E. Personal Interview, June 2019).

St. Thomas was able to provide migrants with on-demand healthcare. Jessica Romero, a physician's assistant, parishioner, and member of the First Aid Ministry, works with a federally qualified health clinic in El Paso that provides a mobile unit for homeless outreach. During the six months that St. Thomas operated as a shelter, Project Vida and the First Aid ministry assembled a team of medics, nurses, physicians, and other health care workers to provide first aid services for the migrants. They noticed that about 80% of the migrants they received on the very first intake were diagnosed with the common cold, upper respiratory infections, ear infections, diarrhea, and abdominal pain.

Upon conducting their initial medical screening, the medical staff would ask when migrants had started experiencing symptoms. The migrants responded that they had been fine during their trip to the US border, until "*quando estaba en la hielera*" ("when I was in the freezer"). The word *hielera* means freezer in Spanish and it is the nickname given to the ICE detention facilities by the migrants because of how cold the facilities are all the time, especially in the late winter months of January and February. Both Father Roden-Lucero and Romero mentioned that even when temperatures got warmer and illnesses started to drop, there was not one week when everyone was all right.

According to Romero, many of the migrants who came into St. Thomas showed signs of Post-Traumatic Stress Disorder (PTSD) that probably extended not just from their journey, but was reinforced by living in detention. Researchers Pumariaga and Rothe (2010) argue that when refugees are abruptly displaced from their homeland and are further victimized during their residence in migrant camps, those same refugees can face higher rates of acute stress, depression, anxiety, PTSD, and other mental health complications. Signs of trauma were present in children as well as adults; Romero reported that for some migrant men, simply asking where they were coming from would cause them to break down in tears before responding.

Aside from the internal and mental ailments, Romero noted that athlete's foot was a common problem among the migrants because many came to the border on foot, wearing the same "pair of socks and shoes for twenty-something days." Romero also observed that the migrants came in with lacerations on their feet, much like what the Mexican Red Cross saw at CAIM. She recalled a specific case where one man had been wearing boots that caused him "such raw blisters on the backs and sides of his feet, but that is all he had so he had to wear them." She also recalled that children would have "cut after cut in between their toes and on their feet. Some were bleeding on their socks because they hadn't been able to change footwear in more than a month." Several physicians in El Paso created a coalition of volunteer medics and healthcare practitioners who would visit the different shelters around the city to provide healthcare services for migrants (Price 2019).

Before ending my interview with Romero, I asked her how she would respond to those who refuse to help migrants in this time of crisis. Her response reminds us that despite the mischaracterizations of immigrants as rapists, criminals, terrorists, migrants and their families are people who look just like us: "What if that was your family?...[Migrants] risk everything to come, you don't leave them to die that way, they are human...They didn't look much different than us, so how can you not think of your family?" (Romero, J. Personal Interview, July 2019).

## Economic Disruptions to the Local Economies

A common pattern all the research participants relayed to me during our interviews was concern for the increased wait-time at the ports of entry as a consequence of the MPP. As the number of migrants in the ICE detention facilities increased, it became necessary for CBP officials to reassign the duties of many of its border officers to assist with the daily operations at the detention centers housing migrants. This absence of CBP officers at the border crossing created heightened traffic congestion on both sides of the border.

The Federal Reserve Bank of Dallas examined the economic indicators of the El Paso sector and determined that El Paso registered a loss of \$4 billion in trade during the first half of 2019. Their report highlighted that the annualized trade at the El Paso Port of Entry totaled \$74.5 billion in March 2019, down 7.3% from the previous year. Imports, which account for 60% of the total trade through the Port, dropped 9.8% or \$45.3 billion, while exports declined 3.1% or \$29.2 billion (De León 2019). *El Diario de El Paso*, a local Spanish-language newspaper, upon consultation with economic experts from the University of Texas at El Paso, estimated that an additional hour of wait-time per day, per 365 consecutive days, could reflect a loss of \$750 million dollars for 800 businesses in El Paso alone; for Juárez that would reflect a loss of \$2.1 billion dollars for 3,200 business (Zuniga 2019).

Since the summer of 2018, Department of Homeland Security and Customs and Border Patrol officials have placed concrete barriers topped with concertina wire on a majority of the traffic lanes on the US side of the bridge as a method of preventing mass crossings of migrant caravans. This measure was reinforced by CBP officials patrolling the area of the bridge and reducing vehicular traffic to one lane. This blockade has increased the wait-time period which, in turn, has resulted in frustration from the 55,000 Juarences and El Pasoans who commute daily across the border for work or school (Timmons 2018), causing them to blame the migrants for the traffic backlog on the bridges. Garcia from CAIM, reported his and his family's frustration because of the long commute times. A cousin of his told him that "it's not possible [to believe]! I work at Wal-Mart in El Paso, and I have to start making the line at the bridge

from midnight just so that I can make my morning shift on time because I have to wait up to four hours just sitting on traffic!” (Garcia, D. Personal Interview, June 2019).

The extreme wait times are not an exaggeration. I also experienced this frustration during my interviews in Mexico. I had to devote an entire day to simply do one interview, because the wait times to cross back to El Paso are so unpredictable it would not be wise to schedule two on the same day. On one particular occasion, I had to wait about half an hour simply to arrive at the toll fee station to cross the bridge by foot. After I was able to cross, I noticed that the immigration officers in Mexico were only allowing entry of about thirty people at a time. Meanwhile, the car lanes were restricted to a single lane such that traffic had extended almost the entirety of bridge, with only three of sixteen car checkpoints open. A similar backlog awaited pedestrians. People were standing the entire length of the bridge with only eight of sixteen available stations open. The total time to cross by foot was about two and a half hours; for cars, the wait time was doubled.

### **Local Law Enforcement Responses: Foucault and the Border Panopticon**

Seventeenth century English philosopher Jeremy Bentham conceptualized the notion of the Panopticon, a rotunda like prison where the guards stand in a centralized tower and are able to observe a whole row of inmates without themselves being seen, forcing the prisoners to police themselves in fear of punishment.

More contemporary sociologists, like Michel Foucault, expanded on this concept of the panopticon from a point of governmental surveillance by describing this effect where the prisoner “is seen

but he does not see, he is the object of information, never a subject of communication” (Foucault 1977). The federal government’s focus has been increasing the militarization of the border through enhanced surveillance technologies and tactics rather than operationalizing it from a humanitarian approach. In the context of this study, panopticism in El Paso is very much framed by previous federal and state programs, ordinances, and now by the Migrant Protection Protocols. At the

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federal level, we have the application of grant programs like Operation Stonegarden—a grant paying for overtime wages and equipment to support local law enforcement agencies, like the El Paso Police and Sheriff's Departments, in exchange for patrolling the border. One public official described Stonegarden's relationship with the El Paso police as “a second set of eyes for Border Patrol to radio a unit to come in... You will see city patrol cars parked every few miles. A lot of people think they are there to enforce speed, but I guarantee that if you speed past one they are not going to pull you over,” he explained (Public Official B. Personal Interview, June 2019).

Commander Ryan Urrutia, speaking on behalf of the El Paso County Sheriff's Office, commented that their role under the current immigration environment and under Stonegarden is limited. Their actions involve helping the Border Patrol with transporting migrants and that under no circumstances are they involved or interested in the arrest or enforcement of immigration law. That, he emphasizes, is left to the jurisdiction of CBP. On the other hand, Public Official B did note the irony of El Paso officials who swiftly opposed using their local law enforcement in immigration matters, but remain willing to accept federal funds via Stonegarden to use these same forces for de facto immigration enforcement (Urrutia, R. Personal Interview, June 2019; Public Official B. Personal Interview, June 2019).

Another element of panopticism is the process by which CBP has managed to limit the number of people who can request asylum at a port of entry at a US-Mexico border. Through this tactic called “metering,” one or two CBP officials are stationed at the top of the US side of the border bridge, where migrants seeking asylum are intercepted and informed to put their names on a waiting list in Mexico. “Metering” has been in practice since the Obama Administration, but only for a limited period of time until it was revamped under the Trump Administration (Fredrick 2019). In my own experience, while returning from conducting my interviews in Mexico, I discovered that no one is truly exempt from this “metering” system. The stationed CBP officials will briefly stop pedestrians to

check if they have a visa or passport with them. Just as theorized by Foucault's panopticon, border crossers police themselves in what seems to be a custom for everyone who is crossing the border to display one's immigration documents to the CBP officers even when they are not actively checking for immigration documents.

A consequential effect of "metering" and the Border Panopticon is that it is also causing a sense of despair for the migrants forced to wait in Mexico leading to rash decisions, much like the case of the Salvadoran father and daughter who drowned while attempting to cross the Rio Grande by the Brownsville Port of Entry. The father and daughter had been returned to wait in Mexico through "metering" and out of despair they decided to venture through a hazardous route that ultimately took their lives (Thebault, Velarde, Hauslohner 2019).

## **Conclusion**

Throughout this case study of the present immigration crisis at the border communities of El Paso and Juárez, I have detailed several responses to how local officials handle matters of federal immigration policy. For sure, local officials' hands are tied because while they might want to address this issue in a humanitarian manner, they are limited in what they can do largely because of limited resources. We must observe their efforts as commendable for they have been the ones to persevere through this crisis.

Officials in El Paso, Texas, have begun taking steps to establish the Office of New Americans, a comprehensive migrant care department that shows promise in helping integrate the migrant population by providing legal and welfare guidance in the Borderplex region of west Texas; similar systems have already been implemented in various places around the nation and have shown to be effective. Officials in Juárez, Mexico, have actually bypassed El Paso in fomenting their own level of comprehensive migrant care by institutionalizing *El Centro de Atencion Integral al Migrante* since 2018. Municipalities like Juárez, that have to constantly adapt to the mercy of US immigration law, have been obligated to create centers in order to counter the strains imposed on them by provisions such as the MPP.

Despite the resiliency and goodwill of the people of El Paso and Juárez, these communities are suffering the consequences of this panopticon border effect. The abrupt interruption of the daily functions of members on both sides of the borderland society are now victims of prolonged wait times and traffic constrictions in the daily crossing at the border. Moreover, the Migrant Protection Protocols are not protecting anyone and specifically, not the migrant population. It is in fact posing another barrier to prevent those seeking the “American Dream.” The MPP has worsened the wait time of the asylum process while also congesting both federal detention facilities and NGO shelters. In turn this produces frustration and despair among the migrants who have attempted to cross. Some have resolved to commit the ultimate sacrifice by risking their lives looking for more hazardous routes along the US-Mexico border. Yet, those who do make it are still oppressed by the systematic power of the Border Panopticon that has enveloped this vulnerable population and further reinvented ways to criminalize, deter, and penalize their behavior. ■

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### *Student Biography*

Jesus Ayala-Candia earned an academic fellowship with the McNair Scholars Program that enabled him to conduct his research on immigration policy and its effects on the US-Mexico Border. He graduated in December 2019 with a Bachelor of Science in Criminal Justice and a Minor in Sociology from Sam Houston State University. Currently he is a graduate student and a teaching assistant in the Department of Sociology at Texas Tech University; he hopes to pursue a career in academia as a professor. His research interests include immigration, sociolegal interactions, social movements, and Latinx sociology. He would like to extend his gratitude to the directors of the McNair Scholars Program and Cohort XVI, Dr. Tamara Waggener, and his dear colleague, Dr. Karen Douglas, for mentoring him as a researcher and inspiring him to thrive on as a First-Generation student and be able to say: '*Si se puede, y si se pudo*' ("Yes, it is possible and yes, we can").