
The Privatization of Immigration Control

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At about the same time that Iraqi Prime Minister Nouri al-Maliki announced to the world that he would expel Blackwater Inc. from Iraq after the massacre of 17 unarmed Iraqi civilians at a western Baghdad checkpoint, *Salon Magazine* reported that Blackwater was headed for the US-Mexican border in hopes of expanding its base of operations. According to *Salon*:

Blackwater is planning to build an 824-acre military-style training complex in Potrero, Calif., a rural hamlet 45 miles east of San Diego. The company's proposal . . . will turn a former chicken ranch into "Blackwater West," the company's second largest facility in the country. It will include a multitude of weapons firing ranges, a tactical driving track, a helipad, a 33,000-square-foot urban simulation training area, an armory for storing guns and ammunition, and dorms and classrooms. And it will be located in the heart of one of the most active regions in the United States for illegal border crossings.¹

Blackwater has been bringing its private "war on terror" home to the U.S., seemingly, hoping to move into the area of immigration control, five years after Paul Wolfowitz first positioned the "home-front" as the first defense against terrorism.

It makes sense that the private war that followed the troops to Iraq would now be establishing a paramilitary infrastructure on domestic turf. A large immigration industrial complex is an offshoot of a post-9/11 neo-liberal regime that is designed to re-territorialize and privatize the war on terror.

The regime originated in 2003 when immigration control shifted from the Department of Justice (DOJ) to the new Department of Homeland Security (DHS). The INS was abolished in March 2003 and its functions transferred into the DHS, in a merger of some 180,000 employees from 22 different agencies. The DHS has a mission to "unite much of the federal government's effort to secure the homeland, with the primary goal being an America that is stronger, safer and more secure." It seeks to "prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism; and minimize the damage and recover from attacks that do occur."²

The new Border Patrol mission prioritized efforts to prevent terrorists and terrorist weapons from entering the United States, while also reaffirming the agency's

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traditional mission of preventing the entry of illegal aliens, narcotics, and other contraband.

The decision to include immigration within Homeland Security was no accident. One author suggests that the first major step linking immigration to the war on terror occurred with the creation of DHS, which would include the Border Patrol, port of entry inspectors from Customs, INS, and the Agriculture Department's Animal and Health Inspection Service within the purview of the new Bureau of Customs and Border Patrol (CBP). Also within DHS are Immigration and Customs Enforcement (ICE) and US Citizenship and Immigration Services (USCIS).

Under a 2002 Executive Order a host of sub-governments formed and private actors gained direct access to the immigration control policy process. For example, the Customs and Border Protection's Expedited Removal Program has contracted with KBR [Inc.] to oversee the expansion of the federal government's capacity to detain immigrants. This \$385 million contract would set up temporary processing, detention and deportation facilities. Indeed, the KBR deal is part of an extraordinary rush to build new private detention sites. Private prison companies are competing for an immigrant "super jail" facility (2,800 beds) in Laredo, Texas, and in December 2005, Corrections Corporation of America (CCA) announced a contract with ICE to hold up to 600 immigrant detainees in Tyler, Texas.

Privatizing immigrant detention is nothing new. During the early 1980s, the federal government began experimenting with incarcerating people for profit. What is new is the expansiveness of privatization after 9/11 and its use in establishing a social control apparatus ostensibly for non-citizens but applicable to citizens, as well. According to one authority, "In the aftermath of 9/11, the private prison industry has once again experienced a boom as national security has been pressed to sweep up and jail an unprecedented number of immigrants. Immigrants are currently the fastest growing segment of the prison population in the U.S. today."³

As an outcome, the private prison industry is increasingly in a position to direct immigration detention policy. Private detention facilities are one-stop shops for immigrant processing. The DHS contracts are to train and supply security guards and screeners and to build, manage and maintain detention facilities. Security guards and screeners make decisions related to political asylum and other forms of relief from deportation, arrest, recommendations on relief from detention, and hold a great deal of everyday power over the conditions of confinement within the detention facility. Guards have control over access to phones, lawyers, visitors, food, restrooms and medical care. Given the logic of private prisons—to keep beds full—privatization threatens the legal integrity of immigrant processing.

Private guards wear badges, uniforms, carry guns and drive cars with sirens; they make arrests and as far as the individual is concerned, represent the coercive force of the state. They wield as much power as any state actor but are not held as accountable to the rule of law. Screeners and guards make decisions with virtually no oversight. Interviews and hearings are closed to the public and family. Non-citizens are secretly shuffled from one detention facility to another around the country, without notice to family or counsel.

Even more troubling are contingency plans that could detain and deport large numbers of immigrants "at the command of the president." The plan contains echoes of Japanese internment camps during WWII, as well as contingency internment plans for middle-eastern non-citizens established during the 1980s. On October 17, 2006, President Bush signed into law the John Warner Defense Authorization Act. It allows the President to declare a "public emergency" and station troops anywhere in America and take control of state-based National Guard units without the consent of the governor or local authorities, in order to "suppress public disorder."

In a manner reminiscent of government raids preceding Japanese internment during WWII and other notorious raids against immigrant communities during times of national insecurity, the Warner Act would facilitate round-ups and detention of protesters, "illegal aliens," "potential terrorists" and other "undesirables" for detention in facilities already contracted for and under construction by Halliburton. In January 2006, the DHS awarded a \$385 million contingency contract to KBR to establish temporary Detention and Removal Operation (DRO) facilities. Under the cover of an "immigration emergency" and militarization of the southern border, detention camps are being constructed for anyone who resists the foreign and domestic agenda of the administration.

Current proposals for guest worker programs are also replete with privatization references. Rep. Mike Pence, an Indiana Republican, has proposed deploying private "Ellis Island Centers" in foreign countries for the purpose of recruiting and managing guest workers. Such mechanisms share proprietary interests with some of the Iraq war's more notorious privateers.

After more than a decade of border militarization, the federal government in May 2006 solicited bids from military contractors Boeing, Lockheed Martin, Raytheon, Ericsson and Northrop Grumman, for a multibillion-dollar contract to build a "virtual fence" of unmanned aerial vehicles, ground surveillance satellites, motion-detection video equipment and databases to store information on the identity of millions of non-citizens along the border.

Such militarization is not new. During the 1970s and 80s, the militarization of the border made do with Vietnam-era technology. During the Reagan era, the INS introduced high tech air support, OH-6 spotter-observation helicopters from the US Army, night-vision and infrared scopes, and low light television surveillance systems. Within short order the border patrol introduced SWAT teams, military trained and armed Border Patrol officers who ride in armored personnel carriers, shoot M-16s and keep grenade launchers handy.

Boeing plans to delegate some of its workload and authority to subcontractors including Unisys and a division of L-3 Communications Holdings Inc., Perot Systems, Lucent, and others. According to Unisys Vice President of Homeland Security, Brian Seagrave, Unisys will be in charge of the SBI-net systems engineering, infrastructure, and configuring and installing key software, including the "common operating picture," which Seagrave describes as SBI-net's brain. Unisys' experience in this field includes police department systems and a range of surveillance and detection contracts.

The virtual fence gets its cachet from its ability to track non-citizens long after they pass through the border. As such, it becomes a metaphor for the entire border industrial complex. According to Washington Technology, "the system will create a virtual border that operates beyond U.S. boundaries to help DHS assess the security risks of all US-bound travelers and try to prevent potential threats from reaching the country's borders."

After the collection process, the data are stored in government sites in agencies throughout the federal, state, and local governments. As of May 2005, about twenty-five million individuals have submitted data, 590 of whom have been denied admission for crimes and immigration violations. According to one authority, "there is no evidence that US-VISIT has caught a wanted terrorist."

The US-VISIT program is also experimenting with Radio Frequency Identification (RFID), minuscule microchips (half the size of a grain of sand). The RFID tag can be read silently and invisibly by radio waves from up to a foot or more away, even through clothing. It can also link to medical records and serve as a payment device when associated with a credit card. RFIDs provide additional capacity for tracking non-citizens already in this country. Embedded in I-94 entry documents, passports and border crossing cards, non-citizens are urged to carry them at all times. The future use of RFIDs as an immigration control mechanism was not lost on former Secretary of Homeland Security Tom Ridge, who became head of Savi Technologies, an RFID design and manufacturing company.

It is important to note that RFIDs and other forms of technology-based monitoring systems are easily transferable from US-VISIT to other immigration programs, for example, proposed guest worker programs. The RFID watchdog group, "Spychips.com," reported May 18, 2006 that the Board Chairman of VeriChip Scott Silverman

bandied about the idea of chipping foreigners on national television Tuesday, emboldened by the Bush Administration call to know "who is in our country and why they are here." He told Fox & Friends that the VeriChip could be used to register guest workers, verify their identities as they cross the border, and "be used for enforcement purposes at the employer level." He added, "We have talked to many people in Washington about using it. . . ."⁴

With corporations competing to put "feet on the ground" along the border, one foresees a virtual fence that has private contractors, guns for hire, the National Guard and Border Patrol welcoming newcomers at ports of entry. Few are well trained; fewer are accountable to the Constitution, and some are not liable for the misuse of coercive force.

NOTES

1. See Eilene Zimmerman, *Blackwater's Run for the Border*, SALON, Oct. 23, 2007, http://www.salon.com/news/feature/2007/10/23/blackwater_border/print.html.
2. John Parachini & Lynn Davis, *HOMELAND SECURITY: A COMPENDIUM OF PUBLIC AND PRIVATE ORGANIZATIONS' POLICY RECOMMENDATIONS 5* (RAND 2003).

3. See Deepa Fernandes, *TARGETED: HOMELAND SECURITY AND THE BUSINESS OF IMMIGRATION* 170 (Seven Stories Press 2007).

4. See Press Release, *Verichip Injects Itself into Immigration Debate*, <http://www.spychips.com/press-releases/verichip-immigration.html> (May 18, 2008) (on file with author).