Across the Border and into the Cold: *Hieleras* and the Punishment of Asylum-Seeking
Central American Women in the United States

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After Andrea and her children crossed the border, officials put them in the *hielera*, a cold, crowded room filled with adults and children sleeping on the floor. ‘My daughter was trembling throughout the night because she had wet clothes from crossing the river. She is only four years old’, recounts Andrea in her testimony (Cantor 2015, 17). Officials had thrown away all their warm clothes and refused to give them blankets.

Andrea’s story is just one example of the experiences of many women seeking asylum who are confined in temporary holding cells upon arrival to the United States. This article’s central aim is to scrutinize the temporary holding cells, or *hieleras*, at the U.S. Southern border and the punitive practices that they encapsulate¹. Using Foucauldian and transnational feminist frameworks I analyze the detention of asylum-seeking mothers and children from Central America and argue that the temporary holding cells become a site where the numerous narratives around immigrant women of color become attached to the bodies of the women seeking asylum. Foucauldian notions about sovereign and disciplinary power offer a useful starting point for understanding the punitive practices of the *hieleras*. However, as I argue in this essay, in order to understand how these punitive practices are gendered, racialized, and sexualized, Foucauldian frameworks alone are inadequate. I complement this approach with a transnational feminist framework to expand theorizations of confinement and the specific practices of punishment that take place at the border.

As a feminist researcher who has met some of the women who have experienced the violence of the asylum-seeking process at the border, my aim is to center this article on the practices that affect them without exposing them to more scrutiny². I therefore rely on testimonies that some of the women have already given to journalists and researchers and are documented through news accounts and reports.

Agents from the Border Patrol apprehend individuals once they enter the U.S. and sometimes place them in the temporary holding cells—known as *hieleras* (freezer/icebox) by officers and immigrants due to their low temperatures—for processing before they are transferred or repatriated. Although most asylum-seekers turn themselves in to the authorities after entering the U.S., they are placed in the same facilities as other people crossing the border. These cells were not designed for overnight stays and therefore contain no beds, although the guidelines now dictate that ‘detainees should generally not be held for longer

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¹ I understand punishment to be the set of physical and/or psychological penalties imposed on an individual while she is confined. For a phenomenal study on punishment as a social institution see Garland (1990).

² Many of these asylum-seeking women live in constant fear of being found by gang members from their countries of origin.

than 72 hours³ in Customs and Border Protection (CBP) hold rooms or holding facilities' (U.S. Border Patrol Policy 2008)⁴. The 2008 U.S. Border Patrol Policy Detention Standards require detainees to be granted constant access to drinking water, access to snacks and meals, access to bathrooms with toilet items—such as soap or toilet paper—and access to medication and health services.

These standards however, differ from the reality that investigative and journalistic accounts reveal. The temperatures in the holding cells are extremely low, and the consequences are stark: children's lips becoming chapped and bleeding, hands growing numb, officers refusing to supply blankets or extra clothes (Cantor 2015). Overcrowding is also a salient issue, leading to difficulties walking to the bathroom area and having to sleep on the toilet floor, or even standing up. Aside from the lack of space and the extreme temperatures, another source of distress is lights being left on all night while the personnel keep coming into the cells, making it impossible to sleep or even simply to rest. Separating mothers from their children for an indefinite amount of time is also very common. Lastly, many of these accounts report the mistreatment of women at the hands of officers. Officers have called detainees epithets such as 'parasites', 'dogs', or 'whores' (Burnett 2014) and told them, 'You don't have rights here' (Human Rights Watch 2014); 'You damned Hondurans are a pest in our country' (Burnett 2014); and 'You come to steal from our country' (Burnett 2014).

This article brings together research on confinement, punishment, race, immigration, and asylum-seeking, and proposes a feminist reading of asylum detention through the centering of practices enacted on women. Exploring the function of these cells is important for two reasons: first, theorizing the way the state's punitive arm works on the ground can shed light on the mistreatment of vulnerable populations, its gendered dimensions, and the character of the state itself. In particular, theorizing punishment at the border can help us understand detention practices in the U.S. and the role they fulfill vis-à-vis its citizens. Second, it is important to examine and document the growing practices of violence against asylum-seekers at the border, and to understand the role they play within the broader regime of punishment. This violence mirrors the violence the Latino population experiences within the U.S. territory that has been scrutinized in recent years, especially since 9/11 and the re-emergence of anti-immigrant sentiment (for examples see Coleman and Kocher 2011; Swenson 2015; Valdez 2016), but targets a distinct population: Central Americans requesting asylum at the border. It is important to examine how these new techniques deployed against a new group of vulnerable subjects is connected to the broader system of oppression. This article aspires to open up a conversation on the gendered and racialized character of this novel use of surveillance and confinement—via the *hieleras*—as a form of punishment at the border that targets a new group: asylum-seekers.

This paper proceeds in four parts. First, I detail the asylum-seeking process in the U.S. Second, I describe how my theoretical framework combines Foucauldian and transnational feminist analysis to understand how female asylum-seekers are racialized, sexualized, and

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³ Some individuals have been held for more than 13 days (Americans for Immigrant Justice 2013; Bale 2013).

⁴ According to the CBP Security Policy and Procedures Handbook these cells are rectangular rooms with concrete floors, no beds, one toilet for every fifteen people, preferably with no windows (U.S. Customs and Border Protection 2009, 492-507).

gendered by a system that already sees them as ‘deviant’ subjects. Third, I trace the literature that calls for understanding race, criminalization, immigration, and incarceration as intersecting issues that need to be taken into consideration together. I also track the literature that analyzes the construction of Latinas’ ‘bad maternity’ and the ‘abnormality’ of immigrant families⁵. Fourth, I analyze the practices that take place in the temporary holding cells. The mistreatment that female asylum-seekers experience in the *hieleras* evidences how these practices fit in the larger assembly of deterrence mechanisms deployed by the U.S. state. I conclude with a brief discussion of the significance and implications of the types of punishment that occur in the *hieleras*. To anticipate, I claim that these cells have a twofold goal: to manage and control populations of migrants and asylum-seekers at the border, and to deter others from attempting the journey. In the holding cells punishment itself becomes the mode of governing vulnerable populations; punishment, these female asylum-seekers learn in their first hours, will characterize their relation to the U.S. state if they wish to relocate within its borders.

The U.S. Asylum-Seeking Process

The U.S. has a history as a receiving country of Central American refugees⁶. For instance, between 1980 and 1991 nearly 1 million Central Americans fleeing from violence and political repression entered the U.S. seeking asylum (Gzesh 2006). The following years continued to see large numbers of asylum-seekers entering the U.S., especially after 2000, when an increase in homicide rates in Central America led more families with children to abandon their home countries (Hiskey et al. 2016). The number of family units—the term the U.S. government uses to describe a mother traveling with children—crossing the border reached a peak of 66,144 in 2014, decreased to 34,565 in 2015, and increased again this year, 2016, to 77,674 (U.S. Customs and Border Patrol 2016). Data show that most of these families are traveling from Guatemala, Honduras, and El Salvador (U.S. Customs and Border Protection 2016).

Many Central Americans fleeing from violence in their home countries find themselves immediately incarcerated once they cross the United States’ border⁷. If these are families with children, they are instantly separated: husbands, younger siblings, and older sons or daughters go to one detention center while mothers and young children go to a different one, losing contact with each other sometimes for weeks (Barrick 2016). Once apprehended, asylum-seekers may be placed in temporary holding cells. While held in these cells, women are often mistreated and separated from their children for several hours. If they complain about the separation or the conditions of the holding cell, they are offered voluntary deportation papers to sign in order to be returned to their country of origin (Chardy 2014).

After spending what can range from a few hours to a few days in the *hielera* the women might be transferred to another temporary holding cell—called the *perrera* (kennel)

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⁵ In this piece when I mention families I refer to mothers and their children. The ‘family immigration detention centers’ hold only mothers and their children, never fathers.

⁶ For an excellent analysis of how U.S. foreign policy has shaped these migrations and how Canada and Mexico have shaped the regional response to the refugee crisis see *Seeking Refuge: Central American Migration to Mexico, the United States, and Canada* by María Cristina García.

⁷ Under U.S. policy, refugees are individuals who apply for refugee status before entering the country, while asylum-seekers are those who apply for refugee status after entering the country (Mountz et al. 2002, 341).

because of its resemblance to a dog kennel—or to one of the family immigration detention centers that currently operate within the U.S.⁸ The women and children will be held at the center until they pass their ‘credible fear interview’ (CFI) with an asylum officer. This process operates in the form of a confessional-style interview (Coleman 2008, 1097) where the women have to narrate their traumatic experiences and the reasons they fear returning to their country. If the asylum officer finds that there is a credible fear of persecution or torture if the woman goes back to her country, then the case will be assigned to an immigration judge for a full hearing. If the asylum officer does not find a credible fear of persecution, the woman can ask for a review by an immigration judge. If she gets a negative decision from the judge she will be placed in removal proceedings and deported.

Foucault and Transnational Feminism

In order to analyze the use of confinement by the U.S. government to control people and their movements (Morin 2013, 3), I focus on state power and practices at the border. I conceptualize state power as an amorphous entity rather than a stable one, where on-the-ground practices do not necessarily follow a top-down hierarchy (Valdez et al. forthcoming). I conduct this analysis by combining two frameworks that study power relations: A Foucauldian approach to punishment (Foucault 1977) with a transnational feminist lens to expose the hardship experienced by female Central American asylum-seekers. In particular, I focus on the incomplete transition from sovereign power to disciplinary power, the workings of both types of power in the *hieleras*, and the persistence of forms of punishment belonging to sovereign power in our era.

In *Discipline and Punish* Michel Foucault investigates the transition from sovereign to disciplinary power, from reactive to productive power. Whereas in the former regime punishment was a regulated affair, displayed as a public spectacle for everyone to see ‘the power relation that gave force to the law’ (Foucault 1977: 50), under disciplinary power punishment-as-spectacle gives way to punishment as a productive and/or regulatory technique. In place of punitive spectacle, constant surveillance becomes the central technique (Foucault 1977, 8). This new penal system⁹ seeks to deliver an obedient and productive object: a ‘docile body’. To create these bodies, it is necessary to control any activity that takes place by dividing time and space into smaller, manageable units (Murakami Wood 2007, 247). Disciplinary techniques are deployed for spatial ordering (Martin 2012a, 318), and in the case of border control, the *hieleras* become these units. Temporary holding cells belong to the disciplining techniques whose purpose is ultimately to manage populations; they are designed for short-term holding while administrative processing takes place. The *hieleras* organize—through confinement—the temporal and spatial distribution of asylum-seekers; they operate like a management tool for population control in the Foucauldian sense

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⁸ There are three family immigration detention centers in the U.S.: Berks Family Residential Center in Berks County, Pennsylvania; Karnes Residential Center in Karnes City, Texas; and South Texas Family Residential Center in Dilley, Texas. For an excellent account of family detention history in the U.S. see Martin (2012b).

⁹ Human geographers have questioned whether Foucault’s notion of the prison as a constantly surveilled space actually applies to modern prisons (Alford 2000; Gordon 2002; Norris 2003; Simon 2004). However, my interest here lies not so much in the architectural dimension of the panopticon but rather in the function of punishment practices and their relation to each of Foucault’s two modes of power: the sovereign versus the disciplinary.

of ‘productive ordering’. Immigrants, and asylum-seekers, are supposed to be organized according to the availability of beds in family detention centers, but all the while women and children are subjected to dreadful conditions to encourage their voluntary departure (for a testimony see Cantor 2016, 26).

Yet Foucault’s theory may not fully account for the practices in the *hieleras*. On the one hand, the length of time that women are confined in the cells—up to 72 hours according to the guidelines—is too short for the creation of productive bodies that Foucault argues for. On the other hand, Foucault’s work on prisons focused on those that were aimed at ‘punishing and reforming white wage-earning individuals’ (Bartky 1988; Davis 1988; McLaren 2002), and did not consider punishment of women and people of color (Davis 1988, 17; Stoler 1995) or foreigners¹⁰. In order to ‘challenge the limits of Foucault’s discursive emphasis and his diffuse conceptions of power’ (Stoler 1995, 2) I focus on practices. A feminist transnational framework is a helpful tool to analyze practices—the material—and contextualize how women as individuals, and mothers, experience this process, while acknowledging that identities are embedded in power relations (Briggs et al. 2008; Grewal and Kaplan 2001, 663). By relying on journalist accounts of women’s experiences and forms of punishment that target them in particularly gendered and racialized ways, I center the specific practices that are enacted upon Central American asylum-seeking women in the *hieleras*. A feminist transnational lens links the form of incarceration analyzed in this paper to the long lineage of confinement of people of color in the United States, and is particularly well suited to analyze border spaces.

Transnational feminism is a reaction to capitalism, neoliberalism, globalization; it is an anti-colonial struggle that takes into account how dimensions of identity, such as race, class, sexuality, or ability, travel across borders (Briggs 2008; Sudbury 2005). It can be understood as an organizing instrument, as a tool or practice for knowledge production, or as a method for research. I find helpful Amanda Lock Swarr and Richa Nagar’s (2010) conceptualization of the transnational as an intersectional set of understandings that helps explain how the world is constructed, while at the same time it enables the deconstruction of existing structures of oppression and the building of new knowledge with women’s experiences at the center. Institutions such as slavery, the reservation system, the mission system, or internment camps, what some authors call ‘colonial legacies’ (Alexander and Mohanty 1997), evidence how some groups—such as asylum-seeking women of color—have been, and continue to be, targeted due to their ethnicity and race (Davis 1988, 361). According to Julia Sudbury (2005), ‘Transnational feminist practices assist us in unpacking the global prison by drawing our attention to the ways in which punishment regimes are shaped by global capitalism, dominant and subordinate patriarchies, and neocolonial racialized ideologies’ (Sudbury 2005, xiii). They are therefore a suitable tool for analyzing the practices that take place once Central American women are locked up in the *hieleras*.

The particular historical and political contexts in the U.S. and Central America, and their inter-relations, including the growth of gang violence in Central America and the war on drugs, update the forms of racialized stereotyping that affects these groups. Central

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¹⁰ Foucault addresses racism in his later work *Society Must Be Defended: Lectures at the Collège de France in 1975-1976*. See also Cisneros (2016).

Americans—even children—are viewed as criminal, violent drug dealers, smugglers, and gang members. These stereotypes are built upon years of militarism, imperialism, and U.S. geopolitical intervention in Central America and become visible at the border. These histories, along with capitalism and ‘the colonial and ongoing establishment of a sharp boundary between the United States and Mexico’, result in the particular transnational racial formations that we encounter today (Loyd 2015, 3). Central American women of color—including indigenous women—looking for asylum are automatically placed along this continuum of violence that connects race and confinement in the U.S.

This framework helps to reveal the punishment enacted in the *hieleras* as not only raced, but also gendered, and shaped by neocolonial racialized ideologies. Transnational feminist analysis reveals that the confinement of Central American asylum-seeking women of color is not necessarily devoted to the creation of productive individuals but rather to marking this group as inadmissible through racialized tropes. Therefore, aligning myself with these two approaches—Foucauldian and transnational feminist—I seek to provide an understanding of the practices that constitute state power, as well as their contested nature.

Immigration, Criminalization, and Confinement

Immigration detention and removal in the U.S. have increased notably since the 1990s. The number of migrants placed in detention in 1995 was 85,000, compared to 477,523 at the peak, in 2012 (Center for Migration Studies 2014)¹¹. The U.S. detains asylum-seekers and undocumented immigrants automatically at the port-of-entry until they are deported, their identities verified, or their claims adjudicated (Global Detention Project 2016). Several authors have addressed the intersection of immigration and imprisonment by, for instance, focusing on the role of state violence in daily life and ‘the interconnections between contemporary migration and penal policies’ (Loyd et al. 2012, 3). Dominique Moran, Nick Gill, and Deidre Conlon (2013) argue for the importance of integrating immigration detention and imprisonment within a carceral framework. These authors argue that despite the fact that these are separate domains, in practice they overlap in terms of discourses, the functionality of their institutions, and the experiences of the detainees. Natalie Cisneros (2016) also calls for understanding immigrant detention as part of the larger prison industrial complex, as they share fundamental features. The incarceration of noncitizens increased at the same time the prison system was expanding, and the detention strategies are the same for citizens and noncitizens (Cisneros 2016, 242). Ultimately, incarceration in the U.S. is highly racialized, and therefore the confinement of noncitizens can be seen as part of the larger racist system of mass incarceration (Cisneros 2016; Davis 1988; Gilmore 2007).

In the last few decades, the increasing convergence between immigration and criminalization—which can be traced to the racialization of immigrant communities—has led scholars to label this phenomenon ‘crimmigration’ (Stumpf 2006; García Hernández 2015). The conflation of the criminal and the immigrant has permeated through discourses and is reflected in the criminalization of immigration law and in state practices (see for instance Abrego and Menjívar 2011; Aliverti 2013; García Hernández 2015; Slack et al. 2016;

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¹¹ As of March 26, 2016, noncitizens represented 22.5 percent of the federal prison population (U.S. Department of Justice 2016). Latinos are the fastest-growing population in the prison system today (Morin 2010).

Wilsher 2012). Changes such as tougher U.S. visa requirements, new, extended forms of border policing—helped by the growing budget allocated for this task— new legal sanctions (Pickering and Ham 2015), plus stricter immigration legislation (Stumpf 2006) has resulted in the commonplace incarceration of immigrants¹².

This intersection of criminal and immigration law has been largely fueled by racialized discourses constructing the immigrant as a criminal, in particular immigrant men (Carrillo 2007; García Hernández 2015; Golash-Boza and Hondagneu-Sotelo 2013, 273; Honig 1998; Lugo-Lugo and Bloodsworth-Lugo 2014, 1; Massey and Sánchez R. 2012; Pallares 2014; Simes and Waters 2014). Latina/o immigrants have been depicted ‘as undermining American culture and not assimilating’ (Pallares 2014, 6) due to their alien practices that threaten white (Anglo) culture. This is what Leo Chavez (2008a) has called the ‘Latino threat narrative’, which revives much older U.S. anxieties about non-Anglo immigrants. Whether as undocumented laborer draining the system or terrorist threatening the safety of the country, portrayals of immigrants by media and politicians depict them as a social problem. According to Sokthan Yeng (2014), contemporary state racism makes reasonable the mistreatment of immigrants by evoking the need to protect the health of the nation—whether through national security, the welfare system, or (Anglo) social and cultural norms. In the U.S. immigrants have been ‘produced as a primary threat to U.S. sovereignty’ (Márquez 2012, 482).

Within this discourse, there are also gendered narratives. For example, a recurring theme in anti-immigration rhetoric is the notion of ‘bad’ maternity, a topic explored by feminist and immigration scholars (Chavez 2008a; Cisneros 2013; Inda 2006, 101-7; Lugo-Lugo and Bloodsworth-Lugo 2014; Swenson 2015), which claims that female migrants of color, especially Latinas, have too many children, are too young to be mothers or are simply unfit for motherhood. For example, the ‘anchor-baby’ narrative claims that undocumented women use their babies to obtain citizenship and other ‘unearned’ benefits¹³. The racialized image of immigrant women as irresponsible mothers is so ingrained in U.S. discourse that it filters the way in which enforcement officers working at the border view these women: as unreliable young mothers, with too many children, whose lives they risk by crossing the Southwest border.

A related narrative within anti-immigrant rhetoric concerns the ‘abnormality’ of immigrant families, whose undesirable characteristics are portrayed as antithetical to Anglo-Saxon ones. Lina Newton (2008) argues that the immigrant family was portrayed—in statements made by legislators recorded in the Congressional Record between 1994 and 1996—as ‘another invasion of the nation, as individuals brought their unproductive dependents into the nation: pregnant wives, children, and elder family members would end up on welfare or take up space in schools, hospitals, and communities’ (2008, 164). It is also worth noting the gendered and classist connotations of this rhetoric: the individuals are

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¹² For a detailed genealogy of the entrenchment of immigration and criminal law, see for e.g. García Hernández 2015. For a detailed account of how the 1996 Immigration and Nationality Act, which was part of IIRIRA, contributed to the rise in the detention and deportation of immigrants through the program 287(g) and the broadening of the definition of ‘aggravated felony’, see Simes and Waters (2014), Coleman (2007; 2012).

¹³ U.S. national narratives construct women of color as a cultural, social, political, and economic threat to the nation: immigrants as an external threat, and Black women as an internal one.

presumed to be men, and the ‘unproductive dependents’, women with children. The impossibility of complying with white, middle-class family ideals might explain the gap between the importance of the institution of the family in U.S. rhetoric and the fact that more than 1 million noncitizen family members have been separated through detention and deportation (Human Rights Watch 2009). Immigrant families are seen as a threat to the nation, or in biopolitical terms, to the health of the nation (Yeng 2014)¹⁴, including its economy (Swenson 2015).

A transnational feminist framework acknowledges that racialization and the longtime association of immigrant women with ‘deviant’ maternity helps make sense of the confinement of women of color looking for asylum. When these women enter the U.S. they set foot in a racialized system in which their bodies are already packed with meaning. These women are viewed as migrants abusing the system, rather than people escaping violence and looking for asylum, and they are therefore treated as a threat to the nation—as criminals, ‘bad’ mothers, system-drainers. The criminalized enforcement system—which holds migrants as criminals—meets the asylum system in a way that normalizes punishment for individuals fleeing from violence. Distrust permeates the reception of these asylum-seekers, whose claims cannot be believed, given their ‘deviant’ familial arrangements or their presumed intent to take advantage of the system. The *hieleras* are a site where punishment becomes ‘acceptable’, ‘deserved’, and normalized.

Inside the *Hieleras*

The Vengeance of the Monarch

According to Foucault, in a sovereign regime the ‘vengeance of the monarch’ takes place because committing a crime—i.e., breaking the rules—is interpreted as a sign of contempt for the authority, personified by the king, who feels personally offended by the deed. In this model, which precedes modern forms of power, the subject who breaks the law touches ‘the very person of the prince’ (Foucault 1977, 49). In a display and reaffirmation of his power, the monarch enacts an exercise of ‘terror’ by punishing the criminal.

I suggest that the defiance of borders by Central American refugees is interpreted as representing such an attack, and the gendered discourses attached to Central American women of color legitimize a response that resembles a form of punishment more closely associated with the vengeance of the monarch than with discipline. The state and public opinion view female asylum-seekers as law breakers who show no respect for authority, for sovereign borders—the principle that constitutes the state. The anti-immigrant sentiment that precedes the arrival of these women, whose presence upsets ideals of motherhood and family, deserves vengeance. The enforcement officers who work at the receiving centers and administer punishment upon the women by confining them in *hieleras* behave like ‘petty sovereigns’.

As Judith Butler (2004) masterfully describes in *Precarious Life*, petty sovereigns¹⁵ are the result of the horizontal disaggregation of state power, and demonstrate how sovereign

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¹⁴ For a complete analysis on the racialization of Latinos in the U.S. see Massey (2015).

¹⁵ What Michael Lipsky (1983) called ‘street-bureaucrats’ or Alexandra Hall (2012) refers to as ‘proxy sovereigns’.

power can be dislocated from state authorities and cohabit with it in a disciplinary regime (Butler 2004, 62). Petty sovereigns are not true sovereigns; they are preceded and constituted by power, and utilized by power they do not control. Power does not originate in them but they nevertheless possess—and use—it: they decide who is going to be confined, for how long, who gets more food, who gets a diaper, etcetera. For instance, mothers and their children are often placed in separate cells for what seems to be a random amount of time. Reasons for separating mothers from their children are unclear and, according to the reports, gratuitous¹⁶. However, this separation adds an extra layer of pain by impeding women from fulfilling their role as mothers (Bosworth 2014; Martin 2012b). The vengeance of the monarch is articulated through these petty sovereigns on the ground; this articulation becomes visible through the punishing practices that take place in the *hieleras*. Petty sovereigns enforce and augment the vengeance of the sovereign through the daily mistreatment of female asylum-seekers. Punishment is justified through the ‘bad maternity’ narratives that construct asylum-seekers as irresponsible mothers who will corrupt American morals. This punishment—through racial slurs, lack of beds, coldness, lack of showers, confiscation of personal belongings, allowing women and children to sleep with wet clothes, denying them blankets, crowding them in the cells, and so on—belongs to sovereign power and depends on the particular acts of vengeance inflicted by petty sovereigns. Petty sovereigns are the condition of possibility of punishment; they are responsible for the ways in which *hieleras* are made into a mechanism of punishment.

Ultimately, the treatment these female asylum-seekers receive in the *hieleras* illustrates how the shape of an abusive system of confinement depends on non-legislated daily practices and highlights the importance of critically investigating these practices (Valdez et al. forthcoming). The way officers treat these women is in direct violation of the U.S. Border Patrol Policy Detention Standards, which prescribe humane management of the detainees. The contradiction between official regulations and the officers’ practices on the one hand show the ‘improvisational character of enforcement policymaking’ (Belcher and Martin 2013, 409; Hiemstra 2013; Martin 2012a, 314). On the other hand, to the extent that practices of bureaucratic abuse lead to organizational decay, they risk contradicting and undermining sovereignty and thus destroying the system from within (see Rejali 2007, 500).

Deterrence: Why Is It So Cold?

The cold temperature of the *hieleras* is one of their defining features, yet the reasons for keeping them so cold remain obscure. Some argue that the temperature is adjusted for the comfort of the CBP agents, who spend the day working outdoors in the heat (Redden 2014). A second argument given to reporters is that it kills the germs that asylees and immigrants bring with them (Lee 2014; Redden 2014). This claim about germs reflects the biopolitical practice of associating immigrants and other groups—including old men, prisoners, or sick people—with pollution (Alford 2000; Hall 2012; Speltini and Passini 2014). A 16-year-old apprehended at the border told reporters that, among other verbal abuses directed at her, one of the officers called her ‘the garbage that contaminates this country’ (Dickinson 2014). Connotations of dirtiness and contamination, which have a long discursive history connected

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¹⁶ ‘Young children must remain with their mothers’ (U.S. Customs and Border Protection 2009, 493).

to colonialism and racism, still circulate today in media representations and public discourse around issues of immigration (Chavez 2008a; Cisneros 2008; Santa Ana et al. 1998).

Hieleras evidence the way in which discourse becomes material. I suggest a third possibility: the frigid temperatures of the holding cells serve as a one of the many deterrence mechanisms intended to discourage detainees from pursuing asylum, or from ever returning if their asylum plea fails the first time. One detainee reported being told by an officer that if they thought the temperature was too cold maybe they would think twice before crossing (the border) again (Redden 2014). In another case, the answer to a detainee's complaint was: 'Why do you come here if you don't like it? You should go back home' (Pilkington 2015). Activists also believe the conditions in the temporary holding cells are kept deliberately uncomfortable to pressure detainees to sign voluntary deportation papers (Chardy 2014).

Although research shows that immigration detention does not work as a deterrence mechanism (Cantor 2016, 2; Heyman 2014, 114; Sampson 2013, 23; Slack 2015), I argue that this type of confinement nevertheless represents an attempt to deter. Deterrence in the *hieleras* belongs to a larger set of practices that the U.S. government initiated in the 1990s as a national plan. 'Prevention through deterrence' was an official strategy launched by the U.S. government in 1994 (Martin 2012a, 321). This plan was a result of the perception that the U.S.-Mexico border was being flooded with unauthorized border crossers. The government increased personnel, added fences, disrupted existing routes, and developed several initiatives, such as Operation Gatekeeper, Operation Safeguard, Operation Hold the Line, and Operation Rio Grande, to discourage unauthorized crossings. This program¹⁷ sought to dissuade border flow by altering traditional routes taken to reach the U.S. and divert to desert areas (Argueta 2016, 4), where the probability of death increased drastically (Heyman 2014, 113). After 9/11 and the creation of the Department of Homeland Security (DHS) in 2001, the stated priority became preventing terrorists from entering the U.S., but the government established nevertheless a strong connection between 'unchecked illegal immigration' and terrorism (Brown 2010, 116; Heyman 2014, 116; Martin 2012a, 321). Latinas' bodies and their babies in particular were constructed as threats to the stability and security of the country (Lugo-Lugo and Bloosworth-Lugo 2014). In 2011 DHS's strategy shifted to another program: the Consequence Delivery System (CDS). The CDS marked a change from the 1994 deterrence strategy— 'blame it on the desert'—to one characterized by 'active prosecution of immigration violators' through mandatory detention, interior repatriation, and criminal prosecution (Slack et al. 2015, 110).

Detaining asylum-seekers at the border is already part of the government's deterrence strategy¹⁸. Foreigners are perceived as both a cultural and a security threat—especially after 9/11 (Brown 2010; Chavez 2008a, 76)—so deterrence works to reassure 'the anxious public that something is being done to address their racialized security concerns' (Hiemstra 2014, 575). Officers working in the *hieleras* seem to have been indoctrinated through an

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¹⁷ Last renewed in 2012 (Argueta 2016, 2).

¹⁸ 'The use of immigration detention as a deterrent, in which one person is punished in order to send a message to another person or people to discourage future migration, is illegal under international and domestic law' (Detention Watch Network 2015). Also, in June 2014 a federal court 'blocked DHS from detaining asylum-seeking mothers and children in order to deter other Central Americans fleeing violence from coming to the United States' (American Immigration Council 2015).

assemblage of, among other things, media representations and popular discourses about female immigrants and their ‘deviant’ forms of motherhood, untrustworthiness, or immorality (Hiemstra 2014, 571). Therefore, the cold temperature of the cells is simply a way for the indoctrinated officers to increase the intensity of the punishment. The system relies on the racist, sexist, and gender prejudices already internalized by the workers in the *hieleras* who are enabling this deterrence mechanism.

The state’s strategies for keeping immigrants and asylees out of the country comprise a continuum that ranges from a national program to the conditions of detention. The fact that women in the cells feel those temperatures as frigid is a sign of the spread of disciplinary procedures: whether the cold temperature is deliberately maintained or not, the officers deploy it discursively as a strategy to deter asylum-seekers from staying in the U.S. These holding cells work as a political tactic fulfilling the roles of punishment and deterrence.

Old Punishment in a Disciplinary Regime

According to Foucault, one of the traits of punishment under sovereign power is its character of public spectacle. In the *hieleras* the ‘vengeance of the monarch’ takes place but the spectator is absent. Who is the audience? The ‘theatrical representation of pain’ that Foucault alludes to in his description of sovereign power (Foucault 1977, 14), which involved a ‘policy of terror: to make everyone aware, through the body of the criminal, of the unrestrained presence of the sovereign’ (Foucault 1977: 49), is missing in the *hieleras*. Punishment takes place in a confined facility where the spectacle seems to be enacted in front of other detainees—either ‘criminals’, ‘bad mothers’, or system-drainers—or other officers, but is hidden from the rest of the population. Yet this punishment could be working to make other women aware of the disproportionate power of U.S. state.

Some authors claim that it is detention itself that represents a spectacle of state power (De Genova 2013; Chavez 2008b; Martin 2012a, 325). A spectacle displayed for ‘future’ asylees or immigrants—in hopes that the message will be transmitted—is a way to reinforce deterrence. For instance, Lauren Martin argues that the state’s deterrence strategy works through the spectacle of confinement that ICE performs, that ‘detention’s disciplinarity is not defined by institutional efforts to remake individuals, but oriented towards the behavior of entire populations of future, potential migrants’ (Martin 2012a, 314). The punishment inflicted on these women of color could function as a preview of the relationship they will establish with the U.S. state through the process of requesting asylum and as racialized subjects living in the United States.

In conclusion, the conditions that prevail in the temporary holding cells resemble the more archaic forms of punishment focused on the body that Foucault associated with sovereign power more than the productive type of punishment associated with discipline. In the cells there is no simple return to old, sovereign, punitive practices, but a combination of techniques from those two regimes—sovereign and disciplinary—that as a result govern the asylum-seekers through punishment. As authors have previously stated, the two regimes coexist and constitute one another (Butler 2004, 59–60, 92; Collier 2009; Ettlinger forthcoming; Rose 1999, 23; Valdez 2016); discipline has not replaced other modalities of power but infiltrated them (Foucault 1977, 216). My theorization of punishment thus makes clear that sovereign and disciplinary forms of power co-exist in the particular form of

punishment at stake in the *hieleras*. Moreover, my approach shows that a transnational feminist lens is necessary to complement Foucault and allow us to fully seize the meaning of the punishment that takes place in these sites. The *hieleras* merge the immigrant, the asylum-seeker, the criminal, and the ‘bad’ mother into a single category, allowing the state to legalize and normalize the practice of punishment. The division between individuals who ‘deserve’ to be confined and punished and those who don’t becomes blurred; female victims of violence fleeing their countries are confined on arrival and their bodies punished through mistreatment, separation from their loved ones, and extreme temperatures.

Conclusion

This article addresses two related questions concerning the violence that women seeking protection suffer in the *hieleras* once they enter the U.S.: What is the function of these cells, and what type of punishment takes place in them? A Foucauldian lens combined with a transnational feminist approach offers new ways to make sense of the mistreatment of asylum-seeking women from Central America. On the one hand, the *hieleras* are a tool for managing immigrant populations. At the same time, by centering the practices that take place in them and relying on accounts of women’s experiences, a feminist transnational framework illuminates the sexualized, gendered, and racialized nature of the punishment inflicted in these cells. This allows scholars to see its connection to broader forms of systemic oppression that travel through time and space beyond this particular phase of regulation at the border. In the *hieleras* women are punished—in an attempt to deter them from pursuing asylum and to deter others who may follow—through overcrowding, inadequate access to medication, lack of beds, insufficient food, frigid temperatures, lack of toiletries, lack of control, uncertainty, separation from their children, and other penalties. The types of punishment meted out in these cells reflect a combination of disciplinary techniques and more archaic forms of punishment as sovereign vengeance, making regimes of disciplinary and sovereign power coexist and constitute each other.

Researchers (Coleman and Kocher 2011; Coutin 2010; Martin 2012a; Martin 2012b; Steusse and Coleman 2014; Valdez forthcoming; Wilsher 2012) have explored how enforcement has intensified within the territory, affecting negatively immigrants’ and citizens’ lives. However, the increased surveillance to which immigrants are subject in the interior of the country has not resulted in a decrease in border policing. On the contrary, the *hieleras* point to the worsening of conditions at the border—both in terms of level of control exercised by the state and the punitive effects of its technologies—putting asylum-seekers and immigrants in highly vulnerable positions. The increase in state violence that temporary holding cells demonstrate reminds us that the actual border remains a site deserving of scholarly attention.

Another issue raised by the *hieleras* is the relationship between borders and identity. Transnational identities are produced in relation to histories of colonialism, slavery, and the confinement of people of color in the U.S. Using a transnational feminist approach to read the practices of violence taking place in the *hieleras* helps us understand how identities are embedded in power relations that are connected through time and space (Grewal and Kaplan 2001, 663). Once the asylum-seeking women arrive in the U.S. they enter a racialized

structure that subjects them to the continuum of violence that is routinely enacted on people of color, particularly—in the case of immigration enforcement—Latina/o undocumented migrants. *Hieleras* become the place where the asylum-seeker, the immigrant who is always-already seen as a criminal, and migrant women embodying ‘deviant’ maternity get conflated, allowing punishment to be normalized. The type of punishment that takes place in the temporary holding cells crystallizes women of color’s narratives of ‘deviant’ motherhood. This article has sought to challenge the idea that borders create safety (Loyd et al. 2012), and instead illustrate through the *hieleras* the extent to which racialization becomes an exclusionary organizing principle while ‘detention creates, targets, and produces populations of insecurity, undesirability and illegality’ (Hall 2012, 7). The racialization that takes place in the cells also opens up other questions that require further exploration, such as the disconnect between discourses of the nuclear family, or motherhood, as critical to national identity, on the one hand, and the state’s practices at the border; or the disconnect between U.S. humanitarian discourse and the way asylum-seekers are confined and punished once they enter the country.

Several authors have studied how confinement has become central in border enforcement (see Hall 2012; Moran et al. 2013; Mountz et al. 2012); the *hieleras* further show that it is necessary to explore how state control mechanisms reconfigure themselves in creative new ways and how they affect people’s lives. I want to conclude this article by stressing the importance of carefully scrutinizing the practices taking place at the U.S.-Mexico border, their gendered and sexualized nature, and the role they fulfill vis-à-vis U.S. citizens. Borders and their securitization address citizen’s anxieties (Brown 2010, 108). U.S. society seems to have come to accept that certain groups, such as felons, immigrants, and asylum-seekers, have lost their rights. They have also understood that crossing the border or defying any of the laws within the nation’s borders may subject one to the dispossession of one’s rights and to arbitrary, punitive detention. These practices enable the policing of citizenship because the criminalization of groups of people in racialized ways spills over to affect racialized groups of citizens, regardless of their status, in particular the Latino community. The practices of detention are therefore not only a disciplining tool for asylum-seekers and other immigrants, but also a disciplining mechanism for citizens who fall outside the racialized ‘ideal’ citizen, reminding them how fragile their rights are.

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