

**Implications of Pervasive Maltreatment and Mislabeling of Female Trafficking
Victims and Consensual Sex Workers in Arizona, USA:
Towards a Comparative Perspective¹**

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Abstract

Increased securitization and marginalization of women and people of color has led to greater categorizing of individuals at the U.S.-Mexico borderlands and almost a complete monopoly by the Mexican drug cartels over human smuggling and trafficking. Many migrants, such as those kept for ransom in drop houses and in agricultural “jobs”, fit the UN, ILO, and US definitions of trafficking victims, but are too rapidly deemed “illegals” and are thus processed quickly as undocumented migrants.

Arizona, USA has been a hub for anti-sex trafficking rhetoric and policies driven by an odd alliance of fundamentalist Christians, liberal progressives, anti-sex work campaigners, and law enforcement officials who focus almost solely on stereotypical victims of sex trafficking. Inaccurate portrayals in the media, at training workshops, and in various film accounts portray trafficking victims as young white, attractive girls or women forcibly controlled by pimps to service of men. While trafficking task forces and federally supported NGOs peddle these stereotypes, they predictably have found precious few trafficking victims.

To produce trafficking victims “results”, sting operations arrest consensual sex workers who tend to be very poor, the sole wage earner for their family, and are disproportionately people of color and transgender. Ironically, it is often the consensual sex workers who would be best able to help in identifying trafficking victims, but their voices are silenced or driven further underground.

We will present findings from our field research and activism at the U.S.-Mexico borderlands to consider potential means to incorporate affected individuals, both migrants and sex workers, into the discourse. We are especially interested in ways that marginalized individuals have been successful in fighting such hegemonic discourses by self-ascribing their identities and creative forms of rights claiming.

Introduction

Increased securitization and deliberate marginalization of people of color and women has led to frequent and intentionally incorrect categorizations of individuals at the U.S.-Mexico borderlands. The result has been that migrants fitting the UN, ILO, and even US definitions of trafficking victims have been either ignored or mistreated by the authorities, leading to even greater abuses for them and their communities.

Principally, trafficking of migrants into the Southwest United States has been beset by problems of identification. Appointed bodies meant to alleviate trafficking and assist victims, including local and national law enforcement agencies and NGOs, are driven by their own political and religious interests resulting in misdirected action against migrant groups and consensual sex workers, who are not under the same form of threats or duress as trafficking victims. Consensual sex workers have been subject to arrest, while actual trafficking victims are simply not classified as such, being deemed “illegals” or undocumented migrants and subject to deportation in a wholesale fashion. The results of these poor and misdirected policy choices are greater trauma for both sex workers and migrants, and minimal or simply nonexistent assistance for trafficking victims. Further, the blurring of the distinction between sex workers and migrants ignores the ongoing sexual assault of migrants as simply being “part of the price”, leading to entrenchment of trauma and mistrust that is already rife in migrant and sex worker communities.

A Focus on Migrants

Securitization of the US-Mexico Border

Undocumented migrants from Mexico, Central America, and South America have been migrating to the United States for decades. The rise of border security operations in California and Texas in the 1990s, followed by increased security and the militarization in and near the main towns along the Arizona border, has led the migrants to take circuitous and hazardous routes into the southern Arizona deserts and mountains (see Dunn, 2009). Nativist political rhetoric in the 1990s, followed by the War on Terror after 9/11 led to well-publicized increased border security measures in California and Texas. As a result, the Arizona-Sonora, Mexico border has become the largest transit route of undocumented migrants into the United States. The Tucson sector alone (the eastern two-thirds of the Arizona border) has accounted for more border apprehensions than any other sector since 2000, and for 43% of the apprehensions along the entire border (DHS, 2010).

The resulting migrant traffic flows led to increased security in and near the main towns along the Arizona border so that the traditional and easiest crossing points have now seen enormous increases in Border Patrol equipment and personnel. This has led the migrants to take circuitous and hazardous routes into the southern Arizona deserts and mountains, where extreme temperatures and rough terrain pose life-threatening risks for the migrants.

To successfully navigate past this militarized border enforcement zone and the unyielding terrain requires advanced human smuggling operations resulting in a lucrative business. Individual migrants pay upwards of \$5,000 each for the services of a coyote or guide, thus attracting organized crime elements seeking a profit (Cornelius, 2007; Fuentes et al., 2007). Border crossing today has been transformed from the crossing of individuals who used to hire more seasoned guides to large and highly organized operations resembling human smuggling rings (Spener, 2009). A new group has now appeared near the border, *bajadores* (bandits, also

known as “rip-off crews”) that are groups of armed men who often ambush migrants, robbing them, and in many cases stealing the migrants from the coyotes (O’Leary, 2009; Spener, 2009; Simmons & Téllez, 2014).

With increased militarization and the resulting cartel control of migrant traffic, many migrants’ experiences reflect constant vulnerability, where they are at the mercy of coyotes, gangs, cartels, and *bajadores*. They are often disoriented along the journey, fearful of being left behind, split from family members or friends, and held against their will. Once they reach the Arizona drop houses, it is not unusual for them to be kept until family members agree to pay additional monies for their release. Note, the proliferation of drop houses marked by kidnappings and sexual violence appears to be a new phenomenon. Their emergence is likely a consequence of a “state of emergency” declared by policymakers that led to changes in U.S. immigration policies, further fueling what Simmons, Menjívar, and Téllez (2015) call a “chain reaction of violence.” The migrants often get taxed for housing and food. In short, their entire journey traverses a series of *states of exception* (see Simmons and Téllez, Forthcoming; Cf. Agamben 2005) where they are subject to lawless conditions.

It is important to note that the increased risk of apprehension and the additional danger of crossing do not deter migrants from intending to cross (Fuentes et al., 2007). The increasingly harsher socio-economic conditions in the sending communities as a result of neo-liberal economic policies resulting from the North American Free Trade Agreement and the Central American-Dominican Republic Free Trade Agreement, rising levels of violence and crime at home, along with family separation (from previous crossings and deportations, see Slack et al. 2013) outweigh the risks of the journey. The recent downturn in migrant crossings from Mexico is probably due to the weakened economy in the United States (particularly in Arizona, where

immigrant labor makes up a significant portion of the labor force) than stepped-up enforcement policies (Passel, Cohn, & Gonzales-Barrera, 2012). Note too that migrants from Guatemala, Honduras and El Salvador have not shown signs of decreasing, pointing to specific conditions in the contexts of exit in Central America, where weaker and smaller economies, high rates of violence, and various natural disasters coexist to shape continued high rates of emigration.

In addition, local and state policies in Arizona that have stigmatized immigrants have expanded the states of exception as they have created an atmosphere where the general public and even immigrants and their families, believe that violence against immigrants is justified because “they broke the law” (see Menjívar and Abrego 2012). The anti-immigrant rhetoric together with anti-immigrant policies and media images depicting immigrants as criminals have pushed the undocumented population, including those who have been victimized in the drop houses, further underground, and this battery of state laws has increased migrants’ mistrust of law enforcement personnel and social service providers (Khashu, 2009; Vidales, Day, & Powe, 2009).

Cauterization of Marginalized Groups

The term “cauterize” aptly describes the comprehensive way that the “Other” has been excluded. There are three identifiable aspects of cauterization that correspond to the term’s three original interrelated meanings. The first meaning comes from its roots in the Greek verb *kauteriazerein* which means to burn with a *kauter* or a branding iron (Liddell and Scott, 1968). Such branding was historically done to physically mark a slave or criminal as rightless or someone as poor (Tedhams, 1994). Second, cauterization refers to a medical procedure in which burning is used to seal off or remove part of the body. This procedure is most often used to stop bleeding but it can also seal a wound to stop the spread of infection. Finally, in its most

metaphorical meaning, cauterization means to deaden feelings or make one callous to the suffering of another (Oxford English Dictionary). The “Other” is then branded as beneath humanity, below those who deserve rights. Those deemed inferior (or “rightless”) are sealed off from the polis and its attendant forms of protection (like a court); in effect, treating the voice of the rightless as an infection that must be stopped from spreading. Finally, those with rights, the full members of the polis, deaden their feelings toward the suffering of those who are branded as rightless.²

This logic lurks behind almost every ideology that has supported genocide, colonization, or slavery. Examples abound. African slaves brought to the Americas were often physically branded on their faces or shoulders (Hoenig, 2012). Even after that practice was banned, less physical, but very real, legal branding was perpetrated by legislation and legal opinions. African Americans were famously branded as so far inferior that they had no rights which the white man was bound to respect, and therefore, they “might justly and lawfully be reduced to slavery for [their] benefit” (*Scott v. Sandford*, 1857). Once branded as rightless, as beneath rights, those marginalized would no longer be and perspectives literally did not exist (*see* Cogan, 1989). Of course, such branding and exclusion contributed in no small part to the brutality they suffered at the hands of genteel slave owners and “courageous” captains of death boats who were deadened to the immense suffering of the rightless. As British seaman James Field Stanfield described one ship captain: “Because of his debility, he ordered anyone to be flogged tied to his bedpost so he could see the victims face-to-face, enjoying their agonizing screams, while their flesh was lacerated without mercy” (Rediker, 2007, p. 149).

² The notion of cauterization is analogous in many ways to the Roman notion of *infamia*, where a citizen was stripped of his reputation, then could not give testimony, and was generally below consideration as a citizen (*see* Fletcher, 1999).

Political Rhetoric and Legal Ineffectiveness

The 2000 Trafficking Protocol (Palermo Protocol) establishes the international legal definition of trafficking as:

the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.³

Interestingly, in the United States, the legal regime facilitates the violent context (Menjívar & Abrego, 2012) given the focus on border enforcement and an increased reliance on a vast array of technology for interior social control (see Kanstroom 2007).

Thus, the most tragic “unintended consequence” of increased border enforcement has been the increase in deaths at the border (Cornelius, 2007; Eschbach et al., 1999) with a total of over two thousand migrant bodies found in the desert in the last decade (Rubio-Goldsmith et al., 2007; Hagan, Rodriguez, & Castro, 2011; Philips, Hagan, & Rodriguez, 2006).

These federal and state policies of increased militarized enforcement (creating conditions for the mistreatment of immigrants, as described below) also lead to the productions of violence that emerge in drop houses, as those who are in charge of these operations mimic state practices, constituting a chain reaction of violence from the state to the individuals who are smuggled.

Nativism and the hostile anti-immigrant context give officers permission to treat immigrants as criminals and not as victims (Lerner & Goldberg, 1999). Vidales, Day, and Powe (2009) found that just the controversy over whether the local police department in a small town in California should enforce immigration laws, a measure that ultimately did not pass, led

³ Note that the Protocol is driven by a number of so-called Operational Indicators to assist in identifying trafficking victims. See ILO and EU *Operational indicators of trafficking in human beings* (2009) available at: https://ec.europa.eu/anti-trafficking/publications/operational-indicators-trafficking-human-beings_en

Latinos/as to hold more negative views of the police, and be less likely to report a crime. A hostile context for immigrants exacerbates the unwillingness of migrant victims, especially the undocumented, to report a crime or to trust law enforcement officials (thereby increasing the impunity for a wide range of violent acts) particularly because before they are seen as a victim, they will first be categorized as a criminal.

The state of exception that migrants face when caught up in the U.S. legal system is exacerbated by government agencies' lack of resources and poor training for dealing with migrants. Simmons and Téllez (2014) found that most law enforcement and social service agencies working with the drop houses were markedly understaffed, and they especially lacked qualified Spanish speakers, let alone speakers of other languages such as indigenous languages spoken by Central American or southern Mexican migrants. Many of the law enforcement agencies reported having few female agents to interview women and girls, and even fewer officers were specifically trained to work with sexual violence victims.

Further, tending to the victims of sexual violence did not appear to be an operational priority of any agency. Their priority was investigative work that would lead to capturing the smugglers, especially the kingpins. This tension between conducting an investigation and victims' welfare is a common theme in the literature. For instance, "prosecutors pressure law enforcement to be aggressive in obtaining physical evidence and conducting 'good' interviews with victims, in short to 'build a good case,' and these pressures regularly override concerns with victims' welfare" (Martin, 2005, p. 54).

Gender Specific Concerns

According to a recent report by the Center for American Progress, in 2010, 55% of all people obtaining a green card were women, and in the same year, there were more immigrant women arriving in the United States than immigrant men (Kelley & Wolgin, 2012). Given the

intersecting power relationships present at the U.S/Mexico border, female bodies from Mexico and Central America become the most vulnerable to violence across multiple scales via human smugglers, the state through representatives who implement policies and a culture of patriarchy and misogyny that simply allows violence against women to continue with impunity.

In her study of border militarization, Falcón (2007) equates the situation along the United-States – Mexico border with low-intensity conflicts around the globe (see also Andreas, 2002; Dunn, 1996; Spener, 2009). This militarization brings with it and exacerbates “hyper-masculinity, colonialism, and patriarchy” (Falcón, 2007, 203-4; See also Enloe (2000) describing the general effects of militarization on women). Thus, with the increase in female migration, we now also see dramatic increases in violence against women during the crossing experience (Slack et al., 2013). Immigrant women who cross the border already are experiencing multiple vulnerabilities due to poverty, racism, discrimination and legal status, often feel that they are to blame for the sexual assaults because they did not do enough to resist or they were forced to consent. This situation reveals how multiple forms of violence coalesce in the women’s lives (see Menjívar, 2011).

Immigrant women face particular vulnerabilities in cases of violence against them, where issues of gender, race, class, and power differentials become intertwined in a complex web that increases their vulnerability (Crenshaw, 1991; Menjívar & Salcido 2002; Simmons and Téllez, forthcoming), a situation that is exacerbated when they are undocumented (Salcido & Adelman, 2004). This is particularly the case when the women’s partners are petitioning them for permanent legal residence through family reunification laws (Salcido & Adelman, 2004).

However, even when this is not the case, research has found that migration-specific factors (Menjívar & Salcido, 2002), such as new forms of employment and labor force participation for

immigrant women (Grzywacz et al., 2009), can exacerbate tensions in the home and lead to violence. Additionally, Latina and Asian women face significant political, cultural, social, and economic barriers when seeking medical and social services in situations of violence (Bauer et al., 2000).

Ugarte et al., (2003), in their discussion of societal causes underlying sexual violence, focus on the subordination of women and the high prevalence of sexual violence in Latin America. Rape and domestic violence are often treated as minor crimes and are rarely investigated or prosecuted. They argue that large numbers of abusive homes lead to tens of thousands of homeless youth who are at extreme risk of prostitution and trafficking. This is exacerbated by the culture of rape resulting from the civil wars in Central America in the 1980s and the militarization in Chiapas in the 1990s. The sense of shame and self-blame further prevents women and children from coming forward to authorities or seeking social services. Some sources found it impossible to provide estimates of sexual assault instances, but estimates range from a few sexual assaults a year to almost 100% of the women who crossed the border.⁴ These estimates seem to vary based upon the population of migrants with which the interviewees worked, where they encountered them, and in what capacity. Interviewees who patrolled border area and were involved in law enforcement rarely encountered victims of sexual violence. This can be explained by the fact that the crossing at the border itself has to be done with extreme haste due to the massive buildup of law enforcement officials and surveillance equipment. Agents at the border also have the task of interdiction and quick repatriation. If a migrant is to be detained, they will quickly be handed off to [NAME???ICE???} officials, with little interviewing.

⁴ Ruiz Marrujo (2009) reports “between 80 and 90 percent of migrant women have suffered sexual violence” (citing *La Jornada* 2003).

On the other hand, those who assist migrants who become lost in the desert for several days suggested the prevalence was much greater, especially among vulnerable migrants. One migrant aid worker said, “if a woman is by herself in a group in the desert we assume 100% of the time that she was sexually assaulted.” Similarly those who work with migrant women who have been kept in drop houses against their will, a form of kidnapping or trafficking by itself, report widespread sexual violence. Social workers who counsel women and children who may have been trafficked and who have a chance to ask the migrants to reflect on their experiences reported high prevalence. One said: “I would say they *all* are [victims of sexual violence] because they’re coming with a perpetrator, they’re coming ... with the person who is trafficking them. So yeah I would say almost all of them.”⁵ Note too that estimates with female interviewees generally report higher rates. A female law enforcement official working near the border reported very few incidents that she personally dealt with, but conjectured that “I wouldn’t be surprised that 100% of the women coming through the desert are sexually assaulted.”⁶

The sexual violence in the borderlands is a form of terror that we believe could meet the international standards of a crime against humanity; widespread and systematic attacks against a civilian population with the acquiescence of governmental authorities (Falcón, 2007). At minimum, the violence they endure is a violation of local, state, and federal laws both in Mexico and the U.S.

Poly-Victimization and Trauma

The sexual assault and terror that the women and children suffer while migrating to the U.S. are only part of a series of attacks they face. Our findings suggest that "victimization is more of a

⁵ Qualitative Interview with social worker in the field

⁶ Qualitative Interview with enforcement official in the field

‘condition’ than an ‘event’” (Finkehlor, Ormrod, and Turner 2007 writing about victimized children in the U.S.). Or, as Ruiz Marrujo (2009) writes, “along the U.S.-Mexico and Mexico-Guatemala borders sexual violence has become [a] fact of life for migrant women” (31). Women and girls are victimized and re-victimized over time in a number of ways. Many of the immigrants are victims of sexual abuse by family members and acquaintances in their home country before they ever consider migrating. Throughout their journey, not just at the U.S.-Mexico border, they suffer exploitation. The exploitation continues in the border crossings and at drop houses in cities such as Phoenix and Tucson. And, it is not uncommon for the exploitation to continue once the women and children are reunited with their families or when they reach their final destinations. Migrants that are apprehended by law enforcement officers and subsequently detained are also at risk of abuse, both in the U.S. and in Mexico. The physical, psychological, and social effects of these abuses are complex, iterative, and long-lasting. Several interviewees reported a series of drop houses throughout Mexico where coyotes/traffickers would bring the women and children. One attorney reported the following example of multi-victimization:

I have a client that was taken from Guatemala to a drop house in Mexico where she was repeatedly raped by her guide and got pregnant with his child, the guide then abandoned her when he found out she was pregnant. She found somebody else to take her to the U.S.. So from there she was taken to several drop houses in Mexico. . . . She was taken to several drop houses and then wasn’t charged any money. And she and a couple of girls she was with were all brought the same day, were all raped both in Mexico and the U.S., and in the desert, they were caught crossing the border. They [the migrants] were caught, the people, the guides were not caught.

Though we did not talk with the women directly, we did get a sense of how they experience sexual trauma and how this fits in with a chain of victimizations they have suffered. What would make sensationalistic media headlines about sexual predators or serial rapists on the loose if the

victims were white and not people of color and immigrants, do not seem to be, at least on the surface, defining or “life-changing” events for these women. The assaults seem to be perceived as part of a larger condition of violence that these women face and endure over extended periods of time. As part of their condition, and often as part of a long-term calculus, the women do not come forward or complain about sexual assault because it is “the least of their problems.” Instead, they often find ways to cope with it in isolation when they can find the time. One interviewee said their attitudes often are: “I will deal with it, I just need a job, it is not a priority to report the assault or to get therapy – the priority is to get a job and their kids.” The assaults can be seen as part of a well-calculated decision made intentionally, with varying levels of knowledge of the risks involved, to make the journey in the first place.

Migrant women do make decisions about the journey, factoring in many of the risks to themselves and their children. Previous studies show that when Mexican women migrate it is often after much discussion within the family and sometimes even against the wishes of their husbands (King 2007, 900). They also take steps to prepare themselves for possible risks. Some are aware of the risks from previous trips of their own, or from stories from family members and friends, or from warnings in the mass media. Often indigenous migrants will shed their traditional clothing in order to better “pass” as non-indigenous. Those from Central America often know to tell law enforcement officials if they are apprehended that they are from Mexico, so that they will only be deported across the line where they can attempt the journey again.

Even the sexual assaults seem to be a possible outcome and so the women and girls take steps to prevent assault or to ameliorate the possible consequences. We heard stories of girls and women taking birth control pills before leaving on the journey in case they were sexually assaulted. We even heard a story about nuns at a Catholic mission in Mexico requesting birth

control pills from a humanitarian mission so they could dispense them to the girls and women making the journey. Many also wear several pairs of pants and underwear to help thwart assaults. Some migrants deprive themselves of sleep or do other things to make them less attractive to ward off sexual assaults. The girls or women often try to pair up with other migrants to be safer. Some interviewees said that migrant women might not know about the specific risks of sexual assaults, but take these preventative measures out of a general distrust of males.

While some interviewees wished that the Mexican and Guatemalan governments would do more to warn potential migrants of the dangers they might face, it became clear that prevention campaigns would have limited impact on the migrants. One said,

I don't think it stops people, they're so desperate a lot of them, a lot of the children I think are coerced by their parents to come up here, the parents want them to come up here and make money and send money back to them ... It's such a dangerous journey, and I'm assuming the parents know how dangerous it is. But I wonder if they really know when you're sending for your six year old child to be crossing the border by himself or with an eight year old or a twelve year old to care of them.

Physical, Emotional, and Social Effects of Multiple Victimization

And that's the challenge of working with girls who have, have gone through—there's, just there's *so much there*, because it's not just... the, the trafficking, there's so much more that started very, very early; abandonment by mothers, I mean, at very, very young ages, babies, toddlers, abandoned by moms, being bounced around from home to home, incurring abuse and physical abuse in all those homes, neglect, it's tough, it's *tough*. And so... you get all of that and then this happens... it's just, it's just a *lot* of... trauma. --- Social Worker in Phoenix

Recent research has shown that this form of multiple victimization or poly-victimization is especially pernicious with each abuse having a cumulative effect on the victim's physical and mental health (Turner, Finkelhor, and Ormrod 2006; Finkelhor, Ormrod, and Turner 2007).

Unfortunately, social services set up to protect and service these victims are overwhelmed by the

sheer number of cases and they are mostly ill prepared to deal with multiple victimizations. In addition, the structural violence—poverty, nativism, racialization, misogyny, etc.—that renders migrant women and children vulnerable in the first place creates considerable additional obstacles to adequate provision of services.

Ugarte et al. (2003) lay out excellent case studies that show the enormous variety of services needed to address the “multiple layers of trauma” experienced by survivors of trafficking and prostitution. “The healing process is lengthy since survivors suffer psychological damage from captivity, terrorization, physical violence, and brainwashing and in many cases a long history of family and community violence” (*id.* at 161). One girl required assistance from more than 20 different agencies (*id.* at 151) including a battered women’s shelter, law enforcement on both sides of the border, health clinics, family services, consulates, legal groups, hospitals, and human rights groups. Ugarte et al., conclude that these myriad social services must be linguistically and culturally appropriate and they must address race, class, and gender issues in a sensitive way.

Of course, intentional decision making about migration does not mean that migrant women and children are not affected in profound ways—physically, emotionally, and socially—by the sexual assaults. The effects are extremely varied, but it is clear that the assaults have a major impact on their lives. One social worker said:

I know they don’t talk about it.... They completely keep it to themselves...they put it away; they compartmentalize it, depending on how horrific the trauma was. In general, the trauma is huge. When they talk about it they talk about it as though it just happened yesterday. The trauma is horrific and huge in their lives.

The physical effects of the sexual assaults are diverse. In the immediate aftermath of an assault, many women must seek care in hospitals for cuts, bruises, broken bones, and other physical traumas. Even so, the women’s physical well-being often is not their top priority. One

woman who had been assaulted by a coyote in the desert was described as bleeding, “having headaches, and aching all over.” When asked if her boyfriend knew what happened, she replied: “he knows that I’m not well and I fell and I have cactus thorns everywhere, but I didn’t tell him about the assault.” In addition to the immediate physical effects, repeated sexual violence has been shown in numerous studies to have profound long-term physical effects.

One of the major physical (and emotional and social) challenges the women and girls face is unwanted pregnancy. Rarely will the migrants be using birth control, and the women and girls who become pregnant from attacks by coyotes, bajadores, or others will rarely seek or have an abortion because of family traditions and religious values. Further, the Catholic Church, through such important programs as Catholic Charities and the Kino Border Initiative in Nogales, is at the forefront of providing aid to these women, so they will often not be counseled about abortion. Most of the girls and women give birth and most do not consider adoption. “The feelings they have toward their child are kind of mixed in with how they feel about the perpetrator” making it “very difficult to accept that baby.” One social worker described a girl who basically has only minimal connection to her child: “she feeds the baby, she diapers the baby, she puts the baby to bed, and that’s about it. I mean, there’s no mommy and baby time; that play time, spontaneous play.” In addition, despite some counseling services, the women and girls lack basic parenting skills the effects of which are often exacerbated by the lack of good parental role models. As several interviewees pointed out, the youth who have babies are still trying to grow up themselves: “she’s 16; she wants to go out, she wants to go to the movies, she wants to go to prom... and she has a two year-old.”

Not surprisingly, many migrant women and children suffer emotionally and psychologically as well, including depression, post-traumatic stress disorder, and low self-esteem

(cf. Annan 2006, 168). Many of the girls are reported to have nightmares and sleep disorders, and they commonly dissociate. Some women and girls internalize their experience, with the caseworkers reporting no overt physical manifestations.

I mean some girls will tell me about it, and they're very emotionless about it and then other girls will look through streams of tears coming down their face, and tell me about all the abuse they had at home, and they were raped, by a coyote here and there. . . . I'm sure they're all really traumatized, but some of them show it more than others.

Women and children who have suffered trauma from multiple victimizations are also suffering socially. Not surprisingly, they experience a general level of distrust, especially of men and authority figures, as well as numerous problems communicating in healthy ways. They have few models of healthy family relationships; instead they have witnessed, "constant violence" as one social worker reported. "Not only do they see it with their parents, it was all over the village, it was all over the neighborhood, so this is common. So I have a lot of girls that just don't understand how it can be any different."

They have trouble developing healthy relationship with their peers, especially romantic relationships. One interviewee who works with unaccompanied youth said, "we struggle with boundaries, they have very poor boundaries, and we have a lot of problems in the relationships—in the romantic relationships." This same lack of boundaries finds the girls and women befriending strangers with little ability to discern healthy influences. "Some of our girls just try to find some guy, and they attach—and many times it's not the best person for them. It's someone that's—is abusive, is alcoholic, is a substance abuser. They feel like that's the only way to, you know, make it. It's sad." Many of them "don't think that a husband can be faithful or a boyfriend can be faithful."

The children who are fighting for asylum or other type of immigration relief are placed in foster homes and must be enrolled in U.S. public schools where they face a number of additional challenges. The violence that they have endured surely aggravates what must be a difficult transition experience for a child from rural Mexico or Central America living with a new family and taking a bus to attend a public school that is taught solely in English. Many lack motivation or only have basic learning skills. Some are physically aggressive in school. Many of the boys are targeted by gangs often as potential recruits and they are threatened if they spurn the gangs' advances. Many of the boys and girls have a drug and alcohol history that might go back to their days in their village or that began on the migration journey. Then, in order to cope and fit in with an American school they might resort to alcohol and drugs again.

With so many effects of sexual abuse, exacerbated by attempting to transition into a foreign culture, the social workers had precious few success stories to relate. Even the small victories were mixed at best. As one social worker said: "You know, there's this thought that... once they're here and we give them all these tools and all these services that they're just going to *flourish*, well, that doesn't happen." One counselor reported, "What I tend to see in my work, is they'll make one or two steps forward and I'll think "Okay, here we go," and then boom! We're ten steps back."

Drop Houses in Phoenix and Beyond

Phoenix, Arizona has received much attention from public officials and the media, as it has been portrayed as one of the worst kidnapping locales in the world. While these claims have been subject to critique given existing data, the rankings and statistical reports have largely ignored the identities and experiences of the victims. The media rarely report that the vast majority of those kidnapped are undocumented migrants held in drop houses for ransom after making the

journey across the U.S.-Mexico border. Conditions in the drop houses can be isolating and severe, with multiple layers of violence coalescing on the individuals being held, in addition to the kidnappings. According to Simmons and Téllez (2014), a number of these victims—female and male, adults and children—have been subject to sexual assault.

Dozens of drop houses have been raided throughout south and central Arizona and other major migrant transit cities around the United States, such as Houston, Los Angeles, San Diego, and Atlanta, as well as numerous locations in Mexico. Indeed, organized crime syndicates will move drop houses from city to city in response to attempts by law enforcement officials to crack down on the activity. Thus, in the past year, southern parts of Texas have reported spikes in the number of drop houses (Fernandez, 2012).

While exact numbers of kidnappings and sexual assaults in the drop houses prove elusive, the numbers are likely greater than those reported by law enforcement especially because kidnappings and sexual assaults are often grossly under-reported (Alvarez, 2007; Fisher, Cullen, & Turner, 2000; Bachman, 2000), as are crimes where the victims are migrants, especially the undocumented (Menjívar & Bejarano, 2004).

Mistreatment of migrants in the drop houses is exacerbated by their precarious undocumented status and distrust of law enforcement (Correia, 2010). Some migrants are told by the smugglers who hold them in the drop houses that if they do not cooperate or if they report the assaults, they will be returned out to the desert or given to the Border Patrol. Migrants know that if they report abuse, they run the risk of detention and removal, thus undermining everything they did and endured just to get to the United States. They might not be able to work, will be removed from the United States, and be separated from their families.

Furthermore, migrants who are apprehended by law enforcement officers and subsequently detained are also at risk of abuse. Migrants in short-term custody face a “culture of cruelty” as documented by the human rights organization *No More Deaths* in a report issued in 2011. They concluded, based upon thousands of interviews with deportees, that many incidents of abuse and neglect by the Border Patrol “plainly meet the definition of torture under international law”.

Sex Workers and Migrants: Blurring of Distinctions

Increased attention from activists, scholars, the media and law enforcement officials could have the counter-productive effect of leading law enforcement officials to neglect offenses that they do not classify as trafficking. This is ironic when considering how much the victimization of migrants in drop houses and on their journeys are similar to those of trafficking victims (Clawson et al., 2003; Nikolic-Ristanovic, 2010). One federal official said that ICE “promotes a victim centered approach when it comes to human trafficking...but pursuit of human smuggling is not with a victim centered approach” (Simmons & Téllez, forthcoming).

In Arizona, the more evangelical NGOs predominate and receive almost all of the funding, and they have been all too eager to uncritically partner with law enforcement to identify trafficking victims, meaning almost always sex trafficking victims. These movements have spent millions of dollars and have only located a very small number of trafficking victims. To show tangible results, they organize sweeps that arrest consensual sex workers and try to coerce them into diversion programs that do not provide anywhere close to the services that would actually help with their problems.⁷

⁷ Regarding sex workers, the problem has been the lack of recognition of the sex worker as a person before the law. (Cheryl Overs and Bebe Loff *Toward a legal framework that promotes and protects sex workers' health and human rights* 15 Health and Human Rights 2013 available at: <https://www.hhrjournal.org/2013/10/toward-a-legal-framework-that-promotes-and-protects->

For example, under the guise of fighting sex trafficking, a university social work professor teamed with local police to round up large numbers of sex workers in the name of finding sex trafficking victims. Instead of finding such victims, they ended up further harming sex workers and their dependents (despite their already being persecuted in a number of ways by law enforcement) (Wahab and Panichelli 2013 and Jones 2014).

Lack of Deterrence, Lack of Assistance

Despite the horrendous nature of the crimes, very few smugglers are prosecuted for more than minor smuggling charges. Many described cases have clear connections to prostitution and would meet the legal definition of human trafficking, yet very rarely are they deemed by law enforcement as trafficking in persons. One law enforcement official reported that he had never seen a case of trafficking, even though he had been part of several raids on drop houses. Even law enforcement agents with training on human trafficking did not see these cases as meeting the legal criteria. The victims are usually seen *merely* as illegal immigrants to be processed quickly and removed from the country.

Note too that victims are reluctant to confide in U.S. law enforcement officials. As one official said, even when “we get a report from a male that a female in the house was being raped/sexually assaulted ... the female will never admit it.” Agents even described something akin to what psychologists have termed “Stockholm Syndrome” in which the women fall in love with the smugglers; or at least get closer to them for their protection. If a woman is released by the smugglers and reunited with her family, she will rarely tell anyone what happened including members of her own family.

[sex-workers-health-and-human-rights/](#)) Sex workers essentially are automatically deemed criminal.

See also Laura Agustin *Migrants in the Mistress's House: Other Voices in the "Trafficking:" Debate* 96 (Oxf. U. P., UK, 2005) (describing problems for migrant sex workers in Europe).

Indeed, what became clear from victim interviews was that an individual single migrant's legal status is quite fluid over time. Often they begin as migrants hiring smugglers to guide them to the U.S. The journey can last from less than a week to many months, with numerous stops along the way. At some point on the journey, many of the migrants will experience the "threat or use of force or other forms of coercion" . . . "for the purpose of exploitation" and thus would meet the international legal definition of trafficking outlined above. It is not unusual for a migrant to be smuggled at the beginning of the journey, be held against her will at some point during the journey, and then be released to become a migrant again (Cf. Ugarte, et al., 2003, 149). She then might hire another guide or smuggler, and again experience trafficking or kidnapping. Even the legal remedies that have been established by federal law to assist immigrants that are victims of violence are infrequently used. The women and children described above are most likely eligible for relief from deportation in the form of U-Visas for victims of violence against women, T-Visas for victims of trafficking, or SIJS relief for those who show Special Immigrant Juvenile Status. Rarely are these pursued. First, there is a general lack of awareness of these options among the migrants and those who work with them. Law enforcement officials do not inform the migrants of these opportunities and the officials often balk at filing the necessary certification. To be eligible for a U-Visa or T-Visa, the victims must be willing to testify against their attacker(s) and law enforcement officials must certify that they remain cooperative. Several of those interviewed expressed exasperation with law enforcement officials for refusing to certify:

We do have a client right now that we're seeking a visa for because she was raped in the drop house, and we're having trouble because in Phoenix right now the judges, the prosecutors, basically nobody will sign the visa. Even if somebody can testify and help them, but nobody will help. No one will sign the visas, and they face deportation after their testimony.

More generally, law enforcement agents, including those of Border Patrol and ICE, evince a lack of training and sensitivity on issues of sexual violence against migrant women and children. It is not their operational priority, but this is aggravated by the dearth of female agents and agents who speak Spanish. Also, the government has privatized the transportation and detainment of migrants, and private companies, such as Wackenhut, are not well prepared to work with or transport migrants.

In general, Latinos/as are less likely to report those crimes that in other groups are often most reported (Menjívar & Bejarano, 2004, Theodore, 2013), including violence with a weapon and violence committed by a stranger. Studies have found that Latinos/as are likely to avoid police, even if they are documented (Khashu, 2005; Menjívar & Bejarano, 2004). This under-reporting is believed to be tied to language barriers, poor understanding of the system, distrust of law enforcement officials and, in the case of undocumented immigrants, fear of being asked about their immigration status, (Davis, Erez, & Avitabile, 2001). In an especially poignant exchange, Menjívar's and Bejarano's (2004) study in Phoenix recounts the case of a woman who explained that she is aware that the police are more helpful here than the police were in Guatemala, but would not call them in case of need because she is still undocumented and fears she may get deported. Her fear is so extreme that once she almost lost her life rather than calling the police. (*id.* at 134)

Migrants who suffer kidnapping for ransom in the drop houses have little chance to receive social services for the multiple victimizations they face because they are rarely seen as victims, and instead they are often seen as criminals who must be processed as quickly as possible. This situation can be understood as an extreme example of secondary victimization whereby “the victim-blaming attitudes, behaviors, and practices engaged in by community services providers,

which result in additional trauma for rape survivors” (Campbell, 2005; Alves & Correia, 2009). Victims are made to feel blame for their sexual assault through interrogations about their sexual histories, how they were dressed, as well as the failure of law enforcement to consider their claims credible or to minimize their suffering (see also Menjivar 2011). Rebecca Campbell, for example, concluded that “most women reported feeling violated, depressed, and anxious after their contact with medical professionals” (Campbell, 2006, 31). Studies have “found that most survivors of rape report feeling guilty, depressed, anxious, distrustful of others, and reluctant to seek further help after their interactions with legal system personnel” (Campbell, 2006 31) especially as the latter pressure victims not to press charges nor file a report on the case (Campbell et al., 2001).

Societal norms also play a role (Edward & Mcleod 1999). If the victim does not fit the law enforcement officer’s preconceived notion of what a rape victim should be—usually someone who looks innocent, is hysterical, not under the influence of alcohol, and is badly bruised—he or she will find the victim much less credible, and would be more likely to not file a report or pursue the investigation (Edward & Macleod, 1999). While several studies have shown that steps can be taken to ameliorate the problem through the presence of rape victims’ advocates and access to rape crisis centers (Campbell, 2006; Kelleher & McGilloyay, 2009), these are highly unlikely to be provided to drop house victims.

Concluouon: Agency and a Broken Migrant System

We are uncomfortable with the language of victimization, even though we have used it here. Many thousands of migrants make the journey without incident. Those that are sexually assaulted may be deeply traumatized, but the incident rarely defines their lives in their minds, and we are acutely aware that we should not define them merely as victims of sexual assault.

These women and children should not be merely seen as victims – to do so would be to reduce them to experiences that were imposed upon them, and to re-victimize them. They are survivors, resilient, autonomous people who are trying to make the best of a tragic situation. They are, above all, “survivors or even human rights winners” (see Simmons, Forthcoming). They are navigating a very difficult transition to a new country and new culture while dealing with severe trauma, and yet to the degree possible, they remain focused on their families and improving their economic situations.

We came across a number of migrant women who have created support groups for victims of sexual violence. These group sessions are often coordinated by counselors or social workers, almost all of whom are doing so on their own time, and some who only have tangential training in this area. They see a need, and move to fill it. One described herself this way: “I am creating ideas for the needs that I saw first with my family and for the needs that I am seeing in this society, in this community.”

Clearly, the immigration system is broken and the consequences of this failure are not abstract. They are concrete, embodied in the daily lives of migrant women and children. The failure of immigration policies, alongside extant structural inequalities that disadvantage women and children, directly leads to their exploitation. Further enforcement strategies by themselves will not stem the tide of migration, but lead to increased militarization, further control by organized criminal syndicates, and vulnerable migrants, especially women and girls being treated like commodities. Failure to change immigration policies, or changing them in ways injurious to immigrants themselves, will expand the state of exception—paradoxically, the more law, the more lawlessness. And, in the perception of law enforcement officials and the public, migrant

men, women, and children will be seen first and foremost as lawbreakers and not as the human beings they are.

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