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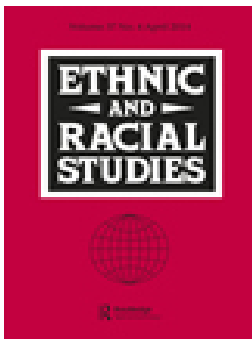
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Moralizing regulation: the implications of policing “good” versus “bad” immigrants

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ABSTRACT

Recently, the US has dramatically expanded immigration enforcement. At the same time, some advocates have sought to support “good” immigrants. This paper considers how the resulting good/bad binaries affect undocumented immigrants. I examine a case study in Los Angeles, where policing intertwined with protection. Based on participant observation and interviews, I show that respondents believed state agents classified them either as “bad” criminals or “good”, immigrants. To the extent immigrants identified as “good”, they credited the US with offering them “freedom” and hoped for political inclusion. At the same time, in what I call *moralizing regulation*, they also performed “good” behaviour and distinguished themselves from those seen as “bad”. Some also tied “good” behaviour to femininity and “acting white”. At the extreme, they blamed other migrants for inviting state mistreatment. The effects were ambivalent: while immigrants appreciated US support, they also adopted and adapted to the state’s moral norms.

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Introduction

In the 2000s, undocumented immigrants in the United States faced a dramatic rise in deportation, police enforcement, and surveillance, marking them as “criminals” (Menjívar and Abrego 2012). Most scholars agree that this criminalization terrified migrants, alienating them and making them cynical about US laws (Abrego 2014; Massey and Pren 2012; Ryo 2015). At the same time, advocates in some cities also embraced “good” immigrants, working to *re-define* the undocumented as hard-working, law-abiding, and worthy (Hallett and Jones-Correa 2012; Marrow 2009). While scholars have examined this good/bad discourse (Bosniak 2012; Yukich 2013), few have considered how such binaries affect migrants themselves.

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This paper considers how undocumented immigrants respond when they feel categorized as “good” or “bad”. I look at how good/bad binaries shape immigrants’ senses of belonging, feelings of in-group solidarity, and political attitudes. I focus on a case study of immigrants in Los Angeles, California, where, as of 2010–11, pro-immigrant advocacy coexisted with aggressive policing. That is, LA police and public agencies appeared to embrace “good immigrants” while punishing “bad” ones. I draw on five months of participant observation, hundreds of informal interviews, and thirty-eight formal interviews with migrants from Oaxaca, Mexico.

I argue that in LA, immigrants experienced what I call *moralizing regulation*. That is, respondents believed that state agents classified them as either “bad”, deportable criminals or “good”, worthy immigrants, depending on their behaviour – and sometimes their gender and race. These frames resonated with respondents’ own moral understandings, linking “goodness” to hard work, self-sufficiency, and deference to authority. Yet, US enforcement also tied “being good” to new stakes, including protection from deportation and access to public services.

For migrants, the implications were ambivalent. On the one hand, the idea that state treatment was conditional on migrants’ behaviour lent an apparent order to policing, making migrants feel personally responsible for their own fates and assuaging their fear. Many respondents credited the US with offering them “freedom” to be good or bad. Good/bad categories gave others hope that the US would legalize those who proved they deserved it, encouraging some to march for rights.

On the other hand, many respondents saw “being good” as a prescription, encouraging them to self-regulate. To gain bureaucratic support, they strategically displayed “good” behaviour and differentiated themselves from “bad” migrants. At work, they avoided complaining and disparaged those who were “lazy”. In politics, they dismissed most protests as “bad” while emphasizing their own appreciation for the US. Some also tied “being good” to being female or “acting white”. Good/bad categories also legitimized existing enforcement by encouraging migrants to blame their “bad” counterparts. Many interviewees framed deportation as punishment. Others blamed “bad” immigrants for inviting public hostility. At the extreme, some approved of others’ deportations, undermining potential unity in the face of ongoing state exclusion.

Contesting immigrant criminalization

Starting in the 1990s, US immigration enforcement escalated dramatically. Legislation including the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and Anti-Terrorism and Effective Death Penalty Act (AEDPA) expanded the grounds for deportation to include minor “crimes” like traffic violations, legalized deportation without judicial review,

and limited migrants' capacity to appeal (Golash-Boza 2015a). After 9/11, immigration also became intertwined with US "wars" on crime and terror (Menjívar and Abrego 2012). Programmes such as Provision 287 (g) of IIRIRA and Secure Communities (started in 2008) empowered police to check detainees' legal status and hold them for release to Immigration and Customs Enforcement (ICE). By 2012, the US deported about 400,000 people annually and spent \$18 billion a year on immigration enforcement, fifteen times the (adjusted) 1986 level (Meissner et al. 2013). Fewer than half these deportees had criminal records, and most of those remaining were convicted of either traffic violations or crossing the border (Golash-Boza 2015a). Ninety-seven per cent were Latino and 90 per cent were men (Golash-Boza and Hondagneu-Sotelo 2013).¹

To mitigate this criminalization, some service providers promoted a "good immigrant" counter-narrative, emphasizing migrants' deservingness (De Graauw 2014; Hallett and Jones-Correa 2012). Many cities declared sanctuary policies, promising to extend services to migrants, opt out of cross-deputization, and shield migrants from deportation. In such areas, institutions such as schools often supported undocumented residents; politicians embraced "deserving" immigrants; and even police conducted migrant outreach (Marrow 2009, 2012; Yoo 2008; Fujiwara 2005). I argue that the *combination* of policing and protection affected migrants differently from criminalization alone.

Theorizing the effects of policing

Most research suggests that immigration enforcement works through repression. For one, US policies legitimate violence by marking undocumented people "illegal" and racializing Latinos as criminals (De Genova 2002; Menjívar and Abrego 2012). In conjunction, the threat of deportation sows fear, so migrants hesitate to interact with police or public institutions (Hagan, Eschbach, and Rodriguez 2008; Menjívar and Abrego 2012).

Scholars argue that coercion makes migrants feel alienated and provokes political cynicism (Gonzales and Chavez 2012). Latinos have now passed blacks as the most isolated group in the US (Massey and Pren 2012). Family separation also imposes trauma and economic struggles, especially for women and children (Abrego 2014). Politically, meanwhile, policing clashes with migrants' values, leading most to see US enforcement as unpredictable, irrational, illegitimate, and biased by race and class (Ryo 2015). When people consider the law unjust, prior studies suggest, they cooperate less with police (Michelson 2016).

It remains unclear how this alienation and cynicism affect political mobilization. Some argue that threat has unified Latinos, sparking activism from immigrants' rights protests to the "DREAMers"² (Voss and Bloemraad 2011;

Okamoto and Ebert 2013). However, others contend that criminalization alienates migrants, leading them to focus on returning to Mexico (Hagan, Eschbach, and Rodriguez 2008). Still others suggest that fear stifles dissent, forcing migrants to tolerate conditions they consider unfair (De Genova 2002; Golash-Boza 2015a).

Mostly, scholars treat variations in these effects as a matter of degree: the less policing and deportation, the less fear. For instance, studies of sanctuary cities show that local, bureaucratic support for migrants improves incorporation and may help reverse criminalization (De Graauw 2014; Marrow 2009). Some suggest that “good immigrant” narratives can expose state inconsistencies and convert the law into an instrument of inclusion (Nicholls 2013; Negrón-González 2014).

However, some analysts worry that dividing migrants into “good” and “bad” reinforces distinctions between those considered deserving or undeserving, legitimating abuse of the latter (Chavez 2013; Yukich 2013). Evidence suggests that bureaucrats indeed use good and bad categories in their treatment of migrants, evaluating whether migrants act as “deserving clients” (Jones-Correa 2008; Marrow 2009). Likewise, police also use professional leeway to decide whether migrants merit enforcement or protection (Marrow 2009; Armenta 2015). Still, few studies examine how good/bad classifications affect migrants themselves. In particular, while scholars show that men’s deportation has “collateral” effects for women, they say less about how women respond directly to good/bad categories.

I argue that the combination of criminalization and protection produce moralizing regulation. Moralizing regulation is not simply less intense than coercion. It also has a distinct logic. That is, when migrants perceive protection and punishment as responses to individual behaviour, they strategically act “good”.

Case and methods

Los Angeles embodies the combination of policing and pro-immigrant advocacy. LA is notorious for its brutal police and anti-gang efforts, and some local leaders endorse federal enforcement. At the same time, LA is a nucleus of immigrant activism, with numerous pro-immigrant bureaucrats and organizations. Many LA political leaders oppose federal-level criminalization, and local police do outreach to differentiate themselves from immigration control. LA hospitals, schools, and agencies provide relatively expansive services to immigrants. LA is also one of the most active US cities in enforcing labour violations against the undocumented (Milkman, Bloom, and Narro 2010).

LA therefore mixes policing of “criminals” with protection for “good” immigrants. LA’s Special Order 40, passed in 1979, bars police from investigating

detainees' legal status until after criminal conviction. Though LA police signed on to the cross-deputization programmes 287(g) and Secure Communities, they did so on the condition that migrants not be held for ICE upon booking but only *after* criminal conviction. The LA police chief has also advocated "restraint" towards immigrants, such as lax enforcement of policies like a California law that allowed police to impound the vehicles of undocumented drivers until 2015. Although LA has deported more immigrants than most US cities, it also has far more undocumented residents, and a larger percentage of its deportees have been convicted criminals (Capps et al. 2011).

To understand how this context affects migrants, I examine a community from Oaxaca, Mexico. Oaxaca is a good case because most migrants from that area arrived after the US Immigration Reform and Control Act of 1986 and therefore remained undocumented.³ To sample respondents independently of their political affiliations, I recruited through their hometown. While scholars often recruit undocumented respondents through schools, service providers or NGOs, such methods can neglect the 75–95 per cent of the undocumented who are not politically active. To avoid such bias, I did five months of fieldwork in migrants' hometown before beginning research in LA. I then used family ties to recruit US-based respondents.

Focusing on one community also helped me to build trust and triangulate information. I am a white US citizen, and respondents were sometimes suspicious of my intentions. Nevertheless, many opened up once they learned I had lived in their hometown. Working through the community also enabled members to "check up on" me with each other, while letting me observe their interactions and back-stage conversations about police and state agents. I could thus triangulate interview data with participant observation. While this approach risks focusing on an unusual group, it enabled me to flesh out an under-theorized process by which conditional policing affects migrants. Future research might examine whether the mechanisms discussed here extend to other groups.

My data include participant observation, hundreds of informal interviews, and thirty-eight formal interviews. Between 2010 and 2011, I lived with migrants in LA for five months. I participated in social events, visited migrants at home, and accompanied them on daily errands, hospital visits, work drop offs, and school pick-ups. Because migrants often avoid engaging directly with state agents, I analysed their understandings of government institutions by looking at (1) interactions among migrants, in which they talked about the police and other institutions, (2) their "backstage" reactions to police or service providers, and (3) their "legal consciousness", that is, their expressed, common-sense understandings of the law (Abrego 2011).

I then conducted thirty-eight in-depth interviews. Respondents ranged from age twenty-two to seventy (average: forty). They had lived in California

for seventeen years on average, with 97 per cent arriving undocumented and 72 per cent undocumented as of 2011 (the rest were lawful permanent residents). About half were women. Interviews were conducted in Spanish at a time and place of migrants' choosing and were not paid. I asked about migrants' perceptions of policing and state services, their feelings of belonging, and their political actions. I visited all respondents on multiple occasions. While my identity may have encouraged migrants to present rosy attitudes about the US, I believe my daily presence and demonstrated concern for migrants' lives encouraged honesty.⁴ I coded interviews and field notes for migrants' political attitudes and actions. In this text, I use pseudonyms, and all translations are mine.

Moralizing enforcement

I found that most respondents in LA saw policing and state services as contingent on their behaviour. Mariela, a thirty-six-year-old garment worker who had lived in LA for fifteen years, captured this apparent conditionality, explaining:

I think it [not having papers] is fine as long as we do what the law asks, follow the speed limits, the steps they ask for, not go faster or slower, not drink, not do drugs. I say that as long as one is following the law, everything is fine. But if you go around messing here, messing there ... If they [police] see someone is going to work, [they say], "How good, go ahead" – maybe a ticket and that's it. But if they see people drunk, or drugged, if they see them making a mess and a half, then let them take them out of the country as they should.

Mariela believed that police overlooked the legal status of "good immigrants" who worked and behaved well, while deporting migrants who "made a mess".

Among respondents, 90 per cent framed deportation as punishment for "bad" behaviour. All twenty deportees mentioned in my fieldwork were implicated in substance abuse, gang activity, or domestic violence, and all were men. Meanwhile, respondents described *themselves* as good. Women, in particular, often hinted that deported male family members had "gotten what they deserved". For instance, Ines and Alma, sisters in their early fifties, told me of their brother who was "kicked out" even though he had lawful permanent resident status. Ines explained, "All he did was drink ... Then, the government detained him. He was drinking, so he got deported ... If I were his wife, I would have ended that [behavior] long ago." Alma added, "We have no tolerance for badness." Corina, a housekeeper in her late twenties, likewise waved away my questions about a deported brother, saying, "He just came [to the US] and drank and didn't do anything." Though fewer than half of deportees from the US have committed a crime, such respondents echoed folk logic, vilifying deportees as lazy alcoholics.

A few deportees I met in the hometown also linked their expulsions to “bad” behaviour. Mario, deported on drug charges after twenty years in LA, allowed, “I can never go back. I did something really bad.”

By contrast, respondents believed that hard work and self-sufficiency earned police protection and public services. For instance, many framed labour enforcement as a reward they earned through hard work. When I asked Julia, a garment worker, if she would report a wage violation to LA’s Labour Commissioner, she replied, “That’s what it’s there for, right? To help hard-working people. Because we really are hard-working ... As long as we work, I think they [the government] are going to treat us well.” Julia believed that the US state judged migrants’ merits as workers. Gloria, a mother in her late forties, expressed a similar attitude about food stamps, which she once sought for her US-born children. She told me, “If you need something – and you really need it, – the [US] government is there for you.” However, she qualified, “When I started working, I immediately went back and told them, ‘I started working again; now I can support my family, and thank you for your help.’” By committing to self-sufficiency, Gloria implied, she “earned” public assistance. Similarly, Juan said that a college dean overlooked his undocumented status *because* he had worked hard. Such respondents often folded behaviour ranging from traffic violations to paying taxes into the binary of “good” and “bad”. For them, positive state treatment was recompense for a strong work ethic and meticulous observance of civil and criminal laws.

While these frames of “good” and “bad” were probably not new to migrants, they took on new salience in the US. In migrants’ rural hometown, there was very little state presence. By contrast, in the US, state capacity and migrants’ unauthorized status made them particularly subject to surveillance. Migrants now tied “good” behaviour to protection from deportation and (relative) access to public services.

The logic of individual responsibility

The idea that enforcement was conditional on individual behaviour encouraged a logic of personal responsibility. Migrants who were spared deportation or successful at work could take credit for being “good”. While respondents tied deportation to “bad” behaviour, they trusted state agents to support those who were “good”. Indeed, two-thirds of interviewees said that they felt “free” (to act good or bad) in the US. For example, Andrea insisted that the US offered opportunities as long as migrants were “good”. Likewise, Ricardo, a fifty-three-year-old parking attendant, reflected:

Here, there’s freedom; you can do what you want. You want to work? Work. You want to stay in the street? Stay in the street! Ask for charity, ask for what you can, but don’t [complain] – and now you’re in the street like a vagrant. But if you want

to study, the schools are right there ... [The US] gives you the opportunity to be the person you want.

Even though migrants actually had little choice, they *perceived* police protection, services like English schools, or even good wages as rewards for effort.

This understanding mitigated migrants' fear. Despite their unauthorized status, most respondents trusted police and city bureaucrats. When I asked whether interviewees felt targeted by race or legal status, most said no. As Celina put it, "I see discrimination elsewhere, like they say there are laws that discriminate against people just for their skin color in Arizona, but I've never had problems ... It doesn't affect me much." Informants demonstrated this trust by interacting openly with police. For example, one day twenty-two-year-old Luis was driving his mother Andrea to work, and a police officer stopped him for rolling through a stop sign. Though both migrants were undocumented, Andrea leaned out and explained that her son was law-abiding and hard-working, convincing the officer not to detain him. Such respondents trusted that if they were "good", police would overlook their legal status and protect them. Mariela added,

I'm not afraid of the police because they're doing their jobs. No, I'm not uncomfortable. On the contrary, we know we're protected by someone when we need it. I don't avoid them either. No, I feel free; I feel calm.

By linking enforcement to bad behaviour, migrants avoided fear.

Women showed particular faith in the police. Nationwide, over half of undocumented women face domestic violence, but fewer than 18 per cent of victims report the abuse (Quereshi 2010). By contrast, more than half of domestic violence survivors I interviewed reported it. For instance, when Alma moved to LA, she recalled,

[My husband] wanted to hit me one time, but I didn't let him; I called the police. I said, "I told you that I can't be a submissive, silly woman like the ones that let men hit them, that let men manipulate them. No," I said. Then they took him to jail.

With numerous women from respondents' hometown reaching out to LA police, one male migrant quipped, "Women win in LA. You know – they just call 911, and the dude goes straight to jail." Not only were women detained in lower numbers than men, but LA police also offered them protection and even, in the form of U visas (for victims of domestic abuse), legal authorization.

Appreciating the US

Migrants who identified as "good" tended to appreciate the US and see its treatment of unauthorized immigrants as legitimate. Even though respondents' formal rights were limited, many credited the US with offering them

“freedom” and hoped that they could earn inclusion through “good” behaviour. It was hard to ascertain interviewees’ pre-migration attitudes, since on average they had been in the US for seventeen years. However, surveys by Ryo (2015) suggest that prospective undocumented migrants tend to see US immigration control as unfair and racially biased. One might assume that respondents in this study were also cynical prior to crossing and might have remained cynical had they settled in a more restrictive area. Respondents’ actions towards their homeland also reveal that they were not inherently deferent. Nearly all interviewees described the Mexican state as illegitimate, criticizing its arbitrary laws, lack of order, and failure to provide for those who deserved. They expressed this disillusionment by “voting with their feet”.

By contrast, respondents credited the US with being a “country of opportunity”, at least for those who worked hard. Although widespread research shows that current US laws *hinder* immigrant incorporation, interviewees praised the US. For instance, Gloria said that the US gave migrants

A lot of support; not like in my country, where there are poor people who have nothing to eat, and it doesn't matter to the government at all. This is a country where there is freedom ... Anyone who wants to can progress. There is also freedom here to work in what you want.

Similarly, Bernardo argued, “This country has offered and continues offering freedom of expression, freedom to work... Or that as a worker you earn what you deserve ... the [US] government gave me the freedom to have what I hadn't had [in Mexico].” Interestingly, such migrants credited the US with giving them freedom *to work*.

Many interviewees also felt that they belonged. Undocumented status notwithstanding, 89 per cent of respondents expected to stay in LA, compared to about 66 per cent of non-citizens nationwide (Waldinger 2007). Women, especially, said that they loved the US and felt “American” or “at home”. For example, though Gloria’s husband wanted to return to Mexico, she told him, “I’m not going back there anymore. I really liked coming to this country, really. There’s a way to move up in the world here.” Andrea also said that she would never return to Mexico, even to escape the pressures of being undocumented, explaining, “I like it here, and I want to stay here for the rest of my life.” I did not hear of a single woman who returned to her village by choice.

Perhaps surprisingly, this faith in the US inspired some respondents to join immigrants’ rights protests. In 2006, 3.7–5 million people participated in immigrants’ rights protests in 160 US cities, including 650,000 in LA and a third of my interviewees (Voss and Bloemraad 2011). These respondents were motivated by confidence in both the US and their own deservingness. Julia, a forty-two-year-old unauthorized immigrant, reflected, “I was inspired for the

migrants who can't have papers because there are so many hardworking people who deserve to have them – more than anything the students, or the children of people like us." Julia hoped that the US would legalize such hard-working immigrants. Felipe also marched because he felt that he had earned legalization by his years of hard work. Santiago, meanwhile, explained, "I have gone to the marches [because] I love the United States. I feel like a patriot ... so let's demonstrate that we want to be part of the mechanism called the United States." A few respondents also took part in electoral politics, such as by canvassing for political candidates. Such formal engagement indicated migrants' faith in American democracy.

At the same time, good/bad divisions encouraged many respondents to accept deportation as fair.⁵ For instance, Mariela said that deportation "doesn't bother me". Maria, meanwhile, felt that "evildoers" had provoked the recent criminalization of immigrants. She reflected, "Just as some people come to work and have achieved a lot through work, other people have come with bad intentions and another style ... It makes me sad because this country has been so generous in accommodating us." Others argued that the US should *only* grant legal status to "good" immigrants while expelling those who were lazy or "bad". For instance, fifty-six-year-old Isidro suggested, "[Work] is what people need, and the government should give us immigration reform so we have an opportunity to work. But, they shouldn't give papers to those that don't deserve it." This good/bad worker frame enabled some migrants to distance themselves from – and even accept – deportation.

Acting "good"

The moralizing framework also regulated migrants by prescribing "good" behaviour. With high stakes to being "good", migrants strategically displayed deservingness and differentiated themselves from their "bad" counterparts. Often, respondents extrapolated good/bad differences in *legal* behaviour to work, politics, and culture. Expressing Americanness gave them a sense of stability, whether or not they "really" loved the US. Yet, this performance was also divisive. At the extreme, respondents blamed their peers for exclusion or suggested that those who were lazy or failed to assimilate "deserved" deportation.

For most interviewees, work was the core of "good" behaviour. While migrants probably valued hard work prior to migrating, in the US, work became the antidote to deportability. Respondents often described themselves as more hard-working *than other migrants*. For instance, Elvira said that while some migrants worked, others failed to try – and thus to get ahead. She tied work to the promise of legalization, insisting that her employers helped her to apply for a green card "because they liked my work".

Similarly, though Andrea faced unpaid wages, refusal of rest breaks, and summary firings in the garment factories, she denounced other workers as sloppy and angry. In contrast, she said,

I have always thought that [rushing] was bad. I'll un-stitch [a mistake] even if it takes me a while. I'm proud of my work. I tell my children that my work – when I go it's as if I were going to a party. I get dressed up. I go happy, and none of this about being angry.

Paula also took pride in her diligence, suggesting that she kept her jobs because she never complained. "It doesn't matter," she told me, "Sometimes I'm sick, I have a cold, I don't feel well, but I don't like to stay home." For such migrants, industriousness was a tool of inclusion.

Respondents also dismissed unions as "bad". They avoided unions not just out of fear – as other scholars suggest (Milkman 2006) – but also to show that they were "good". While more than half of informants met union organizers at work (an astonishing rate, given union decline), only one joined. Liana, a twenty-eight-year-old garment worker, explained, "[Unions] demand wages that are higher than what we deserve to be paid ... The day I started work, I told my boss, 'Well, the minimum is good for me.'" Union organizers had "bad" attitudes, she felt. "Good" migrants, by contrast, accepted existing wages. Felipe, a thirty-four-year-old cook, also rebuffed coworkers' efforts to recruit him into a union. He said, "There is no reason to force the owners. If you want to work hard and if you think you deserve a raise, well, show it with your actions ... This boss gave me an opportunity, and I feel really thankful." Such migrants worried that unions undermined their efforts to demonstrate deservingness.

Many also vilified the use of public services. Immigrants like Ramona told me,

[My husband and I] always worked hard. We never asked for MediCal (state insurance) for our children, nothing from the government, no type of help ... There are many people that just come to take advantage of the government, and then the workers are the ones that pay.

Such respondents blamed their counterparts for bringing scorn upon migrants. Santiago added, "I am an enemy of the people who screw with the system. I am an enemy of the people who live off of food stamps without needing it." Similarly, Julia criticized "lazy" migrants for provoking discrimination, reflecting,

If someone depends on the government, well, then they blame us that Latinos just eat off the government and all that. But we're not all like that; there are people that work hard ... But there are also tricky people who abuse.

Julia added that though she *appreciated* government assistance, she had never used it. "We have everything we have thanks to our work." To "be good", migrants avoided the very services for which they felt grateful.

Some respondents also linked “being good” to “acting white”. For instance, Maria encouraged migrants to leave their indigenous roots behind, saying, “If you don’t try to learn things, you’re just going to be a submissive little Indian that doesn’t know anything, that doesn’t learn.” Likewise, Bruno associated acting “white” with feeling he belonged. He reflected,

I think I’m one of those people they call “coconuts,” white on the inside, brown on the outside. ... For example, I don’t like to make noise in my neighborhood ... When we go out to a restaurant to eat, I tell [my children] don’t make noise, because other people aren’t going to like it.

Bruno added that he had come to feel American by distancing himself from his “Mexican” parts. While ethnic identity takes varying forms in cities like LA, some immigrants continued to racialize “good” behaviour and perform cultural assimilation in order to earn acceptance.

Respondents also regulated themselves politically. Even when immigrants protested, they strategically presented themselves as deserving Americans. In 2006, march organizers encouraged migrants to carry US flags and wear white to show that they were “good” (Bada, Fox, and Selee 2006). These frames resonated with the public. However, they also echoed migrants’ *own* efforts to earn inclusion. For example, Elvira suggested, “If [marchers] want the support of this country, they should carry the American flag – feel proud of living in this country that has welcomed them.” Santiago added, “I have gone to the marches, but I am an enemy when I see a Mexican flag in American territory; I don’t like that.” Epifanio agreed that marchers should display assimilation:

What are we going to carry? I think it has to be the flag of the United States, or to speak English or change yourself, to start to adapt to this country ... It’s better that way because they’re going to see it over there in Washington where the important politicians are, and [think] “What do you think? They carry our flag; they care they are here.” You want something, so you have to adapt to the system ... If the opportunity [for legalization] comes and you don’t speak English, you don’t have a good character like a citizen, and you’re going around lost, how can you ask for solutions? ... You hang yourself on your own.

For such migrants, showing “Americanness” was critical to public approval. While immigrants may perceive waving flags in general as American, respondents in this study framed Mexican flags as counterproductive to gaining acceptance. To them, acting like citizens meant speaking English, assimilating culturally, and minimizing one’s Mexican roots, symbolized by the flags.

At the same time, two-thirds of respondents dismissed *all* protests as “bad”. Pablo, a thirty-seven-year-old warehouse worker, argued that immigrants should be “humble”, explaining, “People scream and go out to the streets.

But, I think it's a lot of noise – and for what?" Likewise, while Bernardo dismissed the Mexican government as illegitimate, he expressed a different attitude towards the US. He reflected,

Being a protestor in a place you don't belong, I don't like that. Why am I going to go make a lot of noise where it's not my home? ... I ask myself, "What am I contributing to this nation?" What am I contributing? Well, being a good worker, paying my taxes, not owing the government anything, and obeying – respecting the laws. That's all for me.

Bernardo believed that immigrants had a duty, perhaps above and beyond citizens, to work, contribute, and avoid making demands.

Others worried that protests blurred good/bad distinctions, undermining their efforts to earn inclusion. Ramona, for example, told me,

I don't think we need so many marches. We could call the politicians on the phone, send them letters, emails. I think that's all better than marching, because in marches there are always clashes and that sort of thing. So the politicians end up seeing us badly, as if the people who don't have papers are causing problems.

Invoking good/bad contrasts, Elvira added, "[The bad elements] end up hurting the ones who are protesting in good faith." Such respondents self-regulated by containing their politics to "proper" behaviour. Thus, "being good" was politically indeterminate. While the feeling of deservingness encouraged some migrants to protest, it also encouraged workplace deference and civic compliance.

Exceptions to moralizing regulation

Variations among respondents confirmed that moralizing regulation hinged on the perception of conditional treatment. This perception varied across demographics, time, and place. The idea of conditionality was stronger for those, like women, who were less targeted by police. Trust in the state could also be lost. When migrants faced more arbitrary policing, they grew cynical about the rewards to good behaviour, felt alienated, and even returned to Mexico.

If immigrants were stopped or deported despite "good" behaviour, they lost faith. For instance, Alejandro initially dedicated himself to being good, trying to "break records" for speed in the garment factories, avoiding alcohol, and canvassing for State Senator Gil Cedillo. However, from 2005 to 2010, police impounded his car four times, and he stopped believing that enforcement was conditional on behaviour. He reflected,

You [migrants] can do a lot here, but you get sick of the treatment. Just for driving, what happens? They take your car. Though you drive carefully, you never drink, you never do that, and suddenly you hit a checkpoint and "boom," you're out.

Alejandro also started to associate policing with racial discrimination, noticing, "They don't [set up 'drunk driving' checkpoints] in Beverly Hills where all the people go out nice and drunk; they do it where there are all Latinos." Eventually, Alejandro lost faith that the US would reward his hard work. He stopped advocating for immigrants' rights and eventually returned to Mexico.

Other respondents got discouraged when protests yielded no change. Though Felipe marched in 2006, he grew disillusioned, arguing, "For all the noise you make, I don't think they pay attention. We're not – in spite of being a big crowd – we don't have so much power to change the government here." Likewise, Juan earned a scholarship to college and marched for immigrants' rights. Yet, he lost hope when he saw the DREAM Act and immigration reform die. While Juan had initially considered his garment job rewarding, he began to realize,

You couldn't even go to the bathroom because then you would be losing money, right? The minutes would be passing. And then when there's no work. We would be like five people working the same machine, and people fought for the work ... The managers loved it.

Juan started to realize that migrants' competition to be "good" benefitted their employers. He went on, "I was working with this system that was manipulating me, using me." Eventually, Juan decided, "There is no freedom [in the US]." He returned to Mexico in 2010. Such examples suggest that for good/bad categories to elicit self-regulation, migrants must trust state agents' conditionality. If conditionality unravels, moralizing regulation gives way to alienation, cynicism, and exit.

These exceptions hint at how immigrants may respond to more arbitrary enforcement. Under Donald Trump, ICE has jettisoned Obama's efforts to focus on "criminals" and promised widespread deportation. These announcements have left migrants terrified. To the extent immigrants see policing as haphazard, moralizing regulation may degenerate into cynicism. Rather than performing as "good", they may dismiss US policies as illegitimate. Indeed, news reports show that fewer immigrants have reported domestic violence under Trump, indicating their loss of trust in the state. Like Alejandro, some may return to Mexico. Others may continue living in the US but feel more alienated. Unable to distinguish themselves as "good", those remaining may also become more aware of their shared exclusion. Nevertheless, fear and hopelessness may dissuade them from marching for rights. Still, sanctuary cities like LA continue supporting immigrants. To the extent these areas sustain protections *within* federal criminalization, they may perpetuate moralizing regulation.

The ambivalent implications of combining protection with criminalization

This paper traces what happens when well-intended efforts to support immigrants coexist with criminalization. Typically, scholars assume that the state controls immigrants through the mechanism of fear. I show that police and bureaucrats also regulate immigrants by drawing normative lines between “good” and “bad”. Fear and a sense of deservingness are not mutually contradictory. When combined, however, they create a distinct mechanism of control. I call this mechanism *moralizing regulation*. When migrants experience both deportation and protection, I argue, they see state treatment as conditional on their behaviour.

Good/bad divisions have contradictory effects. They push immigrants to self-regulate through hard work, political deference, and cultural assimilation. At work, respondents may denigrate others’ shiftlessness, union participation, or public dependence while underscoring their own diligence. In politics, they may dismiss protests against the US state as “bad” while presenting themselves as deserving Americans. Some may also tie “goodness” to gender and race. Women, for instance, sometimes pin deportation on men’s purported laziness, drinking, or abuse. Instead of unifying migrants, therefore, moralizing categories encourage in-group/out-group distinctions. Not only do Latino migrants distinguish themselves from blacks and poor whites, as scholars have shown (Hallett 2012; Ribas 2015), but good/bad categories also encourage racialized distinctions *among* migrants.

Good/bad distinctions may also legitimate exclusion. When migrants believe that policing and services are contingent on individual behaviour, many deflect blame away from the state onto other migrants. When subsets of migrants receive support, they focus on their own opportunities relative to peers, instead of their exclusion vis-à-vis citizens. Good/bad frames can also resonate with migrants’ moral values and ideas of “natural” gender and racial differences, making enforcement seem less arbitrary. In addition, the logic of individual responsibility can make migrants feel free, when in fact they have little choice but to “be good”. Finally, good/bad distinctions depict deportation as an isolated punishment rather than a form of systemic repression. In turn, migrants may accuse their counterparts of inviting mistreatment and even accept the curtailment of (others’) rights. At the same time, the feeling of deservingness can also encourage some migrants to hold the state accountable for supporting those who act “good”. Converting such feelings of deservingness into effective demands remains a key challenge for the immigrants’ rights movement.

Today, moralizing regulation appears to be losing ground to arbitrary coercion. The Trump administration has targeted undocumented immigrants and sanctuary cities. LA can therefore appear unique in its pro-immigrant

advocacy, large Latino population, and location in immigrant-friendly California. Undocumented residents in such areas might feel they belong, even as immigrants elsewhere grow more alienated. Nevertheless, hybrid regimes persist in other cities as well. Every major city in the US now has an immigrants' rights movements, promoting "good" categories that challenge criminalization. Even in new destinations like North Carolina, scholars show, such support can mitigate exclusion and build buy-in (Chauvin and Garcés-Mascareñas 2014). Cities may also implement moralizing enforcement in other combinations and degrees. One might expect to find similar patterns in places or time periods that combined migrant-friendly publics with pressing gang problems, or paired social outreach with deportation. The implications can also vary by gender, race, immigrant group, or age. I speculate that the regulatory effect is strongest among migrants who observe others' exclusion but feel protected themselves, such as women, "DREAMers", lighter skinned migrants, and those who live in sanctuary cities. As Trump threatens immigrants with deportation, however, even these groups may lose faith in the promise of "good behaviour".

Still, moralizing regulation is not new, and it will not just disappear. State enforcement persistently works through multiple mechanisms, one of which is moral differentiation. Contrasts between "good" and "bad", deserving and undeserving have long complemented the policing of racial minorities and the poor. The concept of moralizing regulation likely applies in other disenfranchised communities as well. While legal status is one axis for moralizing classifications, good/bad divides also permeate the criminal justice system, discussions of who "deserves" welfare, and even evictions (Desmond 2016; Goffman 2015). The criminalization of immigrants has gone hand in hand with the policing of African-American men. Yet, as with migrants, street-level agents in black neighbourhoods can practise selective enforcement (Paoline 2004). These deserving/undeserving divisions are also gendered and racialized, pitting women against male "criminals", and encouraging minorities to harshly judge each other and even their own peers (Goffman 2015; Haney 1996). While most studies of policing focus on its primary targets, I argue that moralizing regulation complements coercion, extending the reach of the state to a broader population, such as women and non-criminal immigrants. Future research might examine to what extent moralizing categories also regulate other policed groups.

For immigrants and their allies, meanwhile, moralizing regulation has ambivalent implications. Supporting subsets of immigrants can mitigate fear, promote belonging, and encourage civic engagement. When services coexist with policing, however, state treatment appears conditional, dividing migrants, pushing them to act "good", and legitimating exclusion. As immigrant advocates resist criminalization, they must also resist the temptation to classify. Substantive support for immigrants requires not just embracing

those deemed “good” but dismantling coercive sanctions altogether. Even where protection mitigates coercion, the combination is likely to prop up moral divides.

Notes

1. Scholars have not fully explained these gendered and racialized dynamics. Latino men may be targets because they are more visible in public, more profiled as “criminals” or commit more crimes.
2. Immigrant youth who mobilized around the proposed DREAM (Development, Relief and Education for Alien Minors) Act.
3. These migrants were also indigenous. Indigenous groups are known for their communal governance, which might predispose them to disdain US individualism, making these results especially surprising (Fox and Rivera-Salgado 2004).
4. Respondents in LA were also rosier than others I interviewed in a restrictive site.
5. See also Chauvin and Garcés-Mascreñas (2014).

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