Original Article

Racialized illegality: The regulation of informal labor and space

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Abstract Drawing from ethnographic fieldwork in Oakland, California, this paper analyzes the construction of racialized forms of difference between indigenous and nonindigenous Latino workers, based on an examination of their solicitation practices at day labor hiring zones. I reveal how the construction of these racialized divisions shapes how workers organize themselves at hiring zones, and impacts their migration experience and relationship with the host community. I argue that migrants' experience of illegality must be seen as coterminous with other forms of difference that produces new modes of discrimination not solely reducible to legal status. My concept "racialized illegality" draws attention to how migrants' experience of illegality exacerbates racial divisions amongst Latino subgroups. Racialized illegality is an analytical tool to push scholarship to assess how an increasingly racially diverse group of Latin American migrants is experiencing migration and settlement processes.
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Introduction

In the spring of 2008 I interviewed Lucía, the director of the EastBay Workers Alliance, a day labor center.[1] Throughout our interview, Lucía proudly declared that the center protected day laborers from employer abuse and immigration raids. Her representative example of the precarious conditions faced by day laborers involved a group she called "Guatemalitos." Being of Guatemalan descent myself, I bit my tongue and simply looked at her puzzled. She proceeded to explain that "Guatemalitos," which roughly translates to "little Guatemalans," were Mayan indigenous Guatemalan day laborers. She clarified that people referred to them as "little Guatemalans" because most of these workers were short in stature. Yet her subsequent comments revealed that "Guatemalitos" alluded to more than just men's heights: "These Guatemalitos don't speak Spanish and they don't see what's happening, they don't understand the magnitude of things." In her compassionate and patronizing comments, she fashioned "Guatemalitos" as poor and misguided day laborers who were innocent, perhaps even childlike, and at the mercy of exploitative employers.

1 Unless otherwise specified, all names of individuals and organizations are changed to maintain confidentiality. All interviews were conducted in 2008 in Spanish and translated to English by the author.

Lucía's statements reveal how migrants readily utilize Latin American racializations to position people of indigenous descent as "backward" and "premodern" (Adams and Bastos 2003; Camus 2002; Nelson 1999). For example, amongst Oaxacan indigenous migrants, the term "Oaxaquito" akin to Lucía's usage of "Guatemalalitos" has been recently declared a racial epithet and banned from usage in schools in Fresno, California (Esquivel 2012). In this article, I demonstrate how these racializations contour indigenous migrants' employment and life outcomes when they enter the US system of racial hierarchies (Grosfoguel 2003; Grosfoguel et al. 2005). I analyze the construction of racialized forms of difference between indigenous and nonindigenous workers, based on an examination of their solicitation practices at day labor hiring zones. I emphasize how illegality is experienced differently, and how this impacts laborers' solicitation practices, interactions with state agencies, institutions, and their relationships with other workers.

My analytical concept, racialized illegality, refers to the fact that unauthorized migrants experience illegality differently based on how they are initially racialized in their home country, which ultimately effects their migration and settlement in a new country. The concept first brings into focus the racial diversity of migrants from Latin America. Secondly, by highlighting these different racializing systems this concept unsettles dominant analyses of illegality that compress the diversity of Latin American migration into a singular "Latino" experience. Thinking through racialized illegality also foregrounds a methodological imperative of analyzing the multi-scalar interaction of institutional, day-to-day, and transnational practices of racialization. By racialization I mean the way in which racial identity is produced and understood

and the manner in which it is used to justify and normalize cultural differences and behaviors. Most analyses privilege the role of state institutions in processes of racialization, a practice that can overlook the grounded ways through which race is created through daily worker interactions, and processes of self-identification. These analyses of state practices of racialization have been instrumental for fighting discriminatory policies and calling attention to institutional practices that target Latinos as a group. Less is known, however, about racialization among Latino subgroups and how this complicates notions of a supposed and contingently shared racial identity.

This article argues for the dynamic inseparability of processes of illegality and racialization. To do so I begin with a review of current scholarship on immigrant illegality and Latino racialization. I demonstrate how state and municipal political technologies overwhelmingly homogenize workers as undocumented Latinos, which creates a shared sense of illegality among unauthorized workers. Shifting the focus away from institutional analysis, to the micro-practices and lived experiences of racialization, I then offer an account of how differences between indigenous and nonindigenous immigrants start before they even migrate to the US. Once in the United States, I show how labor competition among Latino workers differentiates workers by race and creates hierarchies of wages and professed skill sets, which results in the spatial segregation of the indigenous and nonindigenous workforce. While both groups experience state regulation, indigenous day labors also encounter discrimination from their Latino peers.

Unauthorized Migrants and Latino Racialization

Day laborers, known in Spanish as *jornaleros,* are perhaps the most highly visible and well-researched examples of contemporary informal labor in the United States (Theodore 2007; Theodore et al. 2006; Turnovsky 2006; Valenzuela 2001, 2003). Scholarship has shown how media representations and immigration enforcement practices racially profile Latino day laborers, linking them and hiring zones with illegality (Delson 2006; Fleury-Steiner and Longazel 2010; Hiemstra 2010; Varsanyi 2010; Waslin 2010). Day laborers are consequently subsumed within the flattening categories of "illegal" and "Latino."

Immigrant illegality

The literature on undocumented experiences has shown that illegality creates a constricted form of existence for unauthorized residents (Chavez 2008, 2012; De Genova 2002, 2005; Mahler 1995; Ngai 2004; Willen 2007a, b).

Furthermore, the application of immigration law normalizes their social suffering (Menjivar and Abrego 2012; Chavez 2008; Holmes 2007). This literature often conflates the divergent experiences of distinct Latin American migrants in order to emphasize how US racial regimes perpetually link Latino racial identity with illegality (Chavez 2008, 2012; Ngai 2004; McConnell 2011).

The legal determinism and state centrism of most analyses of undocumented status run the danger of standardizing Latino experiences of illegality. As sociologist Abrego (2011, 2015) has argued, this literature has not accurately grasped how illegality intersects with other forms of difference and social divisions among Latino migrants. Indeed more recent works have emphasized the unique experiences of youth (Abrego 2006; Gonzales 2011; Negrón-Gonzales 2013), intergenerational differences in experiences of illegality (Abrego 2011), migrants with liminal legality (Menjivar 2006), and differences along lines of gender and sexuality (Abrego 2015; Terriquez 2015; Golash-Boza and Hondagneu-Sotelo 2013). Yet, scholarship has not adequately explored how the racial difference of indigenous and Afro Latinos impacts how these groups experience illegality.

Latinidad and racialized illegality

The literature on immigrant illegality is not alone in its practices of homogenization. The ethno-racial category "Latino," like the pan-ethnic term "Hispanic," unites disparate national origin groups into a singular category with a shared nonwhite minority status in the United States. Mora (2014) reveals how the institutionalization of the pan-ethnic Hispanic category never precisely defined who formed part of the group. As Mora details: "Ambiguity was important because it allowed stakeholders to bend the definition of Hispanic pan-ethnicity and use the notion instrumentally" (5). Scholars of Latinidad have raised caution against adopting totalizing narratives to explain Latina/o experiences (Beltrán 2010; De Genova and Ramos-Zayas 2003; Grosfoguel 2003; Oboler and Dzidzienyo 2005). Grosfoguel (2003) argues that too often, the term Latino "obscures the complex, heterogeneous, and contradictory relationships between and within so-called Latino groups" (144). This includes differences in class, immigration status, *and* race.

One of the most salient divisions among Latino subgroups pivots on Latin America's racial diversity. In Latin America, Afro descendants and indigenous people occupy the lowest rungs of a racial order that privileges *mestisaje* (race mixture) and whiteness (Grosfoguel et al. 2005; Sawyer and Paschel 2007; Telles 2014; Wade 2010). A rich set of scholarship has explored how anti-Black racism affects Afro-Latinos who have a particularly different experience of Latinidad from their lighter-skinned counterparts (Hernández 2003; Newby and

Dowling 2007; Oboler and Dzidzienyo 2005; Roth 2012; Jiménez Román and Flores 2010).

The migration of indigenous people from Latin America is a much more recent phenomenon which has garnered less attention from scholars of race and immigration. Indigenous migration from Guatemala to the United States began in the late 1970s as the civil war in that country disproportionately targeted indigenous communities (Hamilton and Chinchilla 2001; Manz 2005). Scholarship on Guatemalan indigenous migrants has focused on community formation and cultural retention along the Maya diaspora (Batz 2014; Estrada 2013; Hagan 1994; Loucky and Moors 2000; Popkin 2005). These studies have primarily treated Maya migration in isolation, leaving us with little analysis of the racialization process between indigenous and nonindigenous migrants.

These new waves of indigenous migrants entered an exploitative US labor market that has historically profited from the perpetuation of a segmented labor force (Fox 2006; Fox and Rivera-Salgado 2004; Holmes 2013; Kearney 1995; Stephen 2007). Blackwell (2010) asserts that this process can be understood as the meeting of US and Latin American racial hierarchies. As she argues, "Racial hegemonies from Mexico that have marginalized indigenous peoples are not just imported; they are hybridized and get mapped on American race and class relations" (17). In what follows I detail how the nexus of US and Latin American racializations affects the experiences of recently arrived undocumented day laborers. My concept "racialized illegality" draws attention to how migrants' experience of illegality exacerbates racial divisions amongst Latino subgroups.

The Day Labor Parada and Methods

To understand the effects of racialized illegality on workers, I focus on the dynamics of two hiring zones in Oakland, California. The hiring zone, known as the *parada* to most day laborers, is a geographical area located along sidewalks and street-corners where men congregate to solicit work. The *parada*, however, is much more than just a physical space where potential laborers desperately await employers; it is a place of multiplicities and interrelations, where men socialize with peers, recreate and reinterpret hierarchies of power, and establish and refine repertoires for daily survival and subsistence.

In 2006, I began to volunteer at free health clinic and community resource center for day laborers. At this clinic, I first assisted in administrative tasks but my work progressed to include organizing programming for day laborers, assisting with daily lunch programs, and conducting mental health workshops. I continued to volunteer at the clinic in different capacities for six years. Through the process I was outright about my positionality – I identified myself as a fellow immigrant from Guatemala, who came from a working class background. I also often shared with the men how my father worked as a day laborer when he first

came to the United States. I suspect that this facilitated my engagement with the workers as they felt that I could more easily understand their plight as informal laborers.

In addition to this volunteer experience, I spent a four-month period visiting two adjacent *paradas* in Oakland, which I refer to as the non-indigenous and the indigenous sites because of their respective racial composition. I interacted with the men as they looked for work, sat with them as they chatted with friends, and accompanied them on their daily trips in and out of the street corner. I did not follow the men to work; instead, I focused my analysis on the kinds of interactions, activities, and stories that I heard from the men at the *parada*. Furthermore, I conducted twenty interviews that included day laborers, nonprofit leaders, government officials, residents, and merchants.

The indigenous and non-indigenous day labor hiring zones are both located in a predominantly Latino, immigrant, and working-class neighborhood. The men who solicit work here are mainly Mexican and Guatemalan, and most are recently arrived migrants. Though only two city blocks separate these two *paradas*, they are completely different and attract distinct kinds of worker populations. At the non-indigenous site, most of the men are Mexican and Ladino[2] Guatemalans and only speak Spanish. It is located along a heavily transited street and is situated within a parking lot of a local thrift store. Men at this *parada* are highly concentrated within one single street corner. This *parada* is surrounded by shops that include local food trucks, restaurants, grocery stores, and an elementary school. The indigenous site, on the other hand, is located in a more industrial area of the neighborhood and is adjacent to a vacant lot and across the street from a large lumber shop and a storage warehouse. At this *parada*, the men predominantly spoke Mayan languages including Mam and Quiché and were noticeably darker in complexion than the men at the non-indigenous *parada*. They were also more highly dispersed in an area approximately the size of two long city blocks.

2 The word Ladino is a racial category popularly used in Guatemala to describe a nonindigenous person. It can be compared to the category of "mestizo" in the way that it implies mixture between Indian and Spanish. Yet in most popular contexts, Ladino is often used to negate a subject's indigenous identity.

The Shared Experiences of Immigrant "Illegality"

It is not surprising that most analyses of illegality portray undocumented Latino workers as a uniform group with shared conditions of suffering. In my own fieldwork, Federal Immigration and Custom Enforcement (ICE) officials and municipal representatives deployed political technologies that homogenized all day laborers as undocumented workers in the informal economy. Workers also understood that as undocumented people, they shared a sense of marginality and limited employment opportunities.

ICE raids and driving checkpoints

The high visibility of *jornaleros* while soliciting work makes the *parada* one of the preferred sites of immigration raids. It has been shown that male migrants have a particular gendered experience of illegality as most of their employment opportunities take place in very visible and public spaces (Abrego 2015, 151). Day laborers in Oakland constantly alerted me to the prevalent fear of deportation that they experienced. In the summer of 2008 many of the men spoke of immigrant raids at day labor sites in the neighboring cities of Richmond and San Rafael. Federal ICE officials' presence at day labor hiring sites effectively disciplined *paradas* and turned these distant sites into geographies of fear that workers avoided at all costs.

As scholars have demonstrated, illegality operates through practices that limit subjects' experience of place. Indeed, the specter of deportability on specific day labor sites automatically forced men to stop soliciting work there. At the time of my fieldwork, day labor work in Oakland was scarce, so I asked why people would not go to other cities such as Albany or Berkeley where I heard work was more abundant and wages better. Day laborers I spoke with, however, had recently learned that ICE officials were spotted at the day laborer hiring zone in the City of Berkeley. So strong was the fear of deportation that these Oakland *jornaleros* decided not to look for work there. One *jornalero* told me the following when I asked him about the Berkeley *parada*:

> I used to go [to Berkeley] but since they are doing all these immigration raids lately I'd rather not even get close. They got a lot of men in Berkeley last week. *La migra* picked up these men from the *parada* just like that without any reason. I'd rather be standing here without work than to get sent back to Mexico.

While better-paid work might be found in more affluent cities, a reported immigration raid effectively steered people away. Deportation scares disciplined hiring zones and constricted day laborers' solicitation practices.

As Oakland residents, day laborers also spoke about their daily preoccupation with the potential of an immigration raid in their homes. They never distinguished between local police and immigration officials – both were equally feared. One recently arrived Guatemalan indigenous worker, Cypriano, spoke to me about a raid that had just occurred in his friend's apartment building:

> The *migra* came and looked like police officers. They knocked on the door and when no one answered they almost tore it down. They were looking for some people in my friend's apartment building. They got those people but they also took anyone else they found.

As Cypriano describes, while ICE officials came for a particular person, they took everyone in the apartment regardless of their actual legal status. Through these practices, day laborers become catalogued as a uniform group of "illegal" Latino workers easily found in hiring zones or in adjacent apartment buildings. Federal immigration officers did not distinguish between indigenous and nonindigenous workers, nor did they discriminate between legal and unauthorized. They simply targeted places read as "illegal" and linked all Latinos in a given space with compulsory illegality.

In addition to day laborers' fear of ICE raids, they also explained that driving a car was a source of fear in their lives. While most day laborers do not have cars, when they do drive, they have to do so with caution. Police often set up routine *retenes* or checkpoints at random locations where they conduct sobriety tests and/or verify that drivers have insurance. Day laborers were adamant that these checkpoints especially targeted undocumented migrants that were unable to get driver's licenses. Jesus, a Mexican day laborer originally from Mexico City told me about his fear of these checkpoints: "They take place everywhere here. I have seen *retenes* on International Boulevard, on Foothill, in Alameda, like around 79th and 80th Street." Such "inspections" usually require drivers to show their license and proof of insurance. Day laborers are usually unable to provide documentation and this results in their vehicles being taken away. Jesus continued:

> Last month I borrowed a friend's car and I was driving it by the Kelley Moore Paint Store on International and there on High there was a *reten* and I was so nervous, but the police never pulled me over. I was lucky. They take away your car, and they leave you stranded.

When I asked Jesus if this made him afraid, he responded rather matter-of-factly that no, he just understands this to be the fact of living in this country without papers. Jesus's comments show that whether effective or not in producing immigrant immobility, state-sponsored forms of policing and patrolling contoured a specific form of existence for these workers. They also constructed certain spaces – such as day labor *paradas,* public parks, and Latino establishments – as "illegal."

Most analyses of immigrant illegality would end here. This reflects the broader processes through which state officials but also scholarly analyses compact the multiplicity of different Latin American migrant experiences into a singular category "Latino." The literature on immigrant illegality has adequately highlighted these shared experiences of policing and surveillance. Yet as I detail below, the homogenizing aspect of illegality is rarely reckoned with.

Differential Experiences of "Illegality"

Focusing only on institutional practices such as ICE raids does not accurately allow us to understand how workers themselves manage their own laboring practices. This kind of institutional analysis misses the micro-practices day laborers deploy to discipline and organize their sites of employment solicitation. Race and illegality are deeply entangled and much more complex than simple renderings of "Latino" racialization in the previous section. Racialized illegality urges us to think about how economic disadvantages and exploitation begin in sending countries and get reproduced in the United States. Furthermore, instead of solely privileging state sanctioned modes of racialization, we can consider how race is also formed out of language, skin color, and economic conditions formulated through worker interactions. This more nuanced analysis sheds light on how race is produced in conjunction with other forms of difference, at different scales, and through the interactions of institutions and situated practices.

Unequal costs of passage

Indigenous and nonindigenous day laborers' differential experiences of illegality began even before their arrival in the United States. Throughout my multiple visits to the day labor hiring zones I engaged in many conversations about the migration process. In these conversations, I noticed a common trend: indigenous migrants were constantly in fear of defaulting on the loans they took out to finance their passage to the United States. These loans paid to *coyotes*, exacerbated their already dire economic outcomes in the United States. To be clear, both indigenous and nonindigenous day laborers migrated to the United States because of the extreme conditions of poverty they encountered at home. However, nonindigenous migrants had greater economic mobility when compared to Mayan migrants who were predominantly subsistence farmers in Guatemala. As the workers detailed, indigenous migrants were enticed to take on loans by corrupt Ladino (nonindigenous) *coyotes*. Maya day laborers argued that nonindigenous *coyotes* utilized this racialized recruitment strategy to take advantage of indigenous migrants.

Maya migrants in Oakland are recent arrivals and come primarily from the Mam-speaking municipalities of Huehuetenango and San Marcos. Unlike Maya communities in Los Angeles that began to take shape in the 1980s, the community in Oakland was formed much later in the late 1990s. As more Mayas settled in Oakland, they created their own indigenous social networks which helped newcomers find homes and linked them with neighborhood social service organizations. Unlike more established Ladino social networks, Maya networks often assisted incoming migrants only with shelter and food, and

provisional help in securing employment. Their limited economic capital did not allow them to financially sponsor the migration of incoming migrants from their towns.

Francisco, a rural farmer and mason from a small *aldea* (township) in Guatemala, migrated in 2006 after his friends promised to help him in Oakland. To finance his trip, Francisco borrowed $6274 with a monthly interest of 5 percent, which went directly to the *coyote*. Francisco's nephew, Jose, also borrowed a similar amount. Their loans were lent by a local Ladino (nonindigenous) agency that profits from lending money predominantly to Maya migrants. As Francisco and Jose told me, the agency lent them the money in exchange for their land titles as collateral. It was explained to them that the lender would take ownership of their lands if they defaulted on payments. According to Francisco and Jose, these agencies grant numerous loans a day and even have their own attorneys that notarize and legitimate the transactions. The men admitted that they were surprised at how easy the process was. All they had to do was hand over their land titles and within a couple of hours the details of their loan were explained and they were given a date and time for their departure.

Another worker, Santos, explained that he owed a total of $6500 for his and his wife's passage from Guatemala to the US-Mexico border. He subsequently paid $5000 for their passage from the US/Mexico border to Oakland. Like Santos, another indigenous laborer, Marcelino took about approximately $5000 in loans and pays 5 percent monthly in interest. Two years after arriving in Oakland, he is still paying the loan. As Marcelino recounted,

> It is hard to pay the loan when life here is so hard. Plus I have to send money to my family. I am lucky that I have been paying my loan. Some people have lost their lands because they are not able to pay.

Marcelino told me how some of his friends were so uninformed about credit, that they took out loans with interests rates as high as 20 percent. He argued that many creditors in Guatemala take advantage of those people that have limited knowledge of credit systems. They charge them higher interests rates and entice them to take longer to pay back their loans. Some people do not even have lands of their own to offer as collateral. Santos, for example, borrowed some of his father's land – in the form of a notarized land title – to guarantee to his creditors that his debt would be repaid.

Severino and Bartolo explained that this loan process was relatively new in their township. These two Quiche speaking men migrated on their own and worked in Mexico to slowly finance their trip north. While it took them over three months to arrive in Oakland, they did so without borrowing money. When they left their small indigenous townships, there was little Ladino-sponsored

recruitment of Maya villagers. Now, according to Severino, things are completely different:

> The Ladino *coyotes* have gone into town. They charge poor people from the indigenous townships so much money to come. They trick them easily. They are racist and take advantage of the indigenous from the *aldeas*. They tell them they will cross easily and even promise them jobs.

Workers like Severino and Bartolo describe recruitment networks designed to target indigenous migrants. They, along with other Maya migrants, argue that Ladino *coyotes* were racist because they took advantage of indigenous migrants' scarce resources and limited knowledge about credit. Rus and Rus (2014) found that large numbers of Tsotsil Maya from Chiapas, Mexico, were also targets of these types of predatory loans. In their study, the bulk of the migrants eventually lost their lands when they were unable to repay their debts.

In contrast to the Indigenous men, Ladinos that I spoke with in Oakland were less likely to take out loans from make-shift credit agencies. Juan, a Ladino from the urban town of Amatitlan, described that most of the Guatemalans who speak a *dialecto* (i.e., an indigenous language) have to repay huge loans with exorbitant interest rates. As a Ladino day laborer, Juan, told me: "Poor them! They have to pay so much in interest because they do not have friends or family to lend them money in the US. When I came, I borrowed only $1500 to cross the border and since my aunt lent me the money, I did not have to pay interest." In Guatemala, Juan had a steady job as a worker in a maquiladora sewing clothes for Korean companies. Without taking out a loan to pay a *coyote*, Juan clandestinely boarded several cargo trains to cross all of Mexico.

Maya indigenous day laborers' allegations that they were targeted by predatory lenders demonstrate that this is an increasingly common and complex reality for unauthorized migrants. As other scholars have shown, this is not always a straightforward story of indigenous people being duped by Ladino *coyotes*. Gerardo Francisco Sandoval argues that exploitative relations operate *within* and *involve* unauthorized communities (Sandoval 2013). He found that among the predominantly indigenous Guatemalan migrants of his study, loans were granted by friends and family members who were already in the United States. When migrants lost their jobs due to a high profile immigration raid at the meatpacking plant where they worked, the lenders continued to demand payment which led to horrible conditions for the entire community. Stoll (2012) found that Guatemalan Mayas in the town of Nebaj engaged in microcredit enterprises and financed their neighbors' trips to the United States. These townspeople charged their indigenous peers exorbitant interest rates. When the 2008 recession hit, entire families and communities suffered catastrophic losses. The burden of debt-led migration has also been shown to have a specific gendered impact. McKenzie and Menjivar (2011), for example, found that

women who stayed back home experienced the hardships of having to serve as managers of the debt that their husbands or sons took on.

My intent is not to show that indigenous migrants are a unitary group of workers without internal divisions of power, and immune to intra-group exploitation. Certainly, the very clandestine nature of their passage to the United States meant that indigenous networks were complicit with exploitative regimes initiated by *coyotes* in Guatemala. That said, within their own assessments of these exploitative human smuggling processes, indigenous and nonindigenous migrants alike asserted that Maya migrants were more prone to suffer from discrimination. My analysis urges scholars to better account for the ways in which a context of anti-indigenous racism significantly impacts migration processes.

Hiring zone formation and the regulation of labor and space

The labeling of day labor work as "informal" creates an image of this type of work as lacking organization and structure. Yet in my engagement with day laborers at the two *paradas,* the men created their own kinds of regulatory structures and understandings of each respective *parada*. Workers constructed elaborate codes of conduct that guided how men behaved at the *parada*. These codes established a range of permissible wages and behaviors, and filtered the racial composition of *journalero paradas*. In their own regulatory practices, day laborers not only shaped employment solicitation – they also created racially segregated geographies for procuring work.

Day laborers make calculated decisions of where they look for work on a daily basis. When I asked workers to list the various *paradas* they knew of, they quickly provided an impressive list of all the places as well as a cost and benefits analysis of soliciting work at a particular location. My fieldwork reveals that men do not just go to look for work in a particular area just because it is "available" or because it is the location closest to their homes. Instead, day laborers construct their own milieus that seek to attract the greatest number of potential employers and create solidarity with other workers. I routinely asked many of the men why and how they chose to look for work in a particular *parada*.

> *Mario*: It's where you have the most luck. For me, I go to the site that has treated me the best. Here, at this place, I have been able to get good jobs here and there (*me han salido mis buenos trabajitos*).

> *Carlos*: Yes, it's about where you feel comfortable, and where they pay good. Back there in at the indigenous site for example, many of the employers want to pay you less. All the Asians (*los chinos*) want to pay seven or eight dollars an hour. Over here at the non-indigenous *parada*, if

> anyone goes for under $10 we kick him out. Everyone knows that, and they know if they want to work for less they should look for work in another spot.

These comments demonstrate the process by which men choose to look for work in a particular location and the forms in which day laborers themselves govern the *parada*. These are educated choices based on where more work and better pay can be found, which illustrate the relationships of affect between the men and their respective *paradas*. Workers choose to go to a particular *parada* based on their analysis of how that site compared to others. As Carlos described, the indigenous hiring zone near the railroad tracks attracted Asian employers who paid the lowest wages. This shows that day laborers have racialized understandings of employers based on which racial groups they perceive pay higher rates. It also reveals that employers are aware of the kinds of laborers that frequent specific *paradas,* that men actively segregate themselves, and that certain *paradas* have a code of conduct that specifies the minimum hourly rate that day laborers will work for. Workers like Carlos at the non-indigenous site therefore blamed indigenous *jornaleros* who isolated themselves in separate *paradas* for lowering wages.

Day laborers routinely wielded political technologies designed to regulate their own solicitation practices and their interactions with employers. Purser (2009) found that day laborers created a strong sense of "boundary work" to differentiate themselves between those workers that procured work at a city sponsored day laborer center, versus those that continued to solicit work on street corners. According to Purser, these moral boundaries show how workers' struggle to attain dignity resulted in social differentiation and distinction, which worked against the formation of a collective identity. In my fieldwork, boundary formation among workers operated along the lines of race, and revealed the mechanics of workers' micro-practices of racialization. This was made explicitly clear when I interacted with men at an adjacent *parada*, located approximately one block west of the non-indigenous site.

Racialization and the regulation of space

Most workers would not admit that race and racism was at play in producing divisions among workers. For these workers, it was US state practices of immigrant policing and deportation regimes that were racist because they targeted Latinos. Nonindigenous workers naturalized divisions by pointing to economic, linguistic, and cultural rationales that explained the separation of workers. Separation between indigenous and nonindigenous workers was not new to them. As Latin American migrants, they brought with them Latin

American forms of racialization that for centuries has legitimized the unequal separation of indigenous and nonindigenous communities.

The men at the non-indigenous site argued that men at the Indigenous site were more prone to suffer from abuse and, most importantly, unfairly lowered wages. As one nonindigenous worker, Esteban, told me when I inquired about the indigenous men,

> They come from really poor conditions back home. Most of these indigenous men come from *aldeas* [small villages] where there is not even electricity or running water. So they are very poor and of course they are going to try to work no matter what. And they are the ones that usually will work for the least amount of money just so that they can get some kind of income.

Here Esteban summons up the living conditions indigenous men experienced at home to explain their desperation to land any type of work in the United States. According to Esteban, indigenous workers' isolation in small villages already put them at a disadvantage when compared to Ladino day laborers. And this isolation then naturally resulted in the spatial segregation of indigenous and nonindigenous workers in Oakland. For Esteban, this separation was primarily based on economic differences, which positioned indigenous migrants as more likely to work for less money. Mestizo workers believed that indigenous workers isolated themselves because of they were "naturally" shy and reserved, again a condition having to do with their rural origins.

Discussions about race among workers were usually associated with nationality. Workers admitted that they actively divided themselves by nationality, as has been commonly reported in previous studies of day laborers. Due to the large number of Guatemalan indigenous laborers, "Guatemalan" became synonymous with a racial category (see Fink 2007; Loucky and Moors 2000). Mario, a mestizo day laborer from Guatemala, described how racial differentiation among laborers was highly linked with nationality:

> [Since my arrival to Oakland in 1997] There was an obvious increase in day laborers from Guatemala, and indigenous day laborers that speak Mam, Quiche. There was a split among the day laborers. Mexicans were on one side, Salvadorians and Hondurans were on another corner near the Mexicans and the Indigenous peoples [in a different corner].

As Mario describes, the national category "Guatemalan" became almost exclusively associated with indigenous workers. However, nonindigenous Guatemalan workers did look for work alongside Mexican and Salvadoran day laborers.

Patterns of anti-indigenous racism were also revealed through specific comments about the racialized bodies that Maya men embody. Indigenous Mayas are considered shorter than their nonindigenous counterparts and are ridiculed because of their stature. These men's physical bodies, along with their accented Spanish, become powerful markers of their indigeneity (see Holmes 2007, 2013; Hamilton and Stoltz Chinchilla 2001; Loucky and Moors 2000; Stephen 2007). As Santos further recounted: "Mexican [Ladinos] make fun of us because we are all short. They call us the Guatemalitos." This particular use of the diminutive has a double meaning. Guatemalan Mayas generally do have smaller body frames than Mexicans and nonindigenous Guatemalans, yet the use in the diminutive also suggests that they are "backward" or "lack intellect" and behave in a childlike fashion (see Walter et al. 2004). This is similar to the term *indito* (little Indian) used in a pejorative form to describe indigenous people in Guatemala and Mexico alike. To describe someone as an *indito* in Guatemala is to ascribe a specific backward label onto a person, even if the individual is not of indigenous descent. Children are often told "don't be an *indito*" when they make a mistake or perform below their parent's expectations. Thus when Mayas in Oakland are referred to as Guatemalitos, more is implied than just a statement about their height.

In addition to markers based on men's physical bodies, the operation of racial differences among workers generally took on a linguistic form. Indigenous day laborers were not up front about the abuses they received from nonindigenous laborers. Instead, they talked about language discrimination they experienced. As one worker, Santos, told me, "When we speak in our dialect, some people ask us why we don't change. They say we came to this country to progress, not to go backwards." According to Santos, nonindigenous day laborers equated indigenous languages with backwardness, and ridiculed other workers who spoke Maya languages. Another indigenous worker, Fernando, who was one of the few who spoke Spanish fluently because he grew up in a much more urban area of Guatemala, told me how he only *strategically* affiliated with his indigenous peers:

> The majority of them do not speak Spanish too well and they prefer to stay with the people from our town. When they speak in public they fear that the Ladinos will make fun of them so they always speak in Spanish. I rely on my *paisanos* mainly for support – I live with them and they helped me when I first came. But they are too shy. My Mexican friends are much more outgoing. They are much more likely to have fun and "hacer desmadre" (get into trouble).

Fernando admitted he preferred hanging out with his Mexican friends with whom he could drink and have fun and lamented that his indigenous Mam-speaking peers were more shy and reserved. Although Fernando did not identify

racism as a problem that he and his Mam-speaking friends confronted, he did agree that they experienced language discrimination. Fernando himself spoke Spanish fluently which allowed him to "pass" as Ladino and shielded him from discriminatory treatment. According to Fernando, indigenous workers only felt comfortable speaking their own language at home and exclusively among their peers. He and his peers preferred to use Spanish in public settings to shield themselves from angry stares.

When in public, Indigenous day laborers stood out because of their accented form of speaking Spanish. Communicating among themselves in their own indigenous languages (*dialecto*), separated them from their nonindigenous peers. As a mestizo worker from Mexico, Julio, explained,

> It took me a while, you know, to understand why they were so separated from the rest of the men. But I think they stay to themselves because they just want to avoid being made fun of. I think it really has to do with language. That the minute they speak, well they are automatically treated differently.

Language was not just a linguistic difference but served to signify and identify a broader racial division imbued with power relations. As an organizer involved to bring together day laborers, Julio was sympathetic to the issues of discrimination the indigenous workers encountered. He lamented that these differences created disunity among the workers and discouraged sites of collaboration. He continued to explain how this also resulted in a spatial segregation of workers:

> All of the indigenous men are along the railroad tracks.… They are really distrustful because back in their countries you know how bad they are treated by the Ladinos (non-indigenous) and well, they look at me and they assume that I am going to treat them bad or make fun of them.

As Julio went on to clarify, indigenous day laborers already come with a kind of racial knowledge from Guatemala that contoured their engagement with Ladino laborers in the US. Julio demonstrated that racialization among workers was linked to how they experienced racial differences in their home countries. Race also served as a method through which workers governed space, creating the conditions by which indigenous day laborers gravitated to the Indigenous site.

Indigenous laborers themselves felt ostracized and cited discrimination from Ladino peers. As a result, they preferred the safety of street corners comprised solely of indigenous workers. In an interview with a prominent indigenous Guatemalan activist in Oakland, I learned a longer history of race and racism served to police day laborers' solicitation practices. Mayan leader Fernando told me how initially indigenous migrants created their own "Guatemalan *parada*":

> We tried to start looking for work on [with the other workers] but since we were Guatemalans other people would treat us bad because we used to speak our language, that's why we decided to take over the Walgreen's corner. Bosses would say "If you want a Guatemalan go get them by Walgreens. They work hard and don't complain." Others would say that the Guatemalans were taking away their work. So [that corner] became known for Guatemalans, even to this date.

Guatemalan indigenous day laborers found refuge in what they referred to as the "Walgreens Corner" because here they were removed from the disparaging treatment from nonindigenous workers. They could find solidarity amongst other indigenous workers and soon merchants began to cater to these workers. Employers quickly caught up to the new geographies of day laborer solicitation and sought out the Guatemalan day laborers who gained a reputation of being hard workers, and willing to perform tough jobs at slightly reduced rates than workers of other nationalities. In this way, Oakland and by proxy the Walgreens *parada* became an indigenous hub (Ramirez 2007), bringing together indigenous groups from different Guatemalan municipalities and attracting new forms of business. This historical formation of the Guatemalan *parada* demonstrates how the day labor market is affected by racial differentiation among undocumented workers that subsequently created a racialized hierarchy of wages. As such, employers' racialized understanding of workers significantly influenced workers' experience of illegality.

Nonprofit responses

At the nonprofit health clinic where I volunteered, Bienestar Project, program coordinators hired a Mam-speaking indigenous interpreter to broker relationships with the Guatemalan community. Nonprofit workers admitted they encountered additional barriers gaining indigenous Guatemalan workers' trust. One nonprofit program coordinator, Leticia, told me,

> Reaching the Guatemalan [indigenous] population was challenging in the beginning. So finally we decided to hire someone that could speak Mam. Don Federico, who was once a day laborer, started working as an interpreter. He has been very useful to target the Mam speaking community and now we are able to understand them a little better. He is seen as an elder, so they have a lot of respect for him.

Indigenous workers did not fully trust the agency until there was an indigenous Mam speaker and elder that served as a linguistic and cultural broker. As more indigenous workers gained the agency's trust, they utilized the services and came

to the clinic's free lunch program. However, this did not mean that indigenous and nonindigenous workers actually interacted with each other. As Kelly, the clinic supervisor at Bienestar Project, told me,

> People gather at lunch and there is a table of English speakers, there is a table of Spanish speakers, a table to Mam speakers and people don't sit with each other and talk to each other. It's the same with the clinic; everyone sits with their folks who are from the area or who speak the same language.

These forms of racialized and linguistic differences disciplined the spatial segregation of indigenous and nonindigenous workers that came to Bienestar Project. Such divisions also made it difficult to create solidarity among the workers. Bienestar Project organizers had a difficult time encouraging indigenous workers to attend organizing meetings and making them feel comfortable speaking up in these types of settings.

Nonprofit employees also quickly learned of the important divisions among different indigenous groups from Guatemala. In fact, Guatemala is home to over twenty-three different indigenous cultural and linguistic groups (Adams and Bastos 2003). These groups also have significant sociocultural and economic differences. Bienestar Project staff understood these differences when they realized that Don Federico, who is from the township of Todos los Santos, could not easily gain the trust of indigenous Guatemalan workers from other townships. Kelly explained:

> Don Federico is from Todos Santos so he outreaches to folks from his hometown. Folks from other provinces and towns are still very skeptical and some don't even talk to him. Even street corners are divided too. The workers from Todos Santos solicit work in different street corners from indigenous workers from other towns.

As Kelly's comments demonstrate, language and township distinctions among indigenous workers impacted their engagement with the agency *and* how they interacted with each other. Bienestar Project staff also realized that language and township distinctions played a major role in disciplining the composition of *paradas* they had initially understood simply as "indigenous." Though Bienestar Project employees were privy to the intense segregation of indigenous and nonindigenous workers, they were surprised that there was much more complexity to the spatial and social organization of what they first understood as a homogeneous set of indigenous workers.

Multiple Dimensions of Illegality

In the summer of 2012, I returned to the Non-Indigenous site where I conducted fieldwork in 2008. I was shocked to see that it was now emptied of workers. As day laborers and nonprofit staff described, immigration officers showed up one day and rounded up a group of men. Now *jornaleros* avoided that *parada* because they viewed it as a hot spot of immigration enforcement and surveillance.[3]

3 The immigration raid at the non-indigenous parada did not go unchallenged. An entire constellation of neighborhood nonprofit organizations responded with determination to what they deemed as an unjust federal enforcement of immigration laws.

Day labor work is popular in the United States primarily because migrants' lack of formal immigration status pushes them to the confines of the informal economy. The forced abandonment of the Non-Indigenous *parada* shows us that day laborers are overwhelmingly racially profiled as Latino "illegals." This practice homogenizes day laborers and regulates their solicitation practices. It would be easy to therefore conclude that illegality is the predominant social force that shapes the experiences of Latino day laborers. Despite their shared illegality, this essay demonstrates that racial differences between workers impacted their employment and settlement patterns. From below, the experiences of Latino undocumented immigrants (even those from the same country) are not monolithic. We cannot simply accept that US forms of classification that produce and conflate the categories of "Latino" and "illegal" completely displace the salience of racializations that migrants bring with them and practice in overlapping fashion with state structures of racialization (Roth 2012). Immigration is therefore one of the most important sites in the negotiation of domestic processes of racial formation (Sawyer and Paschel 2007).

The literatures on immigration and racialization, however, are rarely in conversation (Brown and Jones 2015). Far more than just a call for literatures to be in better dialogue, we as researchers must attend to the multiplicity of ways that migration processes are impacting racial formations. This entails a methodological imperative: yes, new models help us theorize social dynamics, but we must also think methodologically about how to account for both institutional and grounded day-to-day practices of racialization. My analytic of racialized illegality provides a framework by which to center both institutional processes of racialization and migrants' own situated practices of self-identification. My study also shows us that we need to think more critically about the organization of space and the regulation of people's spatial practices as keys to understanding constructions of illegality and racialization.

As a Guatemalan "Latino" immigrant who lives in the United States, I know that there is no way to overlook the homogenizing effects of state policing. However, there is much to learn about looking at the internal dynamics and relationships of fellow Latin American migrants and how they uphold racializations of their home countries. As a Guatemalan Ladino who has been shielded from anti-indigenous racism, I know firsthand the difficulties of

working through a set of conferred privileges because I do not have a direct Maya indigenous lineage. Yes, I have indigenous features (I am usually the darkest "Latino" in most academic settings), but I have, through generations, gained the Ladino privilege that shields me from anti-indigenous racism. It is not surprising to me that day laborers turned hiring sites into disciplined spaces that segregated indigenous and nonindigenous workers, a process imbued with power, which had violent effects on indigenous day laborers. Indigenous day laborers' experience of illegality was therefore impacted by discrimination and limitations on the spaces they could and could not inhabit. Consequently, immigrant illegality and racialization must be understood as coterminous and mutually constitutive. As such, experiences of illegality are not homogeneous. Illegality as a mode of social differentiation intersects with other modes of difference and therefore produces a multiplicity of divergent effects. As sociologist Abrego (2011) has argued, researchers need to be more attentive to these differences and construct more nuanced understandings of how illegality is experienced in combination with other forms of social suffering. Perhaps one direction for doing so is to develop a more transnational analysis of racialization, that accounts for how race is experienced in migrants' home countries and how it is reified and transformed as a result of migration.

My findings surrounding the differential experience of illegality and racialization may impact how analysts and service providers understand the increasingly diverse migration patterns from Latin America (see Jones 2012). Recognizing the multiplicity of undocumented Latin American migrants' experiences can help advocates understand how to better serve indigenous and nonindigenous migrants while also identifying how the alienating sense of illegality creates deep tensions among individuals and communities. The organic nature of the *paradas* highlights *jornaleros*' ability to exercise agency in responding to the pressures of civic authorities and nonprofit groups. In acknowledging *jornaleros* as active, albeit nondominant, participants in the state's attempt to control their bodies and spatial practices, we can thus reconceptualize how we interpret the complexities of contemporary migration contexts and their impacts on processes of Latino racialization.

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