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Transnational gangs and criminal remittances: a conceptual framework

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Abstract

Policy responses to transnational criminal organizations (TCOs) within migrant receiving countries often conflate all organizations which conduct illegal activity in multiple countries based on the mafia or cartel model. This model imagines the TCO to be the most evolved form of organized crime: deeply institutionalized, well resourced, hierarchically structured, highly profitable, and diversified in their criminal activities. Such a model informs law enforcement and immigration policies which are often draconian and counterproductive to citizen security. In reality, transnational crime is highly varied in organization, activities, scope, and membership. A major TCO type that defies the mafia archetype is the transnational gang. This study seeks to nuance our understanding of TCOs, illustrated by case studies of two transnational gangs, MS-13 and Satudarah, by advancing the concept of criminal remittances to locate agency in transnationalization. As the case studies demonstrate, for transnational gangs, the remittance of criminal activity is not at the organization level but at the individual and state level. Thus the transnationalization of crime can itself be the product of state foreign and migration policies.

Keywords: Transnationalism, Diaspora, Crime, Gangs, Migration

Background

Transnational crime is a well-studied policy question but under-theorized sociopolitical phenomenon. States recognize the threats posed by transnational criminal networks from a law enforcement perspective, but poorly understand the nature and origins of transnational crime: the role of diaspora communities, remittances, and push and pull factors driving migration, all of which impact the manner by which crime may operate across national boundaries. Lacking a comparative context to classify different types of transnational crime often leads to policy responses that lack nuance and are counterproductive.

A major obstacle to better conceptualization of transnational crime is the politicization of the intersection of crime and migration. The imagined connection between these two issues, and the role of crime in migrant communities, are subject of frequent exaggeration and political demagoguery. With both nativism and crime serving as dual catalysts for the rise to power of nationalist-populist governments in many countries, the rhetorical valence of the persona of the migrant criminal is of political consequence,

however inaccurate it may be. Though empirical research demonstrates the lack of any statistically significant connection between crime and immigration in the US (Light & Miller, 2018), politicians can highlight individual crimes and particular criminal organizations linked to migrants to great electoral benefit (Campbell, 2014).

Yet the transnationalization of crime is a real phenomenon, and the ways in which criminal organizations and activity affect and involve migrants are crucial to understanding the problems of marginalization and integration of migrant communities. Another reality is citizen insecurity which drives migration from sending states, and is often reproduced within receiving states, and the circular pattern by which foreign policies by receiving states can reinforce violence in sending states.

A common pitfall within policy circles is the conflation of all types of criminal activity involving migrants—whether as perpetrators, victims, or both—often for political gain. A 2018 statement by then-US Attorney General Jeff Sessions of the top five transnational criminal threats to the US, including the gang Mara Salvatrucha, the Sinaloa drug cartel, and the Lebanese militia Hezbollah, is illustrative (Balsamo, 2018). The notion that all organizations which engage in crime in more than one country are alike ignores sharp differences in makeup, structure, activities, and funding, and informs catch-all policies which often undermine administrations' stated goals.¹

Placing transnational crime and violence within a broader framework of transnationalism allows for a more nuanced understanding of how criminal organizations become established and operate across borders. This in turn requires consideration of sending- and receiving-country dynamics impacting migration, opportunity structures for illicit activity, state institutions, and the relative power of various actors involved. Distinguishing among different types of transnational criminal organizations helps avoid a one-size-fits-all policy approach that can inadvertently reinforce transnational criminal networks.

This study puts forth a conceptual framework for transnational organized crime, through the lens of what I term criminal remittances. Like economic, political, and social remittances, criminal activity can be remitted between sending and receiving countries by a variety of actors, not necessarily unidirectionally and not necessarily by migrants themselves. Criminal remittances can be located at the individual, organizational, or state level. They can be circular and self-reinforcing based on the same factors that drive migration and other forms of remittances, including non-criminal violence and insecurity. Key to this concept is that the nature of the criminal organization is shaped by the actor with the greatest relative agency in its transnationalization, which is often not the organization itself. Thus contrary to the standard mafia model, the transnational nature of most TCOs, typified by transnational gangs, is the product of state policies which remit crime in a circular nature between migrant sending and receiving countries.

I propose that, firstly, the mafia/cartel model for understanding transnational crime, which most commonly informs policy responses, is far too narrow. Secondly, the role of the state in relation to transnational crime is also too narrowly considered as a question of law enforcement alone. A variety of transnational criminal organizations exist which

¹ For example, the Trump administration's proposal to designate Mexican drug cartels as terrorist organizations has long stalled, due in part to the likelihood that such designation would make it easier for those fleeing cartel-linked violence to claim asylum, in conflict with the administration's goals of restricting immigration.

are more or less institutionalized, resourced, and subject to a wide range of state actions. A framework based on criminal remittances helps illuminate the ways and conditions under which criminal activity, as well as institutions, norms, and people themselves can cross borders. This conceptual study will do so with case studies of two additional types of transnational criminal organizations rooted in diaspora communities, street gangs and biker gangs, drawing on news reports and indictments by the US Department of Justice (DOJ). It examines two prominent archetypes of each, as diasporic transnational gangs rooted in both migrant-sending and migrant-receiving countries: MS-13 in the United States and El Salvador, and Satudarah in the Netherlands and Indonesia. It will first examine the policy and scholarly approaches to conceptualizing transnational crime, situate this question in the scholarship of transnationalism and violent democracies, and subsequently present a framework for distinguishing transnational criminal organizations by examining the relative agency of actors in the remittance of criminality between sending and receiving countries.

This study will employ a comparative case study approach to broaden the concept of transnational crime by tracing the transnationalization of two criminal organizations, both born in the diaspora but exported to the migrant sending country through state policy, leading to both gangs' evolution from domestic criminal organizations rooted in migrant communities to much more expansive and institutionalized organizations. It will then suggest a model for categorizing TCOs on the relative agency of migrants, gangs, and the state, through the transnational criminal remittance framework.

Circular violence among democracies

The plural origins and circular nature of violence is key to reconceptualizing transnational crime. The insecurity which drives both crime and migration can arise from multiple actors, including criminal organizations, legal political and social organizations, legitimate businesses, state institutions at every level of government, and private citizens (Arias & Goldstein, 2010). Violence can be exported from state to state by any number of such actors, create or reinforce instability in receiving states, and turn violence-receiving states into migrant-sending states. Thus it is critical to locate agency among actors involved in the transnationalization of violence.

Much of this violence takes place within and between countries generally classified as democratic. Violent democracies, defined as countries with competitive elections and other institutions of democratic governance but without state monopolies on force at the substate level (Pérez-Armendáriz, 2021), exhibit such pluralism in which different actors use violence to further their purposes, often political. Such violence can be institutionalized in the history of young or fragile democracies, such as Mexico's legacy of constrained state violence for the purposes of solidifying electoral hegemony in the one party era. Countries which have undergone civil war and/or repressive military dictatorships, such as El Salvador and Indonesia, prior to transitions to democratic rule, often see patterns of violence linger in post-transition periods through institutional actors (e.g. state security) with established norms of extrajudicial violence or which arose themselves from periods of repression and violence (e.g. vigilantes, and ex-guerrilla or ex-paramilitary groups-turned-parties).

As political conflict, repression and instability are among many drivers of migration, legacies of violence can be carried through migration from less institutionalized to more institutionalized democracies. Diasporas produced by displacement from both authoritarian regimes and violent democracies can develop strong anti-state identities and seek to use their perch abroad to undermine state authority, potentially driving violence (Fair, 2005; Lyons, 2007). Migrants may also struggle to adapt to receiving countries, and be subject to violence as unwelcome newcomers, and respond with violence in kind. Migrants may be refugees from civil conflict, as per the origin story of the Central American *maras*, or economically disadvantaged in the receiving society and turn to crime as a means of survival and camaraderie, as per the origin story of Southeast Asian diaspora biker gangs. Such violence rooted in the sending country, transnationalized through conflict-driven migration (Koinova, 2018), can thus become established in the receiving country, and become transnationalized again, with return migration—whether voluntary or through deportation.

Subcultural groups, criminal or otherwise, develop strong in-group identities and socializing practices. Anthropological work on gangs points to the degree to which such organizations both transform life at the neighborhood level and create strong social bonds among their members (Bourgois, 2003). The development of such identities is within a broader context of social disruption that can come with large scale migration: economic reorganization, racial and ethnic division, and labor market discrimination (Valenzuela Arce, 1997).

Much of this strong identity and norm formation comes from the early age at which adherents are socialized: Feixa, 1998 observes such socialization, which can become transnational, among adolescent music subcultures in the US, UK, and among marginalized communities within both such as the Southwest US's *pachuco* subculture. It is this same age profile which criminal gangs draw from as well, as demonstrated in scholarship on youth gangs in Central America (Rodgers, 2006; Savenije & van der Borgh, 2006; Perea Restrepo, 2007; Reguillo, 2008; Cruz, 2010; Rocha, 2011; Wolseth, 2011; Nateras Domínguez, 2020).

Remittances are the vehicle by which goods, ideas, and behaviors can be transmitted between countries. The most commonly understood forms of remittances, economic remittances by which migrants financially support family members in origin communities, has a clearly positive connotation, generally understood to be constructive for the countries, communities and individuals which receive them. Yet remittances are value neutral. They can be economic, social, political, legal or illegal. Many anti-state actors such as guerrilla or terrorist groups rely on remittances from sympathetic diasporas, which can prolong conflict (Byman et al., 2001; Collier & Hoeffler, 2004; Adamson, 2005; Kaldor, 2005). Criminal organizations as well can receive both financial support and borrow modus operandi from counterparts in other countries (Cruz, 2010). And remittances are not unidirectional: there are circular patterns by which political norms transmitted across borders reinforce themselves (Krawatzek & Müller-Funk, 2019).

This study examines an additional form of transnational remittance: criminal activity. Through case studies of two prominent diasporic gangs based in Europe and North America, it finds that certain transnational criminal organizations do not fit the traditional model of TCOs as broadly defined by law enforcement. It proposes, first, that

transnationalization is a process involving multiple actors, and the relative agency of those actors must be located to better understand the remittance of behaviors, norms, and identities across borders. Second, criminal activity is one important vector through which behaviors, norms, and identities—albeit antisocial ones—travel, and become institutionalized within both migrant sending and receiving countries.

Criminal remittances, here defined, are the transmission of criminal activities, norms, and identities, from one country to another. Such remittances need not occur at the state level, nor are they necessarily driven by criminal actors themselves. As with violence more broadly, there is a variety of actors involved, and of sources of crime and opportunity structures for criminal organizations. The politicization of crime, which in turn affects policy responses which can affect patterns of crime in turn, can also occur in both sending and receiving states. Thus locating the origins and agency behind transnational crime, including when and how it transnationalizes, is key to developing a typology of transnational crime and the first step toward nuancing policy responses to it.

Trans-atlantic origins of “transnational crime”

The concept of transnational organized crime achieved relevance at the global policy level at the end of the Cold War with the advent of new global governance structures and the internationalization of law enforcement, particularly US law enforcement. Edwards & Gill, 2003 locate the US as the originator of the notion of transnational organized crime in the policy sphere, and source of its internationalization through US pressure on the United Nations and related institutions in the 1990s. American focus on the transnational threat of organized crime traces back further, and reflects McCarthy-era anxieties over the dual threats of Communist infiltration and “ethnic” criminality to US political, economic and social stability. Though the rhetorical criminalization of immigrants—and alienization of crime, presenting criminal threats as foreign in origin and thus resolvable through deportation—is a longtime staple of nativist politics, the fear of migrants as a potential vehicle of transnational crime gained official backing with the 1950 Kefauver Commission, and continued through similar commissions by Presidents Johnson and Reagan.

In Europe, preoccupation over transnational crime played a key role in debates over the establishment of a single market and promise of freedom of movement. The Maastricht Treaty on European Union included language on cross-border crime and resulted in the establishment of Europol in 1992 and the Schengen Information System in 1995, partly in response to worries of US dominance of Interpol. Predecessor institutions include the TREVI (*Terrorisme, Radicalisme, Extrémisme et Violence Internationale*) network created during the European Council meeting of 1975 other security agreements meant to facilitate a coordinated response to organized crime and terrorism. The World Ministerial Conference on Organized Transnational Crime in 1994 formally inaugurated transnational crime as an EU policy priority.

In both the US and EU, transnational crime is a threat to social order from both within and outside, one that official rhetoric contrasts with legitimate transnational activity in terms of migration and business. Worries about transnational crime reflect societal unease over increasing interconnectedness in general, what was once termed globalization, and the prospect of the disappearance of borders. Particularly for societies in the

process of renegotiating national identity, whether through the establishment of supranational governance institutions or new migration flows, fears of organized crime can reflect not merely xenophobia but questions of the robustness—or breakdown—of the state. It can also justify the need for creating such supranational institutions, which themselves can drive fears of dominance of some states over others.

Gangs, cartels, mafias: typologies of TCOs

As a concept rooted in state-centric debates and driven by law enforcement agencies, transnational criminal organizations (TCOs) have certain models of reference that continue to drive policy discussions. On a basic level, transnational crime as scholars understand it can entail any form of illegal activity affecting more than one state (Albanese, 2011). In both the US and EU, the standard model for transnational organized crime has been the mafia: criminal networks founded in the homeland and brought to the receiving country through migration (Finckenauer, 2007). Their activities typically begin with preying on diaspora communities through protection rackets and expand into drug trafficking, money laundering, and human trafficking (Chin, 1996). In the US, the Sicilian Mafia in the Cold War era is the classic example (Woodiwiss, 2013).

The entrance of various mafia types into popular consciousness and pop culture—often with state backing—reinforces existing nativist fears directed at different migrant communities, varying by country and time period. In the US in the 1880s, one can find examples of lurid stories of “white slavery,” or prostitution of white women in opium dens by Chinese triads coinciding with anti-Chinese prejudices, culminating in the Chinese Exclusion Act. A century later, fears of growing Japanese corporate power and investment in the US coincided with movie depictions of ultra-violent Yakuza reaching US audiences. Present-day polemics about security at the US southern border has coincided with growing appetite for entertainment about Mexican cartels, from television and movie franchises such as *Narcos* and *Sicario* to adaptations of Mexican telenovelas such as *Queen of the South*, which changed the original setting from Spain to the US.

Regardless of the setting, however, notions of transnational crime conjure up certain images of a deeply established underworld in immigrant communities: secret networks, and a highly organized, lucrative hierarchical structure modeled after a multinational corporation (MNC). Policy-focused portrayals of transnational criminal organizations traditionally present them as the most evolved version of domestic criminal organizations; the final stage in a generational process of institutionalization, rootedness in the community, diversification of activities, and capacity to evade law enforcement (Manwaring, 2007; Sullivan, 2006).

Studies of transnational crime often focus primarily on the transnational nature of criminal activity itself—smuggling and trafficking across borders—and secondarily on the nature of the organization, which is assumed to “go transnational” as a necessary measure to facilitate such activity and maximize profits (Bunker & Sullivan, 2014; Winton, 2014). Criminals with the ability to operate across borders are presumed to be highly sophisticated and well resourced, akin to legitimate MNCs. Thus they are imbued with a supreme degree of agency, presenting the greatest challenge to state authority and legitimacy, particularly in the communities in which they operate.

Yet there are multiple actors engaging in, or facilitating crime in some transnational manner, many of which do not fit the quintessential mafia model. Increasingly, it is unorganized crime, or rather less organized criminal groups which are going transnational, which lack the deep pockets, size, and sophistication commonly attributed to mafias and cartels. In the present debate over the imagined linkage between migration and crime, a humbler model of criminal organization has played a growing role: the gang.

Within this category, there should be a distinction of migrant or diaspora gangs and transnational gangs. Studies of the former emphasize the appeal of gangs to migrants as migrants due to their marginalized status within receiving countries (Balasunderam, 2009; Heidbrink, 2014) or deem them “global gangs” based on the cosmopolitan nature of the urban spaces in which they operate (Hazen & Rodgers, 2014; Sassen, 2007; Sullivan & Elkus, 2009). However there is nothing necessarily transnational about such groups simply because they are rooted in a community of migrants. Ethnographic studies of the latter point to broader economic structures and processes of globalization which turn diaspora gangs into transnational gangs (Zilberg, 2011).

Anti-gang efforts in the Americas, through the Inter-American Drug Abuse Control Commission, recognize the phenomenon of cross-border illegal activity by youth gangs, defined by the US Department of Justice as “a group of 12 to 24-year-old members... engaged in violent behavior, and characterized by communal or symbolic and often economic considerations, such as drug trafficking, burglary, robbery, and auto theft” (Rogers, 2003). The transnationalization of gangs in the Central American diaspora community in the US is a reflective and iterative process, in which both state policy and gang policy toward deportees compound one another through complementary processes of marginalization and deportation by the state and accommodation by the gangs (Cruz, 2013).

Certain types of gangs are more frequently transnational; outlaw motorcycle clubs (OMCs) are the most commonly cited example of criminal organizations whose membership, not merely criminal activity is transnational in nature (Barker, 2014). This is due to both activity and organizational structure that translate easily across borders: a sub-cultural identity centered around a shared activity and a franchise model of individual chapters which can exist wherever there is an interested prospective membership.

Outside of the study of transnational crime, the framework by which diaspora-homeland ties are best understood is the concept of social remittances, explained by Levitt (1998) as the “ideas, behaviors, identities, and social capital that flow from host to sending country communities.” Subsequent research shows such remittances are not unidirectional; transnational ties are reinforced through personal, often family networks which allow migrants and their relatives to maintain close contact and influence one another’s behavior and ideas. This process has been deepening and accelerating through ease of communication and international travel between sending and receiving countries. Social remittances affect a range of ties between homeland and diaspora: cultural, economic, religious, and political. Thus negative social phenomena such as crime should not be immune to the same dynamics.

Like other transnational organizations—political parties, hometown associations, churches—criminal organizations can serve similar functions for migrants: providing

communal identity, economic and social support, a shared purpose, and a connection to the homeland.

The migrant is at the center of the transnationalization of gangs, but not necessarily in the manner depicted in contemporary US political discourse. Anti-immigration rhetoric locates the immigrant as the agent, the vehicle for the transport of criminal activity and networks from the sending country to the receiving country. The specter invoked by then-President Donald Trump of an unchecked “flow of drugs, gangs like the violent MS-13, and criminals across our border” falsely identifies Central America as the place of origin of such gangs, rather than in the United States. Rather, the initial transnationalization of gangs themselves is often in an opposite direction, from the migrant receiving country to the sending country. In this case, the vehicle for transnationalization is still the migrant, but as returnee, often deportee, rather than as immigrant, one notably lacking in the agency ascribed to them by receiving country politicians.

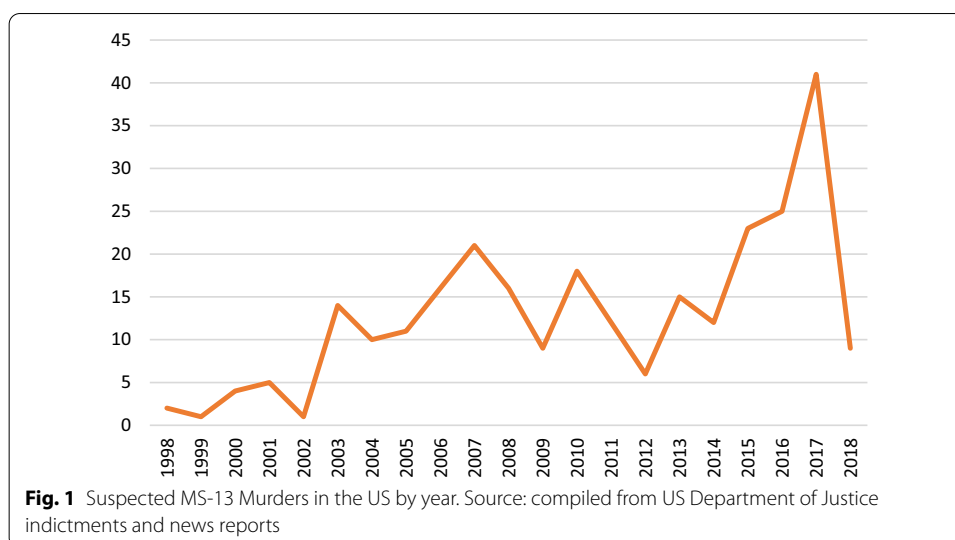
The role of the state in transnational crime is generally understood to be one of enforcement, as well as arbiter of civic identity and belonging for migrants with which gangs (as do political and religious groups) compete (Manwaring, 2007). Less appreciated is how a wider range of state policies can reinforce patterns of transnational violence, set the terms of integration of communities affected by transnational crime, and the territorial bounds of individuals and organizations.

This study proposes transnational criminal remittances as a new frame for understanding the globalization of crime. Through the lens of social remittances, we can understand the process by which social phenomena such as crime, and institutions such as gangs, can flow from receiving countries to sending countries, and how such ties, once established, can reinforce themselves through ongoing migration, travel, and communication. Crucially, this process reflects the relative agency of different actors in transnational criminal remittances, whether the migrant as individual, the gang as institution, or the state through migration and deportation policy.

Mara Salvatrucha: from Los Angeles to the Northern Triangle

In the United States, a group of focus in efforts to criminalize immigrants in the United States, particularly by the Trump administration, has been the street gang Mara Salvatrucha, or MS-13. Then-President Trump regularly invoked MS-13 in speeches, including in his 2019 State of the Union address to Congress, describing it as a “savage gang” of “monsters.” The specter of transnational gangs made up of criminal migrants from Central America has been a justification for confrontational domestic and foreign policies including the budgetary shutdown of the federal government over Trump’s proposed border wall, and threatened tariffs imposed on Mexico to pressure the Mexican government to adopt tougher measures to restrict Central American migration.

Official language surrounding the gang has emphasized its violent and transnational nature. Statements by the White House, DOJ, and Department of Homeland Security, often echoed in news reports, describe in terms of the mafia archetype, though often referencing Mexican cartels with which the gang has some (often exaggerated) ties. As per the model, MS-13 is described as large and far reaching, with a sophisticated network of international cells directed by leadership from within the prison system in El



Salvador. Sensational acts of violence by its members, and quasi-Satanic imagery, are often reported in media as evidence of its terrorist orientation; indeed, it is designated as a terrorist organization in both the US and El Salvador. It is often incorrectly described as originating in Central America and spreading to the US from there, and this fear is cited as motivation to restrict immigration to the US. Its transnational trajectory is, in fact, the opposite.

A more accurate assessment of MS-13 would reveal it to be a much smaller, less organized, and less active gang than official rhetoric suggests. Academic and journalistic studies of the gang find its structure to be ill-defined, made up of neighborhood cliques operating semi-autonomously (Grascia, 2004; Wolf, 2012). Estimating gang activity is complicated, and it is easy to exaggerate for partisan purposes. The anti-immigration Center for Immigration Studies issued a 2018 report declaring an MS-13 “resurgence” based on arrest reports of 506 suspected MS-13 members since 2012 (Vaughan, 2018). The methodology of the CIS report inflates the perception of a crime wave by counting nonviolent crimes such as immigration violations, particularly in the “sanctuary state” of California, a key policy focus of CIS. The number is further inflated by counting cases by perpetrator as opposed to by crime, given that several DOJ cases under the Racketeer Influenced and Corrupt Organizations (RICO) Act indict ten or more suspected gang members for a single criminal conspiracy.

In this study, an original database of 461 violent crimes attributed by law enforcement in the US to MS-13-linked suspects, compiled from news reports and DOJ indictments going back to 1998, shows a relatively low number of murders and other violent crimes plausibly linked to the gang: the number of murders peaks in 2017 with 41 nationwide (out of a total of 17,284 murders in the US that year), but in most years the number is below 20 and frequently below 10. Contrary to CIS and the Trump administration’s portrayal of California as an epicenter of MS-13 violence, most violent activity took place in non-sanctuary states such as Georgia, North Carolina, Texas, and Virginia, as well as New York (Fig. 1).

By all other traditional measures of gang activity, MS-13 plays a comparatively small role in the world of US organized crime. Threat assessments by the Federal Bureau of Investigations have estimated its US membership to be steady at 10,000, below the estimated size of the most well known US gangs including the Bloods, Crips, Latin Kings, and Aryan Brotherhood. Its activities have been documented to be poorly remunerative, with many members maintaining non-gang employment to supplement their income (Martínez, Lemus, Martínez & Sontag, 2016). Despite official rhetoric suggesting the gang is infiltrating the US through migrants from Central America, the gang's presence among deportees is small: At its peak of reported US activity, in 2017, US Immigration and Customs Enforcement (ICE) deported 18,838 individuals to El Salvador, and alleged 1241 of them, or 6.8%, to be gang members.²

This small role contrasts sharply, however, with its presence in Central America. Reliable figures of MS-13 violent crimes in the Northern Triangle region do not exist, as many such crimes go unsolved and unreported. Estimates for membership size are also unreliable, given the ill-defined notion of what constitutes an official gang members. Estimates for total membership of all gangs in the region range from 100,000 by scholars (Wolf, 2010, 256) to roughly 500,000 “linked to gangs” estimated by the Salvadoran Civic National Police (PNC) (Jaramillo, 2018). The Northern Triangle countries regularly count among highest murder rates in the world, peaking at 104 per 100,000 residents in 2015, and is consistently among the most violent countries that is not an active war zone.³ In El Salvador, a reported drop in gang violence under the government of Nayib Bukele has been achieved by a pact between the gangs and the Bukele government, though numbers have been obscured by a concurrent rise in disappearances. Though cartels exist and operate in Central America, including transnationally—demonstrated by the murder of three Salvadoran representatives to the Central American Parliament in Guatemala in 2007—the vast majority of murders are attributed to gangs, and murder rates have been consistently high since the influx of criminal deportees from the US in the 1990s (Farah, 2011).

MS-13 is better understood to be a loosely organized transnational criminal phenomenon with roots in violence in both the US and Central America. The conditions under which it first arose, in the US and thrived, in Central America, are a confluence of migrant-sending state violence produced by civil war, migrant-receiving state violence from street-level crime affecting recent refugees, and ultimately sending (now receiving) state violence again from both state and criminal actors affecting return migrants as deportees.

MS-13 traces its origins to the Salvadoran diaspora in the US, itself a product of the 1980–1992 civil war, during which the US provided support to an authoritarian government fighting a guerrilla insurgency. A large number of migrants from El Salvador and neighboring states fleeing civil conflict, as well as economic instability and later natural disasters, settled in the United States, which became home to an estimated 1.7 million

² US Immigration and Customs Enforcement. *Fiscal Year 2017 ICE Enforcement and Removal Operations Report*; “US deportations of alleged El Salvador gang members surge.” *Reuters* 3 January 2018.

³ As per United Nations Office on Drugs and Crime 2015 report, <https://data.unodc.org> and InSight Crime's 2017 Homicide Round-Up, <https://www.insightcrime.org/news/analysis/2017-homicide-round-up/>

Salvadorans by the 2010 US Census.⁴ The largest number of them settled in Los Angeles. There, the gang that became known as Mara Salvatrucha formed among Central American teenagers seeking protection from already established, largely Mexican American street gangs which harassed and extorted the new arrivals. One of these, the 18th Street gang, established earlier in the 1960s, came to accept Central Americans as members, and grew to be MS-13's principal rival both in the US and in Central America; its name reflects its origins in Los Angeles' Pico-Union neighborhood. Testimonies of early members show both gangs providing a sense of belonging and security to refugees navigating a new and threatening environment (Valenzuela Arce et al., 2007; Martínez & Martínez, 2019; Dudley, 2020).

Both gangs were originally more benign than their later, transnational incarnations: MS was originally known as the Mara Salvatrucha Stoners; its members engaged in petty crimes and distinguished themselves within Los Angeles' gangland by having long hair and listening to heavy metal, borrowing much of their Satanic symbolism, reflected in tattoos, graffiti and hand signs, from the band Judas Priest. In 1984, the Los Angeles Police Department initiated a city-wide anti-gang sweep intended to clean the streets ahead of the Summer Olympics. Many MS and 18th Street members were incarcerated, where they were inducted into California's prison gang culture. Their members learned from more violent and longer established gangs within the penal system such as the Mexican Mafia, to whom MS paid tribute by adding 13, representing the letter M, to its moniker. As late as 1989, the LAPD estimated the gang's membership to be less than 500 (Diaz, 2009, 35).

In contrast to the mafia or cartel archetype, the transformation of MS-13 from a petty juvenile street gang to a transnational criminal organization was not initiated by the gang itself but by the US government. This evolution occurred in the 1990s during the wave of criminal deportations facilitated by a series of laws passed under President Bill Clinton: 1994's Violent Crime Control and Law Enforcement Act, and 1996's Immigration Reform and Immigrant Responsibility Act and Antiterrorism and Effective Death Penalty Act, the latter of which was passed in response to the Oklahoma City Bombing. These laws inaugurated a new era of mass deportations of migrants with criminal records—both unauthorized and legal residents—by expanding the scope of deportable offenses to include minor crimes such as driving under the influence and public scandal. As a consequence, annual deportations from the US to El Salvador, Guatemala and Honduras increased 50-fold between 1995 and 2013, from under 2000 to over 100,000. Deportations peaked under the Obama administration, reflecting bipartisan support for such policies. The Northern Triangle countries, which came to receive planeloads of deportees, responded with a heavy handed policing policy which further strengthened the gangs and solidified their transnational ties.

The crackdown by the US came to be reflected in kind by the government of El Salvador, which responded to the influx of criminal deportees with a policy known as *mano dura*, "hard hand" or zero tolerance policing, which became the model for all future anti-crime policies of Salvadoran governments, periodically modified with superlatives

⁴ US Census Bureau. "The Hispanic Population: 2010" Census Brief May 2011.

such as *super mano dura*. Under *mano dura* policies, delinquency laws were amended to permit arrest of young people as gang members on the basis of dress and gathering in groups, resulting in the arrest of more than 30,000 suspected gang members from 2003 to 2005, a time period coinciding with a 4% to 14% spike in gang-related murders (Hume, 2007; Molina Vaquerano, 2009). The unintended consequence of sudden mass incarcerations was the transformation of the Salvadoran prison system into institutions of gang recruitment, training, and eventual hegemonic control, as the Salvadoran prison system came to be segregated by gangs to minimize violence. As a result, MS-13 and 18th Street—known in Central America as Barrio 18 and since split into two factions—came to be directed from within prison walls by incarcerated leadership.

Currently MS and 18 (often simply called “the letters” and “the numbers,” respectively) operate under a decentralized franchise model, with neighborhood-level *clicas*, or cliques, acting largely independently from one another and directed by local *palabrereros*, or shotcallers. Made members are called *homeboys* or *homies*, reflecting their US origins, and the gangs retain many trappings of Los Angeles gang culture: American urban slang, baggy clothes, color-coded attire (blue and white for MS) preference for certain shoe brands (Nike Cortez for MS), and black-and-gray style tattoos. Historically, members were expected to get tattoos on highly visible parts of the body such as their hands and face, as a demonstration of loyalty and the impossibility of leaving the gang and entering into civilian society, though this practice has faded with police crackdowns and gang infiltration of security services.

Continued mass deportations feed the gangs’ membership in the Northern Triangle, as deportees are poorly socialized and often unemployable, facing heavy discrimination as deportees are assumed by police and general society alike to be gang members, partly as a result of official US rhetoric (Burgi-Palomino, 2018). Gangs are known to seek out deportees suspected of rival gang affiliation, including arranging transportation from the San Salvador airport, targeting them for forced recruitment, extortion, or interrogation as potential rival gang members. Deportees have been known to be kidnapped and killed within hours of arrival, their bodies found on the Comalapa Highway linking the airport to the capital (Dingeman-Cerda & Kennedy, 2015). Such targeting is facilitated by networks of members in the US, including in detention centers, who monitor and inform higher ups of those they have identified as rivals who will be returning to the home country. Violence directed at rivals (*chavalas*, as MS members term members of 18) is incentivized as necessary to prove oneself and rise through the ranks.

Gangs are not the only institutions which target deportees; police and state-linked paramilitary groups have subjected deportees to harm ranging from harassment to extrajudicial executions. El Salvador’s police, the PNC, has at times resorted to extraordinary and illegal measures to respond to gang threats. In El Salvador, criminal deportees are specifically targeted under a program established by a 2017 law, Decree 717, which mandates the PNC monitor deportees who have criminal backgrounds, or who visit and live in areas frequented by gang members. Such deportees are required to check in regularly with police. Those deportees suspected of gang ties have reported being harassed or threatened by police; often having a tattoo or using English words signal to police that a deportee is a likely gang member (Brigida, 2018). The PNC maintains a database of deportees with information shared by the US Department of Homeland Security’s

Criminal History Information Sharing (CHIS) program, which includes deportees' criminal investigation, arrest, and detention history, as well as photographs and fingerprints from the DHS Automated Biometric Identification System.

There is evidence of gang infiltration of security forces in El Salvador (Sala Negra de El Faro, 2014). Data from the Salvadoran Defense Ministry shows that between 2005 and 2015, 435 members of the armed forces, 39 police cadets, and 9 active officers were dismissed for being gang members, with numbers rising each year (Yagoub, 2016). Infiltration by organized crime has been linked to top police officials. One former national director of the PNC was seen accompanying El Salvador's principal drug trafficker, "Chepe Luna" of the Perrones drug cartel at a rodeo (Silva, 2014). There have been several massacres of suspected gang members and their families carried out by paramilitary forces later revealed to be made up of an elite military police squadron created by the administration of former President Salvador Sánchez Cerén. Multiple administrations have negotiated deals with both gangs to bring down levels of violence in exchange for privileges for gang leaders (Van der Borgh & Savenije, 2019). Current President Nayib Bukele has, according to former officials, negotiated a pact with the gangs to reduce the murder rate, which has included favorable prison conditions for leaders, political support by gangs for the ruling New Ideas Party, and allegedly by the US DOJ, promises of non-extradition of gang leaders to the US wanted on drug charges.

Through criminal deportation policy, the US thus remits to Northern Triangle countries a steady flow of new potential members and victims, as well as information both to partner police agencies and, inadvertently, to gangs and paramilitary groups themselves through infiltration of police; individual gang members also remit information on deportees through gang networks often facilitated by the prison and immigration detention systems. The insecurity created by spiraling levels of gang violence pushes new migrants to seek refuge in the United States, most without authorization, and most who apply for asylum are denied, creating new deportees to be targeted by the gangs. These circular transnational migration patterns and information networks thus reinforce the very gangs which were originally remitted from the United States through criminal and immigration policy in the 1990s. As MS-13 transnationalized, it has further spread not only in Central America but in the US; though far less active in the US, the pattern of MS-linked murders compiled here shows a shift in areas of highest activity from California to the east coast of the US, as well as Texas. Such expansion has coincided the organization of an East Coast "program," or coordinated campaign among cliques, that maintains closer communication with the imprisoned MS leadership (*ranfla*) in El Salvador than their California counterparts. Thus migration and communication patterns facilitated by state policy have led to both cross-border expansion and a strengthening of transnational ties among largely independent gang franchises.

Satudarah: from Moorderecht to Indonesia

Biker gangs are another transnational criminal organization type which fails to align with the traditional mafia or cartel model. Several biker gangs, or outlaw motorcycle clubs, have spread through franchises from their origins in the US to Europe and Asia. Within the context of diasporas, however, transnational migration has seen the development of

a subgroup within OMCs, that of diaspora biker gangs, exemplified by the Dutch-Indonesian gang Satudarah.

Like MS-13, Satudarah fits uneasily in the traditional framework of transnational criminal organizations. Though international franchising is a common feature among outlaw motorcycle clubs, Satudarah is unique within that criminal subculture as a diaspora OMC. It thus in many ways more comparable to Central American street gangs than its more famous OMC rivals and allies—including the Hells Angels and Bandidos, respectively—as a criminal organization rooted in a migrant community and remitted to the sending country, though in ways distinct from MS-13.

Satudarah's founders traced their diaspora roots to the Maluku islands of Indonesia, though the gang was founded in the Netherlands in 1990 in the town of Moordrecht by second generation Dutch Indonesians, themselves one generation removed from their parents' homeland. Its members' involvement in drug and sex trafficking, racketeering, and violent crime inducted the club into the subculture of "one percenter" motorcycle gangs that traces back to California's Hollister riots of 1947—a subculture that itself has been exported from the US throughout the world through pop culture films and books, and active recruitment by storied gangs such as the Hells Angels. OMCs defy easy categorization, as their identity as social clubs, traditional gangs, or other types criminal organizations is the subject of debate (Blokland et al., 2017).

Satudarah's roots in the Netherlands' Moluccan diaspora community reflect patterns of migration tracing further back than that of the US Central American diaspora, going back to Indonesia's colonial history. Indonesia's Molucca Islands first came under Dutch colonial control at the beginning of the 17th Century as part of the Dutch East Indies, ruled at first by the Dutch United East Indies Company and later by the Dutch colonial government. Efforts by the Netherlands to recolonize Indonesia following the islands' occupation and later liberation from Japanese rule during World War II were thwarted by the creation of an independent Indonesian state, which in turn thwarted dreams of autonomy by the majority Christian population of the Moluccas. The Indonesian military violently suppressed an uprising against the government, resulting in an estimated 12,000 Moluccans fleeing to the Netherlands—which, as the former imperial ruler, had recruited many Moluccans into the colonial army—in 1951. This mass migration, which many Moluccans intended to be temporary before winning eventual autonomy, became permanent. But because of the imagined temporality by both the migrants and Dutch authorities alike, the migrants did not gain stable housing or employment. Housed in former World War II concentration camps and denied work permits for over a quarter century, the Moluccan migrants came to be marginalized and detached from Dutch society (Veldhuis & Van der Maas, 2011).

Outlaw biker culture developed within a milieu of anti-social activity resulting from marginalization in the Netherlands, and at times political aspirations: a pair of train hijackings and the taking of hostages in a school and the Indonesian consulate in 1975, all motivated to pressure the Dutch government to push Indonesia for Moluccan independence. Many unemployed Moluccan youth turned to the informal economy, including the illegal drug trade, for employment, a sector which was dominated by established motorcycle clubs which, due to their racist membership restrictions, would not accept nonwhites. As with the establishment of MS-13 in Los Angeles' gang subculture, social

exclusion of an enclaved immigrant population led to the creation of Satudarah. Exclusion was twofold: identity as a persecuted minority within Indonesia, and as a marginalized refugee community within the Netherlands. This dual exclusion solidified in-group identity within the motorcycle club subculture.

Since its founding, Satudarah first expanded in the Netherlands to comprise 44 chapters, nearly overtaking its chief rival Hells Angels as the largest outlaw motorcycle club in the country. It has since spread throughout Europe, in the face of crackdowns in Germany, the Netherlands, and later to Southeast Asia and Australasia (Ayling, 2014). Satudarah's origins as a non-racially exclusive biker gang within a subculture where racism is the norm allowed for its rapid growth, particularly among young men from other ethnic minority and immigrant communities, including Papuan youth in the Netherlands, Turkish youth in Germany, Maori youth in New Zealand, and Aboriginal youth in Australia (Buehler, 2018).

Yet having been formed in the Netherlands, it is in Indonesia where Satudarah has seen its most rapid recent growth. Particularly in Jakarta, where Moluccans make up a sizeable minority population, its original Moluccan identity is more pronounced, using familial and ethnic networks to expand rapidly into drug, sex and arms trafficking. Though there are no confirmed membership measurements, like MS, its presence in the homeland dwarfs that in the Netherlands, where its membership prior to a 2018 blanket ban was estimated at 400, out of a worldwide estimated membership of 6000 (VRT NWS 2012).

In contrast to its founding, however, Satudarah's global expansion more closely matches the dynamics of outlaw motorcycle clubs generally, as a result of franchising and initiative of individual club leaders rather than migration policy or centralized institutional leadership in the traditional TCO framework. This pattern locates the primary agency behind transnationalization on the individual rather than institutional level. Satudarah, as with other newer generation outlaw motorcycle clubs, has broken with the traditional OMC model in outlook rather than organization: its surge in membership can be attributed to its open membership and multicultural identity, but the method by which it has exported its model to other countries, including but not limited to the diasporic homeland, is much in line with the franchise model of other, non-diasporic OMCs.

Toward a framework for understanding transnational criminal remittances

As the cases of diasporic transnational gangs demonstrate, crime can become transnationalized as a result of opportunities for profit, direct efforts by organizations themselves, or as byproducts of state immigration and law enforcement policies. In turn, crime itself becomes a vector for social remittance between sending and receiving states, through the formation of criminal structures and pursuit of illicit activities. These organizations—in the cases examined, gangs—have unique subcultural identities, norms and behaviors which, when remitted, become shared across borders.

Levitt's expansion of the concept of remittances helpfully points to the question of agency: who is doing the remitting, whether it be money, political influence, social norms, or in this case, crime? The traditional criminological framework of transnational crime places the agency at the institutional level of the criminal network itself:

like MNCs, TCOs expand into other countries in search of new markets. It is an instrumental understanding of transnationalism as a natural outgrowth driven by the necessities of criminal activity: if smuggling routes are cross border, then the mafia or cartel must be as well.

Transnational gangs such as MS-13 and Satudarah do not easily fit this framework. There is nothing necessary or inevitable about the transnationalization of either gang. Upon its founding, MS-13 was purely domestic in its scope despite having a diasporic identity, focused even more narrowly on the neighborhood level. As a Los Angeles street gang and later prison gang, it did not aspire to the “transnational criminal organization” status that the US government later bestowed on it, nor did it have the organization or size to have such ambitions. Satudarah began by mimicking the organization and activities of other non-diasporic motorcycle gangs, and expanded in similar manners as their rivals: by franchising their name to interested motorcycle enthusiasts in other countries, not out of either diasporic identity or an organized effort to control cross-border smuggling routes. Despite a fearsome reputation in its native Netherlands, Indonesia and elsewhere, its criminal activities are relatively petty: micro-trafficking of methamphetamines and prostitution, nowhere near the scope or profits of large scale drug trafficking organizations such as mafias and cartels.

The role of the state is key to understanding differences in agency in criminal remittances between the two gangs and among such gangs and transnational mafias and cartels. State policy has been most pernicious in the case of MS-13 and Barrio 18: zero tolerance policing policies in both the US and Central America led to the gangs’ explosive growth and consolidation within the prison system; US deportation policies since the 1990s have fed the gangs a steady stream of new recruits and targets for extortion. In the case of Central American gangs, agency for transnationalization can be most centrally located in the state.

In the Netherlands, present-day state policy toward Satudarah has been limited to criminal prosecution which has hindered its growth. This approach stands in contrast to US state policy toward transnational gangs which sees migration and deportation policy, rather than local criminal law enforcement, as primary tools of control, and has unintentionally fueled growth contrast to earlier policies which led to marginalization of the migrant community. What transnationalization that has occurred has not been an organizational initiative but an individual one. Both gangs operate on a decentralized, franchise model that is much different from the hierarchical structure of other organized crime networks, and thus lack coordination; indeed, MS-13’s few efforts to organize a large scale expansion program on the East Coast have been unsuccessful and broken up by FBI wiretaps.

The table below suggests a typology for transnational criminal remittances (Table 1):

This typology proposes multiple vectors for remittance and avenues for transnationalization, centered on questions of relative agency. Traditional TCO models presume only one avenue, that of the criminal organization itself. This fails to account for structural conditions and institutions—primarily state migration and law enforcement policies—shaping those organizations, their spaces of operation, opportunities for profit, as well as the identities and norms to which their members adhere.

Table 1 Transnational criminal remittances by organization type

Organization type	Criminal remittances	Motivation for transnationalization	Agency for remittances	Transnational organizational capacity	Examples
Traditional international cartel	Organizational structure, personnel, and other resources for trafficking	Control and expansion of cross-border smuggling routes; integration of supply chains	Organization	High	Sicilian Mafia, Sinaloa Cartel
Diaspora gang	Potential recruits, extortion victims, information	Deportation of undesirable migrants	State	Medium	MS-13, Barrio 18
Outlaw motorcycle club	Franchise model, sub-cultural group identity	Initiative by aspiring franchise leaders	Individual	Low	Satudah, Hells Angels, Bandidos

At the macro level, economic structures and historical legacies of colonialism, as well as state policies of foreign intervention, migration and deportation, and law enforcement create the conditions under which people move across borders, seek security and opportunities for social advancement, and whether those opportunities are licit or illicit. Labor markets, migrant incorporation policies, policing and incarceration all play a role in how illegal organizations form and develop within marginalized communities, and ultimately, how they move across borders as well.

At the micro level, the question of individual agency is central to criminal activity as well, and especially relevant for marginalized communities. Studies of both criminality and jihadist radicalization of immigrant youth have emphasized the lack of control felt by many recruits over identities defined by media and state rhetoric, and the appeal of such groups to a sense of purpose and agency (Balasunderam, 2009; Werbner, 2004). Individual leadership plays a key role as well in tracing organizational decisionmaking processes, and can explain important changes in behavior at the institutional level: which types of activities to become involved in and where, and decisions to establish or approve additional branches.

Individual agency can only go so far as to understand transnationality, however, particularly when organizations lack consolidated leadership, or individuals as migrants lack much control over the conditions under which they live. In such cases, it will be the state that has relatively greater control over prospective or actual criminals and their organizations, including opportunities for transnationalization.

Law enforcement is the principal policy approach by which the state exercises agency over crime. However state agency in remitting crime transnationally—in terms of criminal organizations, activity norms, and individuals themselves—centers more generally in immigration and deportation policy. De Genova and Peutz (2010) emphasize how deportation policy is the principal means by which states control migrant bodies, not merely through physical removal but the regularization of surveillance, and identifying migrants with criminality through official rhetoric. But as Wolf (2012) notes, the wider range of state behavior, including enforcement, official rhetoric, migration, and social welfare policy affect the remittance of criminality between states. As the failure of *mano dura* policing in Central America demonstrates, agency is not limited to migrant

receiving states, but can be exercised—positive and negatively—by sending states as well.

By understanding crime as an additional factor of social remittances, and social remittances as a reciprocal process in which multiple actors may set the terms for such linkages, we can gain a more nuanced understanding of the ways in which different criminal organizations transnationalize. Criminal activities, organizations, norms, and individuals may cross borders, but to what degree and under which circumstances depends on the question of relative agency. Where criminal organizations are highly structured, deeply institutionalized, well resourced and have strong leadership, the organizations themselves may set the terms by which cross-border crime occurs and stand to benefit from it.

Increasingly, however, criminal organizations do not fit this mafia model. Decentralized, smaller, poorer, and more informal gangs such as MS-13 and Satudarah define a large part of transnational crime in the twenty-first century, in ways that go beyond traditional cross-border smuggling. As states conflate vastly different groups with one another, as is the tendency in receiving country policy circles, state responses to transnational crime will be more blunt, overreactive, and ultimately counterproductive. Better approaches require better analysis of the causes of and opportunities for crime across borders.

Abbreviations

18: 18th Street Gang, aka Barrio 18, Calle 18, Mara 18; CIS: Center for immigration studies; DOJ: US Department of Justice; MNC: Multinational Corporation; MS / MS-13: Mara Salvatrucha; OMC: Outlaw Motorcycle Club; PNC: El Salvador Civic National Police; TCO: Transnational Criminal Organization.

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