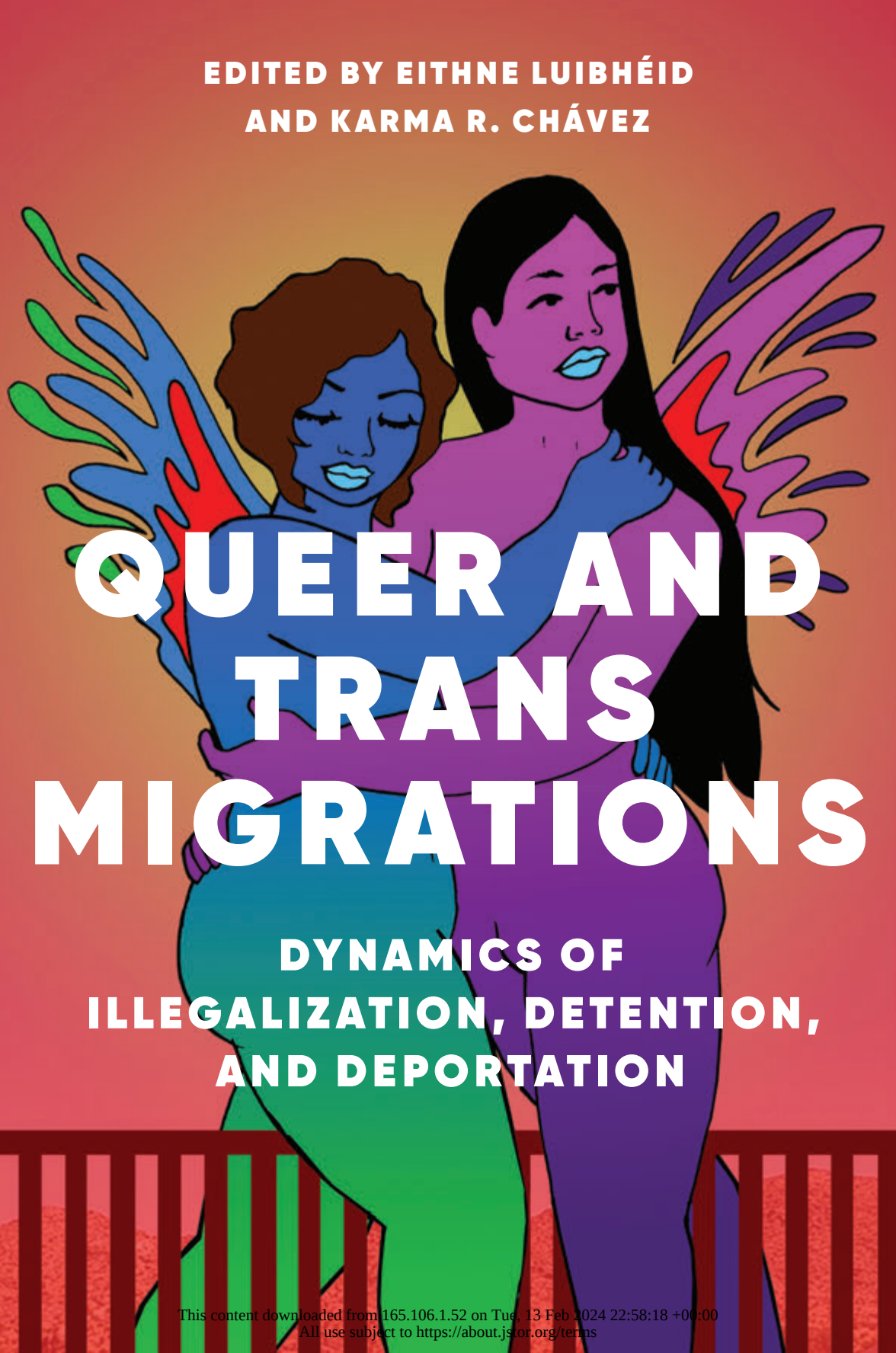


**EDITED BY EITHNE LUIBHÉID
AND KARMA R. CHÁVEZ**

An illustration of two stylized, winged figures embracing. The figure on the left has brown skin and curly hair, wearing a blue top and green pants. The figure on the right has light skin and long black hair, wearing a purple top and purple pants. Both have large, colorful, feathery wings. The background is a gradient of red and orange. The title 'QUEER AND TRANS MIGRATIONS' is written in large, bold, white capital letters across the center.

QUEER AND TRANS MIGRATIONS

**DYNAMICS OF
ILLEGALIZATION, DETENTION,
AND DEPORTATION**

Introduction

KARMA R. CHÁVEZ AND EITHNE LUIBHÉID

Globally, nearly 300 million people live either as international migrants¹ or internally displaced people.² Over the past several decades, the number of people compelled to leave their homes has continued to grow, and along with such growth, migrant detentions and deportations have skyrocketed in the United States (from where we live and write) and globally. Except for those who can show that they fit into a narrow spectrum of state-designated family ties, skill sets, large bank accounts, or protection needs, possibilities for acquiring legal status have been greatly reduced or entirely cut. Legally present migrants, too, increasingly lose status and become routed into detention and deportation. Legal channels disappear even as countries like the United States remain “reliant on the . . . dispossession and disavowal of Indigenous peoples, global circuits of expropriated labor, economies of racialization, and its expansive network of military bases,” which generate continual international migration.³

Western media outlets and government officials alike declare that the arrival and presence of large numbers of migrants evidence a “migration crisis.” Certainly, in places such as Greece, Turkey, Lebanon, and Uganda, the increase in new arrivals strains social services, placing burdens on health care providers, social workers, low-income neighborhoods and more. Yet, movement and arrivals do not on their own constitute a crisis. Jenna M. Loyd, Matt Mitchelson, and Andrew Burridge offer important reframing of the crisis rhetoric: “Borders and prisons—walls and cages—are global crises.”⁴ We build on this claim: if there is a migration crisis, it concerns the unaddressed conditions that push many to migrate when they would prefer not to, and the impacts of punitive state, supranational, and populist responses including expanding illegalization, detention, and deportation.

Responses to the mass migration from and within Syria since 2011 as a result of civil war between President Bashar al-Assad and opposition forces are instructive about how states frame and respond to migrants, rather than structural causes of migration as “crises.” As people have fled to neighboring states in the Middle East and Turkey and risked sea travel to other parts of Europe, especially Greece, countries have responded in numerous ways, rhetorically and materially. In 2015, German Chancellor Angela Merkel announced the suspension of a 1990 protocol that required asylum seekers to apply for asylum in whichever country they first entered. Merkel proclaimed Germany would allow all Syrian asylum seekers to stay.⁵ The proclamation landed Merkel on the cover of *Time* as its person of the year but was almost immediately followed by a series of actions designed to secure Germany’s borders, speed up deportations of refused asylum seekers, suspend family reunifications for certain asylum seekers, fight smuggling of migrants, and stop the flow of people into Europe.⁶ Although Merkel’s government rapidly modified its “openness” through efforts to close people out, Merkel faced significant backlash from members of her own government, ordinary Germans, and members of the far right alike. A handful of violent incidents across Germany perpetrated by Middle Eastern and North African asylum seekers further fueled the backlash. The number of people seeking and receiving asylum in Germany has drastically decreased as deportations have increased.⁷

Germany’s attempt to address the volume of refugees directly contrasted with Israel’s during the same period. Israeli Interior Minister Silvan Shalom announced, “I continue to fight, with all my effort, against the phenomenon of illegal infiltration, in light of the hundreds of thousands of infiltrators to Europe in these days and hours. I will not relent until we reach a framework that will allow the removal of the infiltrators from Israel.”⁸ Although viewing essentially all migrants to Israel as economically driven “infiltrators,” Prime Minister Benjamin Netanyahu noted that Israel was “not indifferent to the human tragedy” of Syrian and African refugees. He nevertheless explained: “Israel is a small country, a very small country, that lacks demographic and geographic depth; therefore, we must control our borders, against both illegal migrants and terrorism.”⁹ Notably, official Israeli framing of migration as matters of crime, border security, illegality, and terrorism has long functioned to animate its practices of detention and deportation, including its detention of refugees in a large, open-air detention center called Holot in the Negev desert¹⁰ and its deportation of 40,000 African refugees in late 2017, in part, Netanyahu claimed, so that they could close down Holot.¹¹ Germany’s and Israel’s rhetorical proclamations could not seem more different, but the material results were quite similar: an increase in processes of migrant illegalization, detention, and deportation. *These crises* deserve urgent attention.

Around the globe, political leaders and activists respond to the presence of migrants in ways that share logics with places like Germany and Israel, even as

each set of responses and the contexts out of which they emerge differ. Criminalizing, detaining and deporting migrants, and closing and militarizing borders, is the norm. Populist and fascist rhetoric decrying insufficiently fortified borders and migrants as the source of all societal ills augments political practices and policies. U.S. President Donald Trump famously launched his 2016 bid for the presidency by declaring his want for a border wall to keep out Mexican “rapists.” His anti-immigrant rhetoric, coupled with his executive orders targeting numerous migrant groups, remains the fuel that energizes his political base. In early 2018, Hungarian Prime Minister Viktor Orbán insisted that his country would not accept refugees because the Hungarian people did not want “Muslim invaders.”¹² Orbán has long been considered one of the most vocal proponents of Fortress Europe and has employed numerous measures ranging from razor wire fences to tear gas to keep migrants out of Hungary.¹³ Examples of anti-immigrant populist policy, rhetoric, rallies, and campaign platforms can be found everywhere.¹⁴

In this second decade of the 21st century, the responses to migration and migrants feel fevered, but they have developed over long periods of time and resonate with other historical moments. Throughout history, migrants and “foreigners” have been targets of various kinds: as scapegoats for social and economic ills, problems to be maintained and/or expunged, subversives, threats, criminals, and sources of disease. As Loyd, Mitchelson, and Burrige note, the expansion of global apartheid whereby wealthy countries erect barriers to prevent the movement of people from poorer countries, combined with policing and prison regimes—“when the state is built and society is governed through crime legislation”—must be part of our sense making (p.1). The creation of physical sites like walls and cages in order to protect and generate wealth works in tandem with laws that criminalize more people and practices that terrorize migrants. “Governing immigration through crime,” works not just through legal means,¹⁵ but through a barrage of images and ideologies that render migrants as suspicious and threatening, and thus vulnerable.¹⁶

Vulnerability does not affect all migrants equally since those who are already subalternized due to country of origin, race, class, ability, religion, gender, and sexuality often find themselves facing the most difficult conditions before, during, and after migration. For example, in the process of migration, LGBTQI people, especially those who are trans and gender nonconforming, face exacerbated risks of violence, policing, and containment at the hands of state and non-state entities.¹⁷ In detention, LGBTQI migrants often get placed in solitary confinement, allegedly for their own protection, and are at increased risk of sexual and physical violence at the hands of detention officials and other detainees and a higher risk of illness and medical neglect.¹⁸ LGBTQI claims of persecution have sometimes generated sympathy, political will, and pathways to resettlement.¹⁹ Yet, LGBTQI claims are widely used by states as a means to extend what Jasbir Puar calls homonationalism: the selective incorporation of some LGBTQI people in ways that

bolster neoliberal capitalist and militaristic logics and practices, while abandoning the most vulnerable.²⁰ Thus, purported concern for LGBTQI migrants often does not lead to actual pathways for legal migration.²¹

How nonnormative gender and sexuality impact international migration processes and migrant lives is thus very complicated, and it has been a matter of serious intellectual consideration for roughly only two decades. In a 2004 call for change, Eithne Luibhéid insisted, sexuality “structures every aspect of immigrant experiences. Yet immigration scholarship virtually ignores the connections among heteronormativity, sexuality, and immigration.”²² Since Luibhéid’s call for change, an impressive volume of work in Queer and Trans Migration Studies (QTMS) has emerged.²³ It is impossible to capture the entirety of this emergence or the breadth of this field of study, which Luibhéid characterizes as an “unruly body of scholarship” that is continually transforming and revising itself.²⁴ This volume, which expands QTMS, is situated at the intersections among the growing, interdisciplinary scholarship on migrant criminalization, illegalization, detention, and deportation; prison abolition; and queer, trans, and gendered asylum and refuge. Works in the volume are not intended to be “representative” but, instead, grounded, innovative interventions that invite conversation, collaborations, and action in response to the urgencies of the moment.

As scholarship in this area has grown, activism and art by and about queer and trans migrants has also increased dramatically. In the U.S. context, for example, and following the large immigration justice marches in 2006, queers have taken center stage in leading activist and artistic movements, some of which are documented and reflected in this book. The 2007 Queers for Economic Justice, “Queers and Immigration: A Vision Statement,” laid out a map for how truly comprehensive immigration reform would keep the most vulnerable queers at its center. Since then, numerous activist, artist and “artist” groups, including the Immigrant Youth Justice League, United We Dream, Culture Strike, the Queer Undocumented Immigrant Project, Mariposas Sin Fronteras, Familia, the Queer Detainee Empowerment Project, the Los Angeles Queer Contingent, and others have made important inroads into checking the gender- and heteronormativity of the immigration movement, setting queer and trans migration agendas, challenging the treatment of trans migrants in detention, and more. In the United Kingdom, activists have confronted the “gay imperialism” of white British gay rights leader Peter Tatchell, who regularly denounces Muslims and Islamic cultures for antigay politics while silencing the voices of queer Muslims.²⁵ Others have developed nonprofit organizations and collectives, such as “LGBTQI+ Refugees Welcome in Greece” and the Canadian “Rainbow Refugee,” to support queer and trans refugees. These are just a few examples of queer and trans migration activism and cultural work. Although some of these efforts undeniably reproduce and

uphold neoliberalism by emphasizing identity over economics, reifying narrow views of LGBTQI identity, or positioning certain countries as backward in order to make someone from there a better candidate for inclusion, all of this work has occurred in the midst of—and in response to—skyrocketing migrant detention and deportation.

Queer and Trans Migrations brings together academics, activists, and artists to explore how LGBTQI migrants experience and resist dynamics of illegalization, detention, and deportation. The dynamics also affect citizens with migrant family members and citizens who are regularly racialized as “foreign,” as well as communities and families whose lives span national borders. Centering LGBTQI migrants, affected citizens, and cross-border communities and families as interlinked, this book addresses not only how these groups are affected by current enforcement strategies, but also how a queer approach may contribute toward imagining migration controls and national citizenship differently. The volume also models the value of diverse, interdisciplinary methodologies that illuminate and intervene into these dynamics.

Queer and Trans Migrations is envisioned as the companion to an earlier edited collection, *Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings*.²⁶ *Queer Migrations* was published at a different global moment and brought interdisciplinary immigration scholarship into productive conversation with sexuality scholarship. Centering queer of color migrants and communities, and questions of citizenship and border crossing, the book considered “how sexual arrangements, ideologies and modes of regulation shape migration to and incorporation into the United States.”²⁷ *Queer and Trans Migrations* extends that exploration by analyzing how illegalization, detention, and deportation thoroughly define migrants’ (and citizens’) lives at local, national, and transnational scales.

Although we widely circulated the call for contributors, *Queer and Trans Migrations* remains heavy on contributors from and research about the United States. This troubling overrepresentation reflects U.S. power and hegemony in the production and circulation of academic knowledge. The book is not intended to suggest that U.S. experiences are universal or generalizable; thus, contributors also engage processes of illegalization, detention, and deportation in Turkey, Greece, Canada, and Indigenous Nations. At the same time, the United States does offer an important focus when analyzing and challenging migration regimes that operate transnationally as well as nationally. Similar to the ways that what Natalia Molina calls “racial scripts”²⁸ apply across racialized groups, nation-state migration, detention, deportation, and security regimes draw from and influence one another. Asylum decisions in one country often draw upon rationales used in another. Countries like Israel test technologies of border control, security, and containment that are then used around the world.²⁹ And in a broad sense

capitalism creates the scripts for countries and corporations alike to draw and exploit migrant labor, profiting at every step. Understanding detention, deportation, and illegalization across transnational as well as national contexts helps to identify such scripts and resist them.

As a field-defining book, *Queer Migrations* emphasized the voices of scholars almost entirely. Since its publication, “queer and trans migration” has shifted from a then-surprising linking of immigration and sexuality scholarship, or a matter of concern for binational same-sex couples, to a robust body of scholarship, a naming of the most active voices and organizers within the immigration justice movement, and an immense site of cultural and intellectual creativity. This growth within scholarship, organizing and activism, and art and cultural production has not happened in isolation. In fact, many queer and trans migration scholars researching and teaching at universities are organizers and activists in their communities, and many activists and organizers have produced some of the most profound intellectual insights about the ways racialized gender and sexuality constitute migrant communities and migration policy. Artists have created the visual rhetoric of the movement and a source of inspiration and conversation for scholars, and they are shapers of thought and action in their own right. Artists and activists have also functioned as an important accountability mechanism for scholars, ensuring that scholars don’t just take the intellectual labor of others but give credit where it is due. Given the overlaps among these groups and the proliferation of discourse across these groups in the 21st century, in *Queer and Trans Migrations*, we put academic, activist, and artist voices side by side. Whereas the academics all responded to our call for papers, we found activists and artists by reaching out to our extended circles and, in some cases, sending solicitations to people we did not know personally. The activist reflections discuss the authors’ experiences and analyses based on their long-standing engagement in struggles at the interface between queer, trans, and migrant issues. Regardless of whether we agree with the analyses, we view the reflections as offering important knowledge and perspectives, which we edited for clarity and consistency. Neither of us has expertise in art so we selected pieces that were thematically relevant, had a powerful message, and that we found visually compelling.

Key Terms and Concepts

In the collection, *queer* is used in a dual sense: as an identity category that either stands on its own or serves as a synonym for LGBTI, and as an analytic rubric. As an identity category, *queer* (like *lesbian*, *gay*, *bisexual*, *transgender*, *intersex*, *heterosexual*, *cisgender*, *transformista*, *loca*, *fa’fafine*, *bakla*, and many related terms)³⁰ requires us to navigate complicated political, ethical, and theoretical

mandates. There is nothing essential, universal, timeless, or unchanging about the term *queer*; it has emerged through and remains implicated in histories and geographies of power. It involves self-attribution or attribution by others, is tied to and upholds state regimes for making populations legible and governable and offers compromised but important means for making claims. People are never reducible to state and other dominant logics and are never “outside” of these logics, either; people variously navigate state and other institutional demands in relation to identities and legibilities; people claim, inhabit, and give meaning to identity categories in ways that must be respectfully explored; and people transit among identities, too.³¹

Trans people are among those who are included in *queer*, yet Trans Studies scholars suggest that *queer* has often functioned as a synonym for lesbian and gay people and questions of sexual nonconformity, rather than as a category that meaningfully engages trans lives and theories and questions of gender nonconformity.³² In this collection, the terms *transgender* and *trans* are also used. Enke describes *transgender* as “an identity that some people embrace for themselves” and “an ever expanding social category that incorporates the broadest possible range of gender nonconformity for the purposes of movement building, organizing, and social service recognition.”³³

Trans and *queer*, as analytic rubrics, may not refer to identities or identifications at all. *Queer* as an analytic rubric generally “calls into question the stability of any . . . categories of identity”; critically historicizes the material and ideological work performed by all identity categories; and directs attention to questions of power, intersectionality, normalization, dispossession, and transformation.³⁴ *Trans* as an analytic rubric is similarly multidimensional. The editors of a special issue of *Women’s Studies Quarterly* suggest that *trans-ing* “is a practice that assembles gender into contingent structures of association with other attributes of bodily being, and that allows for their reassembly. Transing can function as a disciplinary tool. . . . It can also function as an escape vector, a line of flight, or pathway toward liberation.”³⁵ *Queer* and *trans* as analytic rubrics highlight the need to analyze how sexual and gender regimes do not affect just nonnormative subjects but everyone (e.g., centering trans women in immigration detention illuminates how oppressive gender norms can be for all detainees, and how achieving gains for trans women benefits all those impacted by immigration regimes). Moreover, since whiteness is constitutive of sexual and gender normativity, an intersectional approach that addresses racialization, colonialism, and capitalism is necessary. Thus, scholarship and activism must critically address how migrant illegalization, detention, and deportation processes work through, remake, and are contested in terms of white-normed sexual and gender standards and ideologies that impact everyone.³⁶

This collection also uses the term *migrant*. As in *Queer Migrations*, the term is used here to refer to anyone who has crossed an international border, without making distinctions based on people's state-conferred legal statuses. This is because legal statuses reflect not "types" of migrants but the workings of power and knowledge that seek to differentiate among migrants; delimit rights and protections that they will be granted or denied; and shape forms of surveillance, discipline, normalization, and dispossession to which they are subjected.³⁷ Thus, our usage of the term participates in the call by militant migration researchers to problematize scholarship that serves the state by reifying and objectifying people on the move by uncritically recirculating the state's categories.³⁸ As Nigel Harris describes, although elaborate categorical distinctions reflect and further operationalize the state's belief that migrants represent problems to be variously governed or expelled, from the point of view of migrants, states are the problem.³⁹

Sometimes the collection uses the terms *asylum seeker* or *refugee*, which are statuses that some migrants seek or acquire through a different process than the state's immigration system. The terms emerged after World War II and commonly refer to people who have crossed an international border and who seek protection under international human rights (rather than national immigration) law.⁴⁰ The protection process depends on and reproduces a binary distinction between forced (political) and voluntary (economic) migration, even though no such clear-cut distinction operates in the lives of most migrants.⁴¹ We sometimes use the terms *refugee* and *asylum seeker* to trace and encourage further critical analysis of the so-called protection regime through which some migrants acquire status, but we do not accept the binary distinction between forced and voluntary migration that dispossesses migrants through both nation-state immigration systems and the refugee and asylum systems.

Works in This Volume

Part I, "Contextualizing" begins with Luibhéid's overview of the historical development of heteronormative U.S. immigration controls that position heterogeneous people as vulnerable to illegalization, detention, and deportation on multiple grounds. Luibhéid also considers how queer and trans resistance has intervened in these processes. Julio Capó Jr. illustrates and extends the analysis by discussing the experiences of Black Bahamians, particularly women, who migrated or attempted to migrate to Miami during the late 19th and early 20th centuries. Capó shows how the state's multifaceted approach to controlling moving bodies that it deemed undesirable produced complex grammars and praxes of illegality, confinement, and deportability that remain significant today. Showing the importance of these histories in the present, Sasha Wijeyeratne—formerly of the National Queer Asian and Pacific Islander Alliance—discusses strategies for

building deeper solidarity between marginalized queer and trans Asian/Pacific Islanders and Black Lives Matter agendas. They also discuss community actions exploring practices of surveillance, profiling, policing, and criminalization that make API communities unsafe and innovative strategies for intervening into these Department of Homeland Security policies and practices.

In Part II, “Negotiating Systems,” Suyapa G. Portillo Villeda, who writes in her combined capacity as academic and activist, considers the work she’s done as an expert witness in immigration courtrooms for Central American asylum seekers in the United States, particularly for LGBTI people. Portillo argues that U.S. foreign policy has a debilitating impact on Central America, making migration one of the only viable options, and LGBTI people face exceptional dangers within this context. Fadi Saleh explores the predicament of queer Syrian asylum seekers in Turkey who have simultaneously become the recipients of humanitarian attention, but often obtain asylum only if they disavow the civil war that caused them to flee and instead indict Syrian homophobia as the catalyst. Saleh thus parses out the meaning of “well-founded fear of persecution” for Syrians. Elif Sarı also focuses on Turkey, analyzing how LGBTI asylum seekers from Iran negotiate their limbo status between increasingly restrictive policies in places of possible resettlement like the United States and Canada and the present, politically unstable situation in Turkey. Sarı shows how people respond to and survive uncertain lives and futures. Rafael Ramirez Solórzano takes us to Miami, Florida, offering a place-specific understanding of queer undocumented youth organizing efforts. Solórzano explores how the organizers navigate the racial legacies of Jim Crow, the Civil Rights Movement, and the “Cuban Immigrant Power Structure” in order to create possibilities for solidarities and transformation. Ryan Conrad, a longtime HIV/AIDS and queer activist, writes of his experiences migrating to Canada and regularizing his status. Despite his relative privilege as a white man from the United States, Conrad details the difficulties of navigating the Canadian immigration system due to Canada’s health-based restrictions, which can have disproportionate impacts on queer people.

Following Part II, we have included a multipage insert with high-quality, color images of seven works by the following artists: Myisha Arellanus, Felipe Baeza, Adela C. Licona and Greg Bal, Molly Fair, Matice Moore, María Inés Taracena, and Rommy Torrico. They represent both emerging and well-known artists who have contributed to mobilizing for justice. Some artists are directly impacted by the dynamics addressed in the book, while others are accomplices to the movement for queer and trans migrant justice. Each work offers important ways for people to engage the themes of this book and the movement.

In Part III, “Resisting/Refusing,” Jamila Hammami, founding and longtime executive director of the Queer Detainee Empowerment Project in New York City, discusses the project’s work of bridging the prison abolition and immigration

justice movements while providing support to queer and trans migrants inside and outside of carceral facilities. Hammami insists that the only way to achieve justice is by bridging these two movements with an emphasis on those who suffer the worst impacts of these brutal systems. Myrto Tsilimpounidi and Anna Carastathis raise compelling questions about how refugees and refugee crises become framed. They center the “Facing Crisis” photography workshop that they conducted with LGBTQI refugees in Athens, Greece, which sought to intervene into the construct of the “deserving refugee” that relies on heteronormalizing displaced people and instead allow for participants’ own self-representations. Ultimately, workshop participants created images of places, rather than people, as a way to bring questions of subjectivity to light. AB Brown also discusses the complex positionalities of LGBTQI refugees—in this case from the Democratic Republic of Congo, Uganda, and Malawi—who arrived in the United States via South Africa. Using a performance lens, Brown explores how their informants (or collaborators, as they describe them) seek assimilation into neoliberal capitalist structures of the United States even while critiquing how those structures operate. Brown argues that their collaborators’ performances of self may offer new and expansive models of belonging.

Continuing the exploration of resisting and refusing, scholar and activist Jack Cáraves and Bamby Salcedo, president and CEO of the TransLatin@ Coalition, detail the work of the coalition. Salcedo begins with a history of how the organization started with advocating for trans Latina immigrants, but has expanded and modified over time. Cáraves discusses their participatory research with the Coalition that resulted in a community report on trans Latina health, and the two reflect on the power of collaborative scholarship in creating visibility and furthering the well-being and liberation of trans people. Ruben Zecena takes up the question of trans migrant liberation through his analysis of what he calls “shameless interruptions.” Focusing on Jennicet Gutiérrez’s 2015 interruption of President Obama’s Pride celebration and Trans Queer Pueblo’s interruption of the 2017 Phoenix Pride parade, Zecena theorizes these interruptions as a queer migration politics that refuses the silencing and shaming of brown bodies and offers coalitional possibilities for survival.

The final part, “Critiquing,” begins with Yasmin Nair’s retrospective on the status of the immigrant justice movement. A longtime organizer in the Chicago scene, and one of the first to bring queer and immigration issues together beyond concerns about binational same-sex couples, Nair offers a searing commentary on what she perceives as the role of undocuqueer activism in entrenching neoliberal logics within the immigration justice movement by focusing on identity and “feel good” stories. José Guadalupe Herrera Soto, also a

longtime Chicago-based organizer with several autonomous collectives, frames and shares two letters he wrote. The first asked people with resources for support in getting his father back from Mexico, where he went to visit his mother before she died. The second is a “thank you” letter to those who supported his efforts. Herrera’s complex framing of the letters details both the harsh realities of “family separation” and problems with gestures of solidarity and help. Unlike personal narratives that are crafted to serve neoliberalism,⁴² Nair and Herrera critically situate themselves within broad, intersecting dynamics of inequality and the urgencies of challenging these through thoughtful collective action. Karma R. Chávez and Hana Masri explore how liberal activist framing of the United States’ “child migration crisis” in summer 2014 provided then-President Obama the language with which to create and promote more draconian immigration policies just months later. Chávez and Masri draw from queer migration scholars and activists to offer resources for movement organizers in developing alternative rhetorical strategies. Part IV concludes with a roundtable discussion among scholar-activists Leece Lee-Oliver, Monisha Das Gupta, Katherine Fobear, and Edward Ou Jin Lee who offer insights on the vexed relationship between queer and trans migration struggles and Indigenous organizing for sovereignty and self-determination.

We hope that this volume shows that any so-called “migration crisis” results from state policies and practices, and those who suffer most are migrants themselves. We also hope this volume provides readers with resources to intervene in the state’s work.

Notes

1. Phillip Connor, “International Migration: Key Findings from the U.S., Europe, and the World,” Pew Research Center, December 15, 2016, <http://www.pewresearch.org/fact-tank/2016/12/15/international-migration-key-findings-from-the-u-s-europe-and-the-world/>.
2. “Figures at a Glance,” United Nations High Commissioner on Refugees, 2018, <http://www.unhcr.org/figures-at-a-glance.html>.
3. Alyosha Goldstein, “Introduction: Toward a Genealogy of the US Colonial Present,” in *Formations of United States Colonialism*, ed. Alyosha Goldstein (Durham, N.C.: Duke University Press, 2014), 1–2.
4. Jenna M. Loyd, Matt Mitchelson, and Andrew Burridge, “Introduction: Borders, Prisons, and Abolitionist Visions,” in *Beyond Walls and Cages: Prisons, Borders, and Global Crisis*, eds. Jenna M. Loyd, Matt Mitchelson, and Andrew Burridge (Athens: University of Georgia Press, 2012), 1.
5. Allan Hall and John Lichfield, “Germany Opens Its Gates,” *Independent*, August 24, 2015, <https://www.independent.co.uk/news/world/europe/germany-opens-its-gates-berlin-says-all-syrian-asylum-seekers-are-welcome-to-remain-as-britain-is-10470062.html>.

6. Wesley Dockery, "Two Years since Germany Opened Its Borders to Refugees: A Chronology," *Deutsche Welle*, September 4, 2017, <https://www.dw.com/en/two-years-since-germany-opened-its-borders-to-refugees-a-chronology/a-40327634>.
7. Judith Vonberg, "Why Angela Merkel is No Longer the 'Refugee Chancellor,'" *CNN*, July 6, 2018, <https://www.cnn.com/2018/07/06/europe/angela-merkel-migration-germany-intl/index.html>.
8. Ben Sales, "As Europe Takes in Migrants, Israel Tries to Keep Them Out," *Times of Israel*, September 9, 2015, <https://www.timesofisrael.com/as-europe-takes-in-migrants-israel-tries-to-keep-them-out/>.
9. "Netanyahu: Israel 'Too Small' to Absorb Syrian Refugees," *Jewish Telegraphic Agency*, September 6, 2015, <https://www.jta.org/2015/09/06/news-opinion/israel-middle-east/israel-too-small-to-absorb-syrian-refugees-netanyahu-says>.
10. Robert Tait, "'We Are Prisoners Here,' say Migrants at Israel's Desert Detention Camp," *The Telegraph*, April 4, 2014, <https://www.telegraph.co.uk/news/worldnews/middleeast/israel/10743910/We-are-prisoners-here-say-migrants-at-Israel-s-desert-detention-camp.html>.
11. "Israel to Deport 40,000 African Refugees without Their Consent," *Deutsche Welle*, November 19, 2017, <https://www.dw.com/en/israel-to-deport-40000-african-refugees-without-their-consent/a-41443084>.
12. Emily Schultheis, "Viktor Orbán: Hungary Doesn't Want 'Muslim Invaders,'" *Politico*, January 1, 2018, <https://www.politico.eu/article/viktor-orban-hungary-doesnt-want-muslim-invaders/>.
13. Nick Robins-Early, "How Hungary's Viktor Orbán Became the Villain of Europe's Refugee Crisis," *The Huffington Post*, September 23, 2015, https://www.huffingtonpost.com/entry/viktor-orban-hungary-refugee-crisis_us_5601b038e4bofde8bodo21e3.
14. For example, Adam Nossiter, "Marine Le Pen Leads Far-Right Fight to Make France 'More French,'" *New York Times*, April 20, 2017, <https://www.nytimes.com/2017/04/20/world/europe/france-election-marine-le-pen.html>; "Migrant Crisis: Finland's Case against Immigration," *BBC News*, September 9, 2015, <https://www.bbc.com/news/world-europe-34185297>; Robyn Dixon, "In South Africa, A Protest against Foreigners Turns Violent," *Los Angeles Times*, February 24, 2017, <http://www.latimes.com/world/africa/la-fg-south-africa-foreigners-20170224-story.html>; Chris Irvine, "South Korea Fearful Yemeni Asylum Seekers Will Exploit Visa Loophole," *Fox News*, June 27, 2018, <http://www.foxnews.com/world/2018/06/27/south-korea-fearful-yemeni-asylum-seekers-will-exploit-visa-loophole.html>; John Otis, "Inside Colombia and Venezuela's Border and Refugee Crisis," *Time*, September 8, 2015, <http://time.com/4025305/colombia-venezuela-borders/>.
15. Jonathan Xavier Inda and Julie A. Dowling, "Introduction: Governing Migrant Illegality," in *Governing Immigration through Crime: A Reader*, ed. Jonathan Xavier Inda and Julie A. Dowling (Stanford: Stanford University Press, 2013).
16. Leo Chavez, *The Latino Threat Narrative: Constructing Immigrants, Citizens and the Nation* (Stanford: Stanford University Press, 2008).
17. Martha Balaguera, "Trans-Migrations: Agency and Confinement at the Limits of Sovereignty," *Signs: Journal of Women in Culture & Society* 43, no. 3 (2018): 641–664; Vek Lewis, "Forging 'Moral Geographies': Law, Sexual Minorities and Internal Tensions in

Northern Mexico Border Towns,” in *Transgender Migrations: The Bodies, Borders, and Politics of Transition*, ed. Trystan Cotten (New York: Routledge, 2012), 32–56.

18. Shana Tabak and Rachel Levitan, “LGBTI Migrants in Immigration Detention: A Global Perspective,” *Harvard Journal of Law and Gender* 37, no. 1 (2014): 1–44.

19. For example, UNHCR, *Guidelines on International Protection No. 9*, October 23, 2012, <http://www.refworld.org/docid/50348afc2.html>; Farida Deif, “Canada Levels the Playing Field for LGBTI Refugees,” *Human Rights Watch*, May 5, 2017, <https://www.hrw.org/news/2017/05/05/canada-levels-playing-field-lgbti-refugees>.

20. Jasbir K. Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, N.C.: Duke University Press, 2007).

21. Sima Shakshari, “The Queer Time of Death: Temporality, Geopolitics, and Refugee Rights,” *Sexualities* 17, no. 8 (2014): 998–1015.

22. Eithne Luibhéid, “Heteronormativity and Immigration Scholarship: A Call for Change,” *GLQ* 10, no. 2 (2004): 227.

23. Below is an incomplete list of English-language, authored (not edited) books in QTMS: Aren Z. Aizura, *Mobile Subjects: Transnational Imaginaries of Gender Reassignment* (Durham, N.C.: Duke University Press, 2018); Hila Amit, *A Queer Way Out: The Politics of Queer Emigration from Israel* (Albany: State University of New York Press, 2018); Toby Beauchamp, *Going Stealth: Transgender Politics and US Surveillance Practices* (Durham, N.C.: Duke University Press, 2019); Bobby Benedicto, *Under Bright Lights: Gay Manila and the Global Scene* (Minneapolis: University of Minnesota Press, 2014); B Camminga, *Transgender Refugees and the Imagined South Africa* (New York: Palgrave Macmillan, 2019); Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, N.J.: Princeton University Press, 2009); Lionel Cantú Jr., *The Sexuality of Migration: Border Crossings and Mexican Immigrant Men*, ed. Nancy A. Naples and Salvador Vidal-Ortiz (New York: New York University Press, 2009); Julio Capó Jr., *Welcome to Fairyland: Queer Miami before 1940* (Chapel Hill: University of North Carolina Press, 2017); Héctor Carrillo, *Pathways of Desire: The Sexual Migration of Mexican Gay Men* (Chicago: University of Chicago Press, 2018); Karma R. Chávez, *Queer Migration Politics: Activist Rhetoric and Coalitional Possibilities* (Urbana: University of Illinois Press, 2013); Monisha Das Gupta, *Unruly Immigrants: Rights, Activism, and Transnational South Asian Politics in the United States* (Durham, N.C.: Duke University Press, 2006); Carlos Ulises Decena, *Tacit Subjects: Belonging and Same-Sex Desire among Dominican Immigrant Men* (Durham, N.C.: Duke University Press, 2011); Oliva Espín, *Latina Realities: Essays on Healing, Migration, and Sexuality* (Boulder, Colo.: Westview Press, 1997); Kale Bantigue Fajardo, *Filipino Crosscurrents: Oceanographies of Seafaring, Masculinities and Globalization* (Minneapolis: University of Minnesota Press, 2011); Calogero Giametta, *The Sexual Politics of Asylum: Sexual Orientation and Gender Identity in the UK Asylum System* (London: Routledge, 2017); Gayatri Gopinath, *Impossible Desires: Queer Diasporas and South Asian Public Cultures* (Durham, N.C.: Duke University Press, 2005); Jin Haritaworn, *Queer Lovers and Hateful Others: Regenerating Violent Times and Places* (London: Pluto Press, 2015); Adi Kuntsman, *Figurations of Violence and Belonging: Queerness, Migrant-hood and Nationalism in Cyberspace and Beyond* (Oxford: Peter Lang, 2009); Lawrence

La Fountain-Stokes, *Queer Ricans: Cultures and Sexualities in the Diaspora* (Minneapolis: University of Minnesota Press, 2009); Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002); *Pregnant on Arrival: Making the Illegal Immigrant* (Minneapolis: University of Minnesota Press, 2013); Martin F. Manalansan IV, *Global Divas: Filipino Gay Men in the Diaspora* (Durham, N.C.: Duke University Press, 2003); David A. B. Murray, *Real Queer? Sexual Orientation and Gender Identity Refugees in the Canadian Refugee Apparatus* (Lanham, Md.: Rowman and Littlefield, 2015); Susana Peña, *¡Oye Loca! From the Mariel Boatlift to Gay Cuban Miami* (Minneapolis: University of Minnesota Press, 2013); Wim Peumans, *Queer Muslims in Europe: Sexuality, Religion and Migration in Belgium* (New York: I.B. Tauris, 2017); Thibaut Raboin, *Discourses on LGBT Asylum in the UK: Constructing a Queer Haven* (Manchester: Manchester University Press, 2017); Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley: University of California Press, 2001); *Stranger Intimacy: Contesting Race, Sexuality and the Law in the North American West* (Berkeley: University of California Press, 2012); Fatima El-Tayeb, *European Others: Queering Ethnicity in Postnational Europe* (Minneapolis: University of Minnesota Press, 2011); Julieta Vartabedian, *Brazilian 'Travesti' Migrations: Genders, Sexualities, and Embodiment Experiences* (New York: Palgrave Macmillan, 2018); Gloria Wekker, *The Politics of Passion: Women's Sexual Culture in the Afro-Surinamese Diaspora* (New York: Columbia University Press, 2006); Chiou-Ling Yeh, *Making an American Festival: Chinese New Year in San Francisco's Chinatown* (Berkeley: University of California Press, 2008).

24. Eithne Luibhéid, "Queer/Migration: An Unruly Body of Scholarship," *GLQ* 14, nos. 2–3 (2008): 169–190.

25. Jin Haritaworn, Tamsila Tauqir, and Esra Erdem, "Gay Imperialism: Gender and Sexuality Discourse in the 'War on Terror,'" in *Out of Place: Interrogating Silences in Queerness/Racality*, eds. Adi Kuntsman and Esperanza Miyake (York, U.K.: Raw Nerve Books, 2008).

26. Eithne Luibhéid and Lionel Cantú Jr., eds. *Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings* (Minneapolis: University of Minnesota Press, 2005).

27. Eithne Luibhéid, "Introduction: Queer Migration and Citizenship," in *Queer Migrations*, ix.

28. Natalia Molina, *How Race Is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley: University of California Press, 2014).

29. Jeff Halper, *War against the People: Israel, The Palestinians and Global Pacification* (London: Pluto Press, 2015).

30. These terms may be related, but they should not be treated merely as synonyms; each has its own history and trajectory that is not necessarily commensurate with any other.

31. Luibhéid, "Queer/Migration."

32. Heather Love, "Queer," *Transgender Studies Quarterly* 1, nos. 1–2 (2014): 172–175. Love writes, "transgender functions as an umbrella term, able to conjure up a spectrum that can include transsexuals, cross-dressers, and butches and femmes" (173)—though Love also notes that "it also signals a resistance to the taxonomic framework implied by the model of the spectrum (even as it 'overcomes' it)" (173).

33. A. Finn Enke, "Notes on Terms and Concepts," in *Transfeminist Perspectives in and Beyond Gender Studies*, ed. A. Finn Enke (Philadelphia: Temple University Press, 2012), 18–19.

34. Siobhan Somerville, "Queer," in *Keywords for American Cultural Studies*, 2nd ed., eds. Bruce Burgett and Glenn Hendler (New York: New York University Press, 2014), 203; see also Cathy J. Cohen, "Punks, Bulldaggers, and Welfare Queens: The Real Radical Potential of Queer Politics?" *GLQ* 3, no. 4 (1997): 437–465.

35. Susan Stryker, Paisley Currah, and Lisa Jean Moore, "Introduction: Trans-, Trans, or Transgender?" *Women's Studies Quarterly* 36, no. 3/4 (2008): 13. They ask us to further explore the intellectual labor that "critical deployment of 'trans-' operations and movements" can accomplish (13).

36. Illustrating this, Marcia Ochoa describes that the femininities of transgender women in Venezuela are not exceptional; on the contrary, they emerge from the dynamics that produce normative femininities and indeed, beauty queens. Marcia Ochoa, *Queen for a Day: Transformistas, Beauty Queens, and the Performance of Femininity in Venezuela* (Durham, N.C.: Duke University Press, 2014). In regard to queer as an analytic rubric for thinking about migration, see Nicholas De Genova, "The Queer Politics of Migration: Reflections on Illegality and Incurability," *Studies in Social Justice* 4, no. 2 (2010): 101–126.

37. Luibhéid, "Introduction," xi.

38. See Glenda Garelli, Martina Tazzioli, Sandro Mezzadra, Bernd Kasperek and Irene Peano, "Militant Investigation" in "New Keywords: Migration and Borders," ed. Nicholas De Genova, Sandro Mezzadra and John Pickles, *Cultural Studies* 29, no. 1 (2015): 63–64.

39. States are the problem in multiple senses including in terms of how states' (in)actions may impel migration in the first place, and how state immigration regimes classify, contain, and often punish migrants. See also: Alyshia Gálvez, "Migration," in *Keywords for American Cultural Studies*; Sandro Mezzadra, Brett Nielson, Stephan Scheel and Federico Rahola, "Migration/Migration Studies" in "New Keywords," 61–63.

40. See Liisa Malkki, "Refugees and Exile: From 'Refugee Studies' to the National Order of Things," *Annual Review of Anthropology* 24 (1995): 495–523.

41. Stephan Scheel, Glenda Garelli, and Martina Tazzioli, "Politics of Protection" in "New Keywords," 72.

42. Sujatha Fernandes, *Curated Stories: The Uses and Misuses of Storytelling* (Oxford: Oxford University Press, 2017).

"Treated neither with Respect nor with Dignity"

Contextualizing Queer and Trans Migrant "Illegalization," Detention, and Deportation

EITHNE LUIBHÉID

On April 10, 2014, current and formerly undocumented migrants released recommendations urging President Obama to stop deportations and undo the laws and practices that pipelined as many as 400,000 migrants a year into deportation. This self-described Blue Ribbon Commission, which included LGBTQ-identified members, had come together in response to President Obama's call to make deportation "more humane" (*sic*) through a consultative process that included few affected migrants.

A blue ribbon commission is typically comprised of "exceptional people [who are] appointed to investigate, study or analyze a given question."¹ Although members have no direct authority, their participation signals that they are deemed to be among the "best and the brightest," and that their recommendations may "be used by those with decision-making power to act."² The move by undocumented and formerly undocumented migrants to constitute themselves as a Blue Ribbon Commission brilliantly appropriated standard government strategies for addressing important issues. Although immigration law, backed by state violence, constructs undocumented people as neither present nor having political voice, the Blue Ribbon Commission insisted that members' voices should be heard and recognized as expert, and their recommendations to dismantle the deportation pipeline should be taken seriously.

The release of the Commission's recommendations reflects struggles and concerns that motivate this collection: questions of migrant "illegalization," detention, and deportation; the role of self-identified LGBTQ migrants working independently and in coalition with allies, using queer and trans frameworks, in the

struggles; and the importance of radical interventions into the current system that funnels people into undocumented status, detention, and deportation in record-breaking, catastrophic numbers.³ This chapter provides history and context for understanding how these struggles affect some one million self-identified LGBTQ migrants in the United States.⁴ Many U.S. dynamics link with struggles in other nation-states and regions, but it is beyond the scope of this chapter to adequately address those.

This chapter first provides historical context for understanding the development of U.S. immigration controls that seek to reproduce a heteronormative nation and citizenry. The next sections historicize how these controls generate migrants deemed to be “illegal” and subject to detention and deportation. The final section describes how these developments reproduce inequalities among the citizenry while also subordinating migrants; yet, activism and cultural works by queer and trans migrants and allies have sought to transform these dynamics and create a more just, sustainable world.

Nation-State Immigration Controls

U.S. national level immigration controls began taking shape in the late nineteenth century. The controls operate at the interface between, and shiftingly reproduce, the “transnational” and the “national.” They reproduce the transnational as a site of inequality by treating immigration as primarily generated by individual decision-making, rather than by transnational dynamics and inequalities in which the United States plays a significant role. Immigration controls reproduce the nation and citizenship as sites of inequality, too, by legally admitting migrants who serve white, patriarchal, heterosexual, middle-class norms, while criminalizing, “illegalizing,” and making disposable other migrants. Queer theorists have glossed these intersecting logics as constituting “heteronormativity,” which is the framework that guides this chapter.

A heteronormativity framework underlines the fact that there is a distinction between heterosexuality understood as “object choice” and heteronormativity understood as entailing sexual and gender norms that are inextricable from racial, economic, and colonial logics that structure property relations, resource distribution, public/private distinctions, and the differential valuation of people.⁵ A heteronormativity framework highlights that all societies are structured according to sexual/gender norms that change across time and place, yet generally normalize sexual reproduction channeled into patriarchal forms that uphold dominant racial/ethnic, economic, and settler/colonial interests. That norm produces a range of sexual and gender subalterns including those who, in contemporary terms, self-identify or are identified by others as LGBTQ—as well as poor and racialized

women who bear children, interracial couples, sex workers, genderqueer people, and others.

Immigration controls have served as key technologies for producing a heteronormative U.S. nation and citizenry—and as a locus for challenging these norms. Beginning in the 1880s, nation-state federal-level immigration policies and practices became key instruments for producing and policing changing forms of nationalist heteronormativity.⁶ Immigration controls took shape in the context of “westward expansion”; ongoing dispossession of Native communities including through the Dawes Act of 1887; efforts to recruit recently freed Black people into state-sanctioned forms of marriage and subordinated labor that upheld white sexual, gender, and property relationships and logics; and a growing overseas empire.⁷ Early-twentieth-century immigration policies and practices steadily codified dual tracks: one for admission and settlement by primarily migrants from Northern and Western Europe, structured around a heteronuclear family with a male breadwinner;⁸ and another track that built on the history of exclusion of Chinese and other Asian migrants while making migrants from Mexico, Central and South America, and the Caribbean primarily temporary, exploitable labor that could be summoned when needed and then dismissed. Immigration law also codified growing bans on migrants deemed to threaten these arrangements, including sex workers; those deemed immoral; men who had sexual, erotic, and romantic relationships with other men; women who had sexual, erotic, and romantic relationships with other women; and anarchists, labor organizers, and political dissidents, among others.⁹ Nayan Shah argues that by policing migrants, the norm of settlement within conjugal, patriarchal, white, propertied marriage became the only legitimate form of political subjectivity in the United States and Canada by the mid-twentieth century.¹⁰

The 1965 Hart Cellar Immigration and Nationality Act (1965 INA), which forms the basis for current immigration law, is generally lauded for ending explicitly ethnic and racial discrimination in U.S. immigration law. Yet, historians have shown that the act was deliberately calculated to enable continued racial and ethnic discrimination by elevating nuclear family and sibling ties as the primary grounds for legal admission.¹¹ The Act’s model of family remained grounded in patriarchal marriage comprised by a breadwinning husband, a childbearing wife consigned to the domestic realm, and children. Lest there be any confusion, a ban on migration by “sexual deviates” was codified. Skilled labor remained a basis for legal admission, too, but on a much smaller scale.

By the 1970s, neoliberalism was becoming an ascendant framework that thoroughly depended on, yet denied the relevance of, institutionalized racism, (hetero)sexism, capitalist exploitation, and empire. Tanya Golash-Boza explains that neoliberalism involves:

(1) an ideology that the state's primary role is to protect property rights, free markets, and free trade; (2) a mode of governance based on a logic of competitiveness, individuality, and entrepreneurship; and (3) a policy package designed to slim down social welfare and integrate countries into the global economy.¹²

From within this framework, the United States further globalized goods, services, finances, cultural products, and more. It also entered into new rounds of military conflict designed to shore up capitalism. These initiatives interfaced with many long-standing capitalist and colonialist engagements between the United States and other countries, and also created new entanglements. These processes deepened the material, institutional, and ideological ties that comprise the “bridges for migration” to the United States.¹³ At the same time, the impacts of neoliberalism in other countries, including structural adjustment programs, mobilized increasing numbers of people to migrate internationally. Migrants included Indigenous people throughout the Americas.¹⁴ Yet, even as the United States fueled neoliberal globalization processes that significantly contributed to migration, it simultaneously enacted new barriers against people who sought to enter, or remain, legally. These contradictions vastly expanded the numbers of people who would become designated as undocumented and deportable migrants.¹⁵

In 1980, the United States codified a distinct institutional and legal process for responding to migrants seeking protection from persecution. Historically, the international refugee system was structured around the experiences of normatively gendered males facing persecution for political activism in the public sphere. In 1965, the United States further defined refugees as those fleeing communism and the Middle East. However, the United States Refugee Act of 1980 incorporated the international definition of a refugee: someone who has crossed an international border and has experienced, or fears experiencing in the future, persecution on account of their race, religion, nationality, political opinion, or membership in a particular social group.¹⁶ The Refugee Act of 1980 also set up processes for selecting and administering the resettlement of people who entered the United States through the refugee system.

Unlike migrants admitted through the 1965 INA, those admitted through the Refugee Act received government assistance (which has steadily declined). Nonetheless, “economic self-sufficiency was the cornerstone of the Refugee Act of 1980,” and resources were administered in a manner that was intended to inculcate neoliberal logics among the migrants.¹⁷ The state's processes for selecting and resettling racializes and (hetero)genders them in ways that condition their possibilities within labor markets, the welfare state, and citizenship norms.¹⁸

In the early 1990s, after tireless efforts by feminist, queer, and other activists and scholars, U.S. law began to recognize that sexuality or gender could comprise a

basis for social group identity or a tool of persecution on which refugee or asylum claims could be made. Yet, this insight became incorporated into refugee/asylum law and policy in a way that largely reflected the neoliberal multicultural politics of recognition, which essentialized sexuality and gender as individual attributes of marginalized people rather than as broad social axes of power and struggle that are relevant to everyone. This approach created numerous barriers for migrants who sought asylum on the basis of sexual or gender identity or persecution. For example, successful claims hinge on credibility, which is often evaluated according to deeply ethnocentric and essentialist norms or stereotypes about LGBTQ people or cisgender heterosexual women's lives, which are unable to account for intersecting vulnerabilities that include but extend beyond sexuality and gender. The process often reproduces colonialist logics of "third world difference," "backwardness," and LGBTQ people and women who are "victimized" by "their culture" and need rescue, while letting Global Northern nation-states off the hook for their role in generating migration and in the systemic violence that migrants endure while seeking status and afterward.¹⁹ The relatively small numbers whose applications result in legal status endure homophobia, transphobia, misogyny, racism, and exploitation throughout the process and after settlement, too. Effectively, as Sima Shakhsari describes, seeking state recognition as an asylum seeker or refugee requires making oneself legible within specific legal and social norms of sexuality and gender that have been set by powerful others, and that reproduce colonial, racial, and class logics. As a result, many migrants become systemically and violently "stripped of rights" through a process that claims to uphold their rights.²⁰

In 1996, the Defense of Marriage Act (DOMA) codified marriage as involving one man and one woman; thus, marriage could not provide a basis for legal immigration by same-sex couples, and couples that included trans partners often faced complex difficulties in legally immigrating.²¹ Also in 1996, in line with neoliberalizing logics and technologies of privatization and personal responsibility, anyone sponsoring a spouse or other family members for migration became required to meet minimum income/asset requirements and sign legally binding affidavits of support. Authorized immigrants were also barred from numerous forms of public assistance for at least five years.²² Chandan Reddy describes that for decades, family-sponsored migration has provided the largest pool of legally admitted "unskilled workers," whose labor remains in high demand. Yet, by admitting them through "family reunification," their migration gets coded as being "produced by the petitioning activity of resident immigrants living in the United States," to which the benevolent state responds. Moreover, their social needs become the privatized responsibility of the petitioning sponsor.²³ An array of temporary rather than permanent immigration visas for additional low-wage workers, and the labor of international students, supplements the system.²⁴

As part of the production of “responsibilized” migrant families who served state austerity agendas, migrants’ childbearing and children became further problematized. Exclusionists and white nationalists circulated incendiary claims that migrant women were “targeting” the United States to give birth to children who, as U.S. citizens, would supposedly reap enormous benefits and sponsor their undocumented parent(s) for legal status. The claims are manifestly inaccurate.²⁵ Nonetheless, the claims legitimized policies and practices that materially disenfranchised the women and their children, including in terms of access to health care, food, shelter, and educational opportunities.²⁶ Research has not addressed how LGBTQ migrant parents, and children with LGBTQ migrant parents, were affected, but the impacts of these anti-immigrant policies and discourses were surely compounded by the ways that same-sex and trans families remain vilified, criminalized, and made invisible, and parent/child ties within these families are rendered unstable or illegible by both domestic and immigration law.²⁷

Congress and numerous state governments repeatedly introduced bills seeking to repeal birthright citizenship for children who were born in the United States to migrant parents. Dorothy Roberts highlights the links between these anti-immigrant discourses and policies, and discourses and policies that criminalize, pathologize, and seek to prevent childbearing and parenting in communities of color and Native communities. As Roberts describes, anti-immigrant policies went hand in hand with welfare “reforms” in the 1990s that targeted U.S. citizen women who were poor, of color, and/or Native through “family caps,” encouragement to use the long-lasting but risky contraceptive Norplant, and other measures.²⁸ Roberts concludes that such efforts “send a powerful message about who is [and is not] worthy to add their children to the future community of citizens.”²⁹

These struggles over children implicated not just local and national, but also transnational, hierarchies. As Tamar Wilson explains, U.S. immigration policies historically ensured that the costs of socially reproducing families were borne by Latin American, Caribbean, and Asian nation-states from which migrants came. But when more women became international migrants, stayed abroad longer, and birthed children, these circumstances resituated social reproduction costs.³⁰ Exclusionist rhetoric and policies, operating in tandem with racist welfare and criminal (in)justice and deportation policies that reassert the norm of the United States as a nation grounded in white, middle class domesticity and reproduction, sought to refuse and “offshore” these costs.

In June 2013, the Supreme Court struck down section 3 of DOMA that defined marriage as a relationship between one man and one woman. On July 1, 2013, Secretary of Homeland Security Janet Napolitano issued a statement saying, “effective immediately, I have directed U.S. Citizenship and Immigration Services (USCIS)

to review immigration visa petitions filed on behalf of a same-sex spouse in the same manner as those filed on behalf of an opposite-sex spouse.”³¹ The statement was accompanied by a list of “Frequently Asked Questions” with answers about how the process would work. This change opened the door to legal migration for some same-sex couples. Yet, as Priya Kandaswamy describes, the struggle for recognition of same-sex marriage was waged without challenging or transforming the ways that marriage preserves white privilege, patriarchy, and the restricted transfer of wealth.³² Not surprisingly, in order to receive legal status based on marriage, same-sex and trans couples, like normative male/female couples, had to meet income requirements; prove the bona fides of their marriages; demonstrate lack of criminalization; and conform to norms of privacy, domesticity, and consumption. This reformist change incorporated relatively privileged same-sex and trans couples within the existing system and logics of structured inequalities.

These developments make clear that heteronormativity always involves questions about how sexualities and genders comprise axes for governance, discipline, resistance, dispossession, and displacement that thoroughly articulate the long history of settler colonialism, empire, white supremacy, and capitalism through which the United States is constituted. Dynamics of migrant illegalization, detention, and deportation, which are the focus of this collection, stem from these histories.

“Illegalization”

In the United States today, it is commonly believed that “illegal” or undocumented status reflects the inherent, undesirable character of individual migrants who have “broken the law.” That individualizing and depoliticizing approach ignores the dynamics that drive global migration in the first place and the United States’ role in those dynamics. It also ignores how U.S. immigration policies reinforce multiple inequalities at global, national, and local scales—thus ensuring that migration will continue—and how U.S. immigration regimes configure who may, or may not, acquire or keep legal status and on what terms. Plainly stated, undocumented status reflects not a “type” of person but rather, a person who has been *made* undocumented through relations of power, knowledge, and struggle.

The very possibility that someone might become designated as undocumented is relatively recent. Moreover, scholars have shown that the line between documented and undocumented status is never stable, but rather, migrants transition among statuses depending on the changing rules for admission, residence, and work.³³ The meanings and experiences of being designated as undocumented also greatly vary.³⁴ Scholars have analyzed how dynamics of settler colonialism, capitalism, racism, and empire significantly shape who is likely to become routed

into undocumented status; recent works, to which this collection contributes, further explore how sexual and gender hierarchies articulate these histories.³⁵

The immigration system's rules concerning eligibility for admission, described earlier, thoroughly configure people's possibilities for acquiring legal status or not. Migrants are also made undocumented through the refugee and asylum system. The fact that there are two different systems for migrant admission reflects the distinction between forced (political) and voluntary (economic) migrants, even though force and economics are not easily separable in most migrants' lives.³⁶ Insisting on the distinction, however, allows the United States to invalidate claims by poor and working-class migrants seeking protection by asserting that they are "really" economic migrants trying to "take advantage" of the refugee/asylum system. Media frequently echo that assertion, which has legitimized expanding measures to prevent migrants from ever arriving to apply for asylum. The measures include turning migrants' boats around at sea, housing them on islands and deconstitutionalized zones to ensure they cannot apply for asylum, using bribes or threats to persuade other countries through which they pass to contain or stop them, and outrightly refusing to allow them to apply for asylum when they arrive at U.S. border checkpoints. The distinction between forced and voluntary migration also enables the United States to deny asylum claims by migrants who cannot conform to narrow, Eurocentric norms of gay, lesbian, or transgender identities and identifications; women who cannot fit the narrative of the United States "saving brown women from brown men" (though only when women are sufficiently middle class and there's no prospect of more than a handful of applicants); those seeking protection on the grounds of persecution and violence in which the United States is directly implicated; and others. Assertions that migrants fail to meet the dizzying maze of technical, bureaucratic, or evidentiary standards that are required to "prove" their need for protection further enable denial of claims in these situations. Once their protection claims and appeals are denied, migrants no longer have a basis for continued presence or claims on the state, and they become recast as unauthorized and deportable, including to circumstances that may result in death.³⁷ Even while the refugee and asylum system remains a major engine for producing migrants who are undocumented, detainable, and deportable, the existence of that system "obscures the political context that produces displaced people in the first place" and the role of the United States and other nations in that context.³⁸ It also further legitimizes harsh immigration controls. These U.S. approaches are widely echoed around the world.

When migrants become unable to acquire or retain legal status because of these processes, this does not mean that they are deported.³⁹ On the contrary, they often become differentially included in the United States in a manner that makes them highly vulnerable and exploitable.⁴⁰ Differential inclusion "describes

how inclusion in a sphere, society, or realm can involve various degrees of subordination, rule, discrimination, racism, disenfranchisement, exploitation and segmentation."⁴¹

The experiences of LGBTQ holders of DACA status offer one illustration of how migrants may transition among documented and undocumented statuses and the forms that differential inclusion may take. President Obama created DACA, or Deferred Action for Childhood Arrivals, in 2012, after Congress repeatedly failed to pass legislation that would have provided a pathway to legal status for millions of young people who had been brought as undocumented children to the United States. They faced blocked opportunities at every turn and the constant possibility of detention and deportation. The DACA program allowed undocumented migrants who had entered the United States before the age of 16 and met other requirements to get temporary work authorization and protection from deportation for a two-year period.⁴² Yet, DACA-holders were not considered to be "legally present" even though they were physically, socially, economically, and in every other way present. Moreover, DACA offered no path to more secure status and had to be regularly renewed, which meant it could be denied. Some 800,000 migrants, including an estimated 36,000 who identified as LGBTQ, received DACA status.⁴³

The DACA program reflected a neoliberal dream (or nightmare) in terms of allowing for the extraction of value while providing no social benefits. Yet, the sheer fact of not being deportable, combined with having work authorization, made a demonstrable difference in the lives of DACA recipients and their families/social networks. A Williams Institute study found that LGBTQ DACA holders reported an average increase of 45 percent in hourly wages and expanded access to jobs with benefits, and 92 percent reported pursuing educational opportunities that would have otherwise been unavailable.⁴⁴

Under the Obama administration, DACA holders seeking to renew their status were sometimes denied, including for petty infractions, which illustrates the tenuousness of that status. In Fiscal Year 2017, under the Trump administration, 840 DACA holders' statuses were revoked.⁴⁵ In September 2017, the Trump administration stopped accepting any new applications for DACA status, and effective March 5, 2018, DACA status began to expire for all holders—without any prospect for renewal. The Migration Policy Institute estimated that as a result, 915 DACA holders would lose status every day.⁴⁶ Several courts enjoined the Trump administration from dismantling the program. In June 2019, the Supreme Court agreed to review whether the Trump administration could end the program; as of this writing, that decision is pending.

The experiences of LGBTQ DACA recipients illustrate some of the complexities involved in getting, keeping, or losing legal status: the extraordinary variety of

statuses available and the (im)possibilities and constraints associated with each one; how legal statuses intersect with other axes of privilege or vulnerability; and how migrants may transit among statuses, which impacts not just themselves but also those around them.⁴⁷

All of this connects with risks and experiences of detention and deportation.

Detention and Deportation

In the 1980s and '90s, the United States significantly expanded militarization of the U.S./Mexico border and immigration enforcement both inward and outward from the territorial boundaries of the United States. Militarizing the border involved a steady buildup of surveillance and military equipment; material and virtual walling; a massive escalation in numbers of agents patrolling the border, who were also more visible in everyday and neighborhood settings; the rise of armed vigilante groups; tech and private prison companies flocking to the border to seek profit; and a consistent lack of accountability for abuses and shooting deaths.⁴⁸

Militarization and expanded immigration enforcement are grounded in and shore up settler colonial logics, especially for peoples like the Tohono O'odham, whose nation spans the U.S.-Mexico border. U.S. border enforcement has deepened the experience of violent occupation. Border Patrol agents routinely engage in "coercive, abusive and threatening behavior" toward citizens going about their everyday business, treating them as suspected unauthorized migrants on their own land.⁴⁹ Border Patrol presence has resulted in walling, checkpoints, helicopters overhead, drones, and more; this has harmed the earth and plants, disrupted traditional ways of life, and reflects ongoing abrogation of the nation's sovereignty.⁵⁰ Other Native nations have been similarly affected.

When militarization of the southern border failed to prevent migration (and instead produced many more dead, deeper smuggling networks, and longer migrant stays in the United States), detention started to become the major strategy for responding to undocumented migration. Detention had already been significantly developed as a response to Haitian and Cuban asylum seekers arriving by boat in the 1980s.⁵¹ In 1996, new laws drastically ramped up the processes whereby migrants became criminalized (dubbed "crimmigration" by Juliet Strumpf), which greatly expanded illegalization, detention and deportation logics, processes, and institutions.⁵² The laws mandated the deportation of all noncitizens, authorized or not, who were convicted of an "aggravated felony." The laws redefined what counted as an aggravated felony so that even minor violations like shoplifting or nonpayment of taxes were potentially included. The laws applied retroactively, such that non-citizen legal residents who had minor brushes with the law long in the past suddenly found themselves deportable. Crimmigration also involved the enhancement

or literal creation of criminal sanctions for immigration-related acts, for example, reentering the United States after being deported for unauthorized presence. Further driving crimmigration and deportation were the ways that local and state law enforcement became increasingly linked into supporting federal immigration authorities. The convergence between crime control, immigration control, and deportation has tightened the popular and political equation of undocumented status with inherent criminality. The events of September 11, 2001, also deepened the equally unjustified association of undocumented migration with terrorism.

The United States now has the largest immigrant detention system in the world.⁵³ Detainees include long-term U.S. residents, both documented and not, and recent border crossers, including those planning to apply for asylum. They are held in a sprawling network of county jails, Department of Homeland Security (DHS)–run facilities, and private facilities that are paid a daily rate for each detainee.

Sexual and gender logics, in their intersections with economic dispossession, racialization, settler colonialism, and empire, shape who is targeted for detention and eventual deportation. Golash-Boza has shown that working-class men from Latin America and the Caribbean are overwhelmingly targeted.⁵⁴ Monisha Das Gupta suggests that they are targeted “*precisely because* they do not and cannot structurally live up to the . . . gender and sexual arrangements” prescribed by settler white heteronormativity.⁵⁵ LGBTQ migrants, especially when they are trans women, of color, from Latin America or the Caribbean, and/or poor, are also highly vulnerable to becoming detained. Vulnerabilities include being targets of violence in the countries from which they came, while crossing through transit countries, and upon arrival in the United States; heightened likelihood of interaction with police because of the discriminatory enforcement of laws and with criminal gangs who know they are largely unprotected; and being pushed into homelessness, survival sex work, and the underground economy. HIV-positive migrants are also vulnerable, especially in jurisdictions that criminalize otherwise legal conduct or increase penalties for illicit conduct based on HIV-positive status.⁵⁶ Detained HIV-positive people generally experience significant difficulties accessing vital medicines and health care.

Immigration and Customs Enforcement (ICE) may release migrants who are not subject to mandatory detention, present no flight risk, and do not threaten public safety. ICE uses an automated Risk Classification Assessment tool to evaluate whether to detain or release migrants. Sharita Gruberg found that in 2015, even when ICE’s own risk assessment tool recommended release, ICE did not release LGBTQ migrants in 88 percent of those instances.⁵⁷ For those few who were offered release, ICE required the payment of extremely high bonds that most could not afford, so they remained detained anyway.

While in detention, conditions are organized around and perpetuate sexualized, gendered, racialized, and economic abuse. In a 2011 groundbreaking challenge, Heartland Alliance's National Immigrant Justice Center filed complaints documenting allegations of abuse on behalf of 13 detained LGBTQ migrants with the Office of Civil Rights and Civil Liberties and the Office of the Inspector General. The complaints described sexual assault, denial of adequate medical care and mental health treatment, arbitrary long-term solitary confinement, frequent discrimination and abuse by officers and facility staff, and ineffective complaints and appeals processes.⁵⁸ "[O]ther complaints have documented LGBT detainees being called names such as 'faggot' by guards and being told to 'walk like a man, not a gay man' and 'act male.'"⁵⁹ Trans women are very frequently detained in all-male facilities.

Sexual abuse is particularly rampant and unchecked in immigrant detention facilities. ICE insists that it has a zero tolerance policy toward sexual abuse in detention facilities.⁶⁰ Fliers in detention facilities urge detainees to "break the silence" about sexual assault, and detainees are provided with information about how to file complaints.⁶¹ Nonetheless, Human Rights Watch, the ACLU, MALDEF, and others have consistently documented systemic, unchecked sexual abuse within immigrant detention facilities. A 2018 report by *The Intercept* affirms that "sexual abuse and harassment in immigration detention facilities are not only widespread but systemic, and enabled by an agency that regularly fails to hold itself accountable."⁶² The author concludes that the data "paint a damning portrait and suggest institutional complicity to sexual abuse on a mass scale."⁶³ Institutionalized complicity and lack of accountability are also shown by the fact that ICE has asked the National Archives to erase records of abuse and deaths in detention.⁶⁴ Transgender women are particularly at risk of sexual abuse in detention; it's estimated that they represent 1 in 500 of all detained migrants, but according to a 2013 report, 1 in 5 substantiated cases of sexual abuse in immigrant detention facilities.⁶⁵ Trans migrants are also routinely subjected to gendered harassment and denial of hormones and appropriate medical care.

Sexual abuse and coercion may result in pregnancy, or migrants may already be pregnant when detained. Under the Obama administration, pregnant women were regarded as a vulnerable population and generally not detained except under extraordinary circumstances. In December 2017, the Trump administration rescinded that policy. Some detained women have miscarried due to lack of proper medical care, staff indifference, generally abusive conditions, and the stress of their situation.⁶⁶ For detained women and girls who may not want to carry a pregnancy to term, including when the pregnancy stemmed from sexual violence, abortion access is extremely difficult. The case of detained migrant 17-year-old Jane Doe, whose struggle for an abortion reached the Supreme Court in 2018, demonstrates the difficulties.⁶⁷

Vulnerability to sexual abuse and coercion combines with high rates of physical and psychological threats, abuse, and coercion. Detainees also report consistent difficulties accessing adequate food, basic hygiene, and health care. Lawsuits charge that detained migrants comprise a captive workforce that is frequently compelled to work for \$1 a day. Not surprisingly, but tragically, migrants have died in detention under conditions that have yet to be remedied. Recent deaths include Roxsana Hernández, a 33-year-old transgender woman from Honduras, who died on May 25, 2018. A statement by Pueblo Sin Fronteras, Al Otro Lado, and Diversided Sin Fronteras expressed deep grief that Roxsana had died after traveling "over 2,000 miles through Mexican territory on foot, by train, by bus because her last aspiration and hope was to save her own life."⁶⁸ Yet, in the United States, she encountered entrenched indifference to the circumstances that motivated her migration, brutal conditions including detention in an "ice box" that caused severe deterioration to her health, and loss of hope. "Treated neither with respect nor with dignity," these cumulative conditions led to her death.⁶⁹

While not every facility is the same, the system as a whole fosters "a culture of cruelty."⁷⁰ Cruelty including neglect, abuse, and death persists because facilities lack oversight or accountability. A patchwork of different detention standards applies (though mainly in the breach); the complaints process is utterly inadequate; ICE has been aware for years of that conditions in many detention facilities are abysmal, but their response is characterized by "systemic indifference." Facilities with a record of inhumane and degrading treatment of people, and unexplained deaths, continue to receive contracts to detain migrants.⁷¹ The Trump administration has been rolling back the meager protections that are supposed to be in place—while vastly expanding the numbers detained. It has also promoted brazen indifference to human rights violations, systemic abuse, and death.

Rachel Lewis argues that illegalization and detention frequently produces lesbian-identified women as deportable subjects.⁷² Martha Balaguera describes that Central American trans women on the run from violence and persecution, whose bodies "fill detention facilities, shelters, and the migrant trails across Mexico," experience "confinement in motion" that includes, but extends far beyond, the violence inflicted by the U.S. state.⁷³ Shannon Speed suggests that Indigenous women fleeing violence, including lesbian, trans, and cisgender women, find that their rights are "functionally eliminated" at every step of their journey, and the process of seeking protection through asylum further *contributes* to that elimination.⁷⁴

These practices and logics draw from and further contribute to the vast expansion of the prison industrial complex that targets poor, racialized, and queered U.S. citizen communities. They also contribute to restructuring states and other institutions of governance around social abandonment, imprisonment, and impunity.⁷⁵ Finally, the practices and logics articulate with the global detention regime in which the United States is a major participant.⁷⁶

Because of these practices, the numbers who are deported have reached horrifying levels. Golash-Boza describes that “the current numbers of deportations are unprecedented in the history of the USA”; between 1998 and 2012 alone, there were over 4.1 million deportations.⁷⁷ Despite DHS’s claims that it targets dangerous criminals for detention and deportation, most deportees have no criminal record or records related to traffic offenses, low-level drug offenses, or reentry after a previous deportation; deportees are also frequently people who sought humanitarian protection but were denied.⁷⁸

Although state research and policy often individualize and normalize deportation, Khosravi and others highlight that it is a deeply brutal process, and moreover, as suggested by Lewis, Balaguera, Speed, and many more, individual experiences of brutality through detention and deportation connect to systemic inequalities and structural violence—which do not end when migrants are dropped off or dumped outside of U.S. territorial borders.⁷⁹ Instead, people may enter cycles of incarceration-deportation-abuse-return-incarceration and so on that contribute to stripping them of rights at every step. In some cases, migrants including LGBTQ people and other vulnerable groups are deported directly to death.⁸⁰ In other cases, they experience slow and systemic death.

Citizenship, Citizen/Migrant Hierarchies, and Struggles for Transformation

U.S. citizenship stems from and reproduces settler colonialist, racializing, hetero-gendering and anti-poor logics.⁸¹ Immigration controls including illegalization, detention, and deportation support this form of U.S. citizenship. At the same time, these controls are transforming the meaning of citizenship. Transformations are evidenced by the experiences of literally millions of citizens and legal permanent residents whose family members and friends have been tracked into illegalization, detention, and deportation. A growing scholarship documents the multiple harmful and destructive impacts on families and communities who live under these conditions. Their experiences reflect and reproduce hierarchies among the U.S. citizenry, while also reshaping how nation-based citizenship functions transnationally.⁸² For example, migrants’ deportation affects citizenries in the countries to which they are forcibly sent, as well as U.S. citizens who are left behind; U.S. citizen family members sometimes leave with deported migrants; and many migrants conceive themselves as *de facto* U.S. Americans even after being deported.

Publicizing the pain and disenfranchisement of citizens who are impacted by immigration enforcement practices, including through deportation of their family members, has offered an important means for challenging current immigration

controls. Yet this strategy remains fraught with risk because only *some* citizens' pain and disenfranchisement appear capable of generating change. For example, appeals to stop the deportation of family members have most often gained traction when the families involved are normatively gendered, have some degree of racial privilege or economic means, have not been criminalized, or can otherwise appeal to mainstream values like military service. Other citizens' pain and disenfranchisement seemingly do not count and instead, reiterate or deepen their devaluation.⁸³ These disparities underscore how immigration struggles often reflect, and further shore up, inequalities among citizens, as well as among migrants.⁸⁴

Promising approaches for grasping and reworking the co-implication of citizen and migrant statuses stem from treating citizenship as "not just a status that precedes immigration enforcement but also one that is, in a functional sense, produced by such enforcement."⁸⁵ For example, citizens and migrants have worked together to challenge racist immigration enforcement practices that "overlap and intersect with historical and contemporary geographies of racist state violence and mass incarceration" that target citizens.⁸⁶ Engin Isin characterizes these kinds of challenges as "acts of citizenship . . . through which citizens, strangers, outsiders and aliens emerge not as subjects already defined, but as ways of being with others."⁸⁷

The United States has a long history of migrant justice struggles that link with citizens' issues. Since 2006, there has been a resurgence of these struggles. The resurgence has spanned the political spectrum from those seeking liberal reforms around legalization while accepting militarization of borders, to revolutionary approaches demanding open borders, the abolition of ICE, and more.⁸⁸ Mainstream LGBT organizations began to incorporate immigration issues into their platforms with a particular focus on lobbying for recognition of same-sex and trans couples' relationships as a basis for legal immigration. This focus generated significant criticism because it affirmed normalizing visions of which families, relationships, and individuals "deserve" protection and incorporation, thereby serving rather than challenging immigration enforcement practices that routinely illegalize, detain, and deport queer and trans migrants who are racialized, criminalized, and economically dispossessed.⁸⁹ More radical queer migrant justice platforms (for example, by the now-defunct *Queers for Economic Justice* and the *Audre Lorde Project*) also emerged and continue to inspire.

Queer and trans migrants, who are positioned at the intersections of multiple identities, hierarchies, and movements that often overlook them or seek advancement at their expense, emerged as leaders and made significant interventions into the framing of demands and the tactics used. Their interventions often entailed seizing or creating "coalitional moments." Karma R. Chávez explains that

coalitional moments arise when political issues overlap in ways “that create space to reenvision and potentially reconstruct rhetorical imaginaries” and open up possibilities for “radical social and political change.”⁹⁰ Coalitional moments have been evidenced by the work of young queer and trans migrants who “put a vibrant face (or faces) to a nationwide movement that is intent on highlighting the simultaneity of LGBT and migrant struggles.”⁹¹ Some migrants borrowed from the LGBT movement’s tactic of “coming out of the closet,” proclaiming themselves “undocumented and unafraid” while pushing to end deportation and open up legalization.⁹² “Undocuqueer” also emerged as a critical framework through which queer and trans migrant subjectivities, collectivities, coalitions, and political projects caught fire, sparking pride, resistance, and new forms of organizing. Julio Salgado’s “I am Undocuqueer” series, comprised of vivid portraits and short narratives, significantly fueled these efforts.⁹³

LGBTQ migrant detention particularly sparked coalitional moments while highlighting differences. After complaints were filed against the Department of Homeland Security (DHS) in 2011, DHS created a special detention unit for transgender and gay migrants (the LGBT “pod”); yet reports of the abuse of LGBT detainees continued, leading to nationwide protests and Congressional concern. In 2015, undocumented trans migrant Jennicet Gutiérrez interrupted President Obama at a White House event to protest the abuse of detained trans immigrants and demand the release of all LGBTQ detainees. In 2016, undocumented trans and queer migrants who advocated confrontational, transformational, and non-assimilative approaches to social justice struggles bravely went on a public hunger strike to protest the LGBT detention pod and all immigrant detentions. Queer and trans migrants also mobilized around the arrival of caravans of gay and trans Central American migrants seeking asylum in the United States in 2017 and 2018 and numerous other struggles.

Artistic and cultural works (including the works in this volume) have been indispensable for queer and trans migrant organizing. Social media have also been indispensable. Migrants have deftly navigated social media’s implication in dominant economic, cultural, and social regimes, opening up space for new subjectivities, imaginaries, activisms, and communities. And even while ICE increasingly depends on information technology to surveil, incarcerate, and deport, queer and trans migrants and allies have used information technologies to contest deportations and enable border crossings, and for other purposes (see Herrera in this volume).⁹⁴

Struggles against migrant illegalization, detention, and deportation have deeply tangled roots that connect multiple forms of violence and freedom dreams. Understanding these historical entanglements offers resources, roadmaps, and inspiration for the difficult present.

Notes

1. Wikipedia, "Blue Ribbon Panel," https://en.wikipedia.org/wiki/Blue-ribbon_panel.
2. Ibid.
3. The term *illegal* has been widely criticized on multiple grounds including because it contributes to normalizing the criminalization and dehumanization of migrants. Race Forward (formerly the Applied Research Center) launched a "Drop the I-Word" campaign in 2010 (<https://www.raceforward.org/practice/tools/drop-i-word>). In this chapter, I retain the term *illegal* in order to critically historicize, problematize, and denaturalize it but place quotation marks around it to signal that it is highly problematic.
4. This estimate uses 2011 data; a more updated estimate is not available. See Gary J. Gates, "LGBT Adult Immigrants in the United States," The Williams Institute, March 2013, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTImmigrants-Gates-Mar-2013.pdf>.
5. Mark Rifkin, *When Did Indians Become Straight? Kinship, The History of Sexuality, and Native Sovereignty* (Oxford: Oxford University Press, 2011), 32–33.
6. Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002); Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, N.J.: Princeton University Press, 2011).
7. Lindsey Schneider, "(Re)producing the Nation: Treaty Rights, Gay Marriage, and the Settler State," in *Critical Ethnic Studies: A Reader*, ed. Nadia Elia et al. (Durham, N.C.: Duke University Press, 2016), 92–105.
8. Ibid., 93.
9. As state immigration controls delimit who may become a legal migrant in relation to nationalist heteronormativity, this co-constitutes boundaries of who *cannot* legalize or may lose legal status.
10. Nayan Shah, *Stranger Intimacy: Contesting Race, Sexuality and the Law in North America* (Berkeley: University of California Press, 2011), 262.
11. David Reimers, *Still the Golden Door* (New York: Columbia University Press, 1992).
12. Tanya Golash-Boza, *Deported: Immigrant Policing, Disposable Labor, and Global Capitalism* (New York: New York University Press, 2015), 11. See also David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2007).
13. Saskia Sassen, "Why Migration?" *NACLA Report on the Americas* xxvi, no. 1 (July 1992): 14–19.
14. See the special issue of *Latino Studies* 15 (2017) on "Critical Latinx Indigeneities," edited by Maylei Blackwell, Floridalma Boj Lopez, and Luis Urrieta Jr.
15. Migration from Mexico was especially affected. See Douglas Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* (New York: Russell Sage Foundation, 2002).
16. See United Nations Human Rights, Office of the High Commissioner, "Convention Relating to the Status of Refugees," <https://www.ohchr.org/en/professionalinterest/pages/statusofrefugees.aspx>.
17. Aihwa Ong, *Buddha Is Hiding: Refugees, Citizenship, the New America* (Berkeley: University of California Press, 2003), 85; Odessa Gonzalez Benson, "Refugee Resettlement

in an Era of Neoliberalism: A Policy Discourse Analysis of the Refugee Act of 1980,” *Social Service Review* 90, no. 3 (2016): 515.

18. Ong, *Buddha is Hiding*.

19. E.g., *Sexualities* 17, no. 8 (December 2014), special issue on “Queer Migration, Asylum, and Displacement,” ed. Rachel Lewis and Nancy Naples; Calogero Giametta, *The Sexual Politics of Asylum: Sexual Orientation and Gender Identity* (New York: Routledge, 2017); David Murray, *Real Queer? Sexual Orientation and Gender Identity in the Canadian Refugee Apparatus* (Lanham, Md.: Rowman and Littlefield, 2015).

20. Sima Shakhshari, “The Queer Time of Death: Temporality, Geopolitics, and Refugee Rights,” *Sexualities* 17, no. 8 (2014): 1007.

21. The Immigration Marriage Fraud Amendments of 1986 further strengthened the state’s ability to confine and govern migrants from within normative marriage.

22. Those who are not legally present were already barred from everything but emergency care, even though many pay into federal benefit programs through taxes.

23. Chandan Reddy, “Asian Diasporas, Neoliberalism and Family,” *Social Text* 23, nos. 2–3 (Fall-Winter 2005): 109.

24. Ibid.

25. E.g., Robin Templeton, “Baby-Baiting,” *The Nation* (August 16–23, 2010), <https://www.thenation.com/article/baby-baiting/>.

26. E.g., Hirokazu Yoshikawa, *Immigrants Raising Citizens: Undocumented Parents and Their Children* (New York: Russell Sage Foundation, 2012).

27. See Gates’s estimate of numbers of children being raised in same-sex couples where one or both partners are foreign-born in Gates, “LGBT Adult Immigrants.”

28. Dorothy E. Roberts, “Who May Give Birth to Citizens? Reproduction, Eugenics and Immigration,” in *Immigrants Out!* ed. Juan Perea (New York: New York University Press, 1997), 214.

29. Ibid., 205.

30. Tamar Diana Wilson, “Strapping the Mexican Woman Immigrant: The Convergence of Reproduction and Production,” *Anthropology Quarterly* 79, no. 2 (Spring 2006): 295–302.

31. “Same-Sex Marriages,” US Citizenship and Immigration Services, last modified, July 1, 2013, <https://www.uscis.gov/family/same-sex-marriages>.

32. Priya Kandaswamy, “State Austerity and the Racial Politics of Same-Sex Marriage,” *Sexualities* 11, no. 6 (2008): 706–725.

33. E.g., Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, N.J.: Princeton University Press, 2005); Joseph Nevins, *Operation Gatekeeper: The Rise of the ‘Illegal Alien’ and the Remaking of the U.S.-Mexico Boundary* (New York: Routledge, 2001); Jonathan Inda, *Targeting Immigrants: Government, Technology, and Ethics* (Malden, Mass.: Wiley-Blackwell, 2005). Inda explores how knowledge production literally “makes up” the undocumented as a new political subject and does so in a manner that suggests ways for governing (against) them.

34. Cecilia Menjivar and Daniel Kanstroom, eds. *Constructing Immigrant ‘Illegality’: Critiques, Experiences, and Responses* (Cambridge: Cambridge University Press, 2013).

35. E.g., Eithne Luibhéid, *Pregnant on Arrival: Making the 'Illegal' Immigrant* (Minneapolis: University of Minnesota Press, 2013).

36. Stephan Scheel, Glenda Garelli and Martina Tazzioli, "Politics of Protection," in Nicholas De Genova, Sandro Mezzadra, and John Pickles, eds. "New Keywords: Migration and Borders," *Cultural Studies* 29, no. 1 (2015): 71–72.

37. See the scholarship on queer necropolitics, e.g., Jin Haritaworn, Adi Kuntsman, and Silvia Posocco, eds. *Queer Necropolitics* (New York: Routledge, 2014).

38. Scheel, Garelli and Tazzioli, "Politics of Protection," 71.

39. Nicholas De Genova, "Migrant 'Illegality' and Deportability in Everyday Life," *Annual Review of Anthropology* 31 (2002): 419–447.

40. As De Genova describes, "it is deportability, and not deportation per se, that has historically rendered undocumented migrant labor as a distinctly disposable commodity" (438). See also Nicholas De Genova and Natalie Peutz, eds., *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement* (Durham, N.C.: Duke University Press, 2010).

41. Sandro Mezzadra, Brett Nielson, Lisa Reidner, Stephan Scheel, Glenda Garelli, Martina Tazzioli, and Federico Rahola, "Differential Inclusion," in De Genova, Mezzadra, and Pickles, "New Keywords," 79.

42. Full listing of requirements in United We Dream, *No More Closets*, January 2016, <https://unitedwedream.org/wp-content/uploads/2017/07/Report-No-More-Closets-1.pdf>, 8.

43. Kerith Conron and Taylor N. T. Brown, "LGBT Dreamers and Deferred Action for Childhood Arrivals," The Williams Institute, February 2017, <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-DREAMers-and-DACA-February-2017.pdf>.

44. Yet, they faced varying barriers; only some states allowed DACA recipients to qualify for lower, in-state tuition or access state-based financial aid.

45. Lori Robertson, "The Facts on DACA," last modified January 18, 2018, *FactCheck.org*, <https://www.factcheck.org/2018/01/the-facts-on-daca/>.

46. *Ibid.*

47. The complexities of legal status are further captured by United We Dream's *No More Closets*: "the survey indicates that the LGBTQ immigrant community cannot be split into a binary of documented and undocumented. Indeed . . . many individuals reported confusion about the question or did not know their current immigration status" (8).

48. See Jenna M. Loyd, Matt Mitchelson, and Andrew BurrIDGE, eds. *Beyond Walls and Cages: Prisons, Borders, and Global Crisis* (Athens: University of Georgia Press, 2012); Daniel Martínez, Guillermo Cantor, and Walter Ewing, *No Action Taken: Lack of CPB Accountability in Responding to Complaints of Abuse* (Washington, D.C.: American Immigration Council, May 2014), <https://www.americanimmigrationcouncil.org/research/no-action-taken-lack-cbp-accountability-responding-complaints-abuse>; Todd Miller, *Border Patrol Nation* (San Francisco: Open Media Series/City Lights Books, 2014).

49. Miller, *Border Patrol Nation*, 145.

50. See "There's No O'Odham Word for Wall," <https://www.youtube.com/watch?v=RQu-YEmKCN8>.

51. Jenna Loyd and Alison Mountz, *Boats, Borders, and Bases: Race, the Cold War, and the Rise of Migration Detention in the United States* (Berkeley: University of California Press, 2018).

52. Key laws include the Illegal Immigration Reform and Immigrant Responsibility Act, and the Anti-Terrorism and Effective Death Penalty Act. Juliet Stumpf, "The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power," *American University Law Review* 56, no. 2 (December 2006): 367–419.

53. Numbers of migrants detained each year significantly exceed numbers of prisoners detained in federal prison each year.

54. Golash-Boza, *Deported*, 8.

55. Monisha Das Gupta, "Don't Deport Our Daddies: Gendering State Deportation Practices and Immigrant Organizing," *Gender and Society* 28, no. 1 (February 2014): 85.

56. The Williams Institute, "For immigrants, HIV criminalization can mean incarceration and deportation," October 4, 2016, <https://williamsinstitute.law.ucla.edu/press/for-immigrants-hiv-criminalization-can-mean-incarceration-and-deportation-2/>.

57. Sharita Gruberg, "ICE Officers Overwhelmingly Use Their Discretion to Detain LGBT Immigrants," Center for American Progress, October 26, 2016. <https://cdn.americanprogress.org/content/uploads/2016/10/26065442/ICEandLGBTdetentionPDF.pdf/>.

58. "Mass Civil Rights Complaint Details Systemic Abuse of Sexual Minorities in U.S. Immigration Detention," Press Release, National Immigrant Justice Center, April 13, 2011, https://www.immigrantjustice.org/press_releases/mass-civil-rights-complaint-details-systemic-abuse-sexual-minorities-us-immigration-d, 3.

59. Gruberg, "Dignity Denied: LGBT Immigrants in U.S. Immigration Detention," Washington, D.C.: Center for American Progress, November 25, 2013, <https://www.americanprogress.org/issues/immigration/reports/2013/11/25/79987/dignity-denied-lgbt-immigrants-in-u-s-immigration-detention/>, 4.

60. In 2003, Congress passed the Prison Rape Elimination Act (PREA); eight years later, the Department of Justice drafted PREA standards to apply to detention facilities. Immigrant detention facilities were not included since they fell under DHS. In 2014, DHS issued its own PREA policy; by 2016, it covered 64 percent of immigrant detention facilities—in theory, but not in practice.

61. Alice Speri, "Detained, Then Violated," *The Intercept*, April 11, 2018, <https://theintercept.com/2018/04/11/immigration-detention-sexual-abuse-ice-dhs/>.

62. *Ibid.*

63. *Ibid.*

64. See John Washington, "ICE Wants to Destroy Its In-Custody Records of Death, Sexual Assault, and Other Detainee Files," *The Nation*, September 13, 2017, <https://www.thenation.com/article/ice-wants-to-destroy-its-records-of-in-custody-deaths-sexual-assault-and-other-detainee-files/>. The ACLU has petitioned to prevent the erasure.

65. The Government Accountability Office, "Immigration Detention: Additional Actions Could Strengthen DHS Efforts to Address Sexual Abuse," November 2016, last modified December 2016, <https://www.gao.gov/assets/660/659145.pdf>.

66. E.g., see Human Rights Watch, *Systemic Indifference: Dangerous and Substandard Medical Care in US Immigration Detention*, May 2017, https://www.hrw.org/sites/default/files/report_pdf/usimmigration0517_web_o.pdf.

67. E.g., Vivian Yee, "After Court Ruling, Detained Teenage Immigrants are Allowed to Obtain Abortions," *The New York Times*, December 20, 2017.

68. May 29, 2018, "Statement by Pueblo Sin Fronteras, Al Otro Lado and Diversidad Sin Fronteras on The Institutional Murder of Roxana Hernandez," <https://www.facebook.com/diversidadsinfronteraz/posts/378858885957426%20accessed%20July%2030>.

69. Ibid.

70. No More Deaths/No Más Muertes, *A Culture of Cruelty*, 2011, <http://forms.nomoredeaths.org/wp-content/uploads/2014/10/CultureOfCruelty-full.compressed.pdf>.

71. American Civil Liberties Union, Detention Watch Network, and Heartland Alliance's National Immigrant Justice Center, *Fatal Neglect: How ICE Ignores Deaths in Detention*, 2016, https://www.aclu.org/sites/default/files/field_document/fatal_neglect_acludwnnjc.pdf. Similarly, the Federal government found "problems that undermine the protection of detainees' rights, their humane treatment, and the provision of a safe and healthy environment" (2017). See Office of the Inspector General, "Concerns about ICE Detainee Treatment and Care at Detention Facilities," December 11, 2017, <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>.

72. See Lewis in this volume, and Rachel Lewis, "Deportable Subjects: Lesbians and Political Asylum," *Feminist Formations* 25, no. 2 (2013): 174–194.

73. Martha Balaguera, "Trans-migrations: Agency and Confinement at the Limits of Sovereignty," *Signs: Journal of Women in Culture and Society* 43, no. 3 (Spring 2018): 641.

74. Shannon Speed, "States of Violence. Indigenous Women Migrants in an Era of Neoliberal Multicriminalism," *Critique of Anthropology* 36, no. 3 (June 2016): 282.

75. E.g., Deirdre Conlon and Nancy Hiemstra, eds., *Intimate Economies of Immigrant Detention* (New York: Routledge, 2017); Martha Escobar, *Captivity Beyond Prisons* (Austin: University of Texas Press, 2016).

76. David M. Hernández, "Surrogates and Subcontractors: Flexibility and Obscurity in U.S. Immigrant Detention," in *Critical Ethnic Studies: A Reader*, ed. Nadia Elia, et. al (Durham, N.C.: Duke University Press, 2016), 303–325.

77. Tanya Golash-Boza, "Targeting Latino Men: Mass Deportation from the USA, 1998–2012," *Racial and Ethnic Studies* 38, no. 8 (2015): 1221.

78. E.g., Sarah Stillman, "When Deportation Is a Death Sentence," *The New Yorker*, January 15, 2018, <https://www.newyorker.com/magazine/2018/01/15/when-deportation-is-a-death-sentence>.

79. Shahram Khosravi, ed., *After Deportation: Ethnographic Perspectives* (New York: Palgrave Macmillan, 2018).

80. E.g., Stillman, "When Deportation Is a Death Sentence."

81. On citizenship in global northern states as an inherited status that stems from and perpetuates global apartheid, see Nandita Sharma, *Home Economics: Nationalism and*

the Making of 'Migrant Workers' in Canada (Toronto: University of Toronto Press, 2006); Aylet Shachar, *The Birthright Lottery: Citizenship and Global Inequality* (Cambridge, Mass.: Harvard University Press, 2009).

82. E.g., Deborah Boehm, *Intimate Migrations* (New York: New York University Press, 2012); Joanna Dreby, *Everyday Illegal: When Policies Undermine Immigrant Families* (Berkeley: University of California Press, 2015).

83. See scholarship on racialization and affect, e.g., Paula Ioanide, *The Emotional Politics of Racism: How Feelings Trump Facts in an Era of Colorblindness* (Stanford: Stanford University Press, 2015).

84. Furthermore, using citizens' pain and disenfranchisement to argue for changing migration enforcement risks turning migrants into the silenced ground from which citizens make their claims—which also serves dominant nation-making processes.

85. Rachel Rosenbloom, "The Citizenship Line: Rethinking Immigration Exceptionalism," *Boston College Law Review* 54, no. 5 (2013): 1965.

86. Geoffrey Alan Boyce, "Appearing 'Out of Place': Automobility and the Everyday Policing of Threat and Suspicion in the US/Canada Frontier," *Political Geography* 64 (2018): 10.

87. Engin F. Isin, "Claiming European Citizenship," in *Enacting European Citizenship*, eds. Engin F. Isin and Michael Saward (Cambridge, U.K.: Cambridge University Press, 2013), 41. Here, I am not advocating for investment in nation-state citizenship. Rather, I am suggesting that to dismantle migrant illegalization, detention, and deportation, we cannot bypass but must instead continue grappling with investments in nation-based citizenship. At the same time, we could, as Schmidt Camacho suggests, create another category of membership that acknowledges the rights of those who are not citizens and honors bonds of community beyond national borders (Alicia Schmidt Camacho, "Hailing the Twelve Million," *Social Text* 105, 28, no. 4 [Winter 2010]: 19).

88. Thank you, Karma, for this framing.

89. Couples must conform to standards of domesticity, privatization, and consumption, while also meeting income thresholds, and not being excludable on grounds of crime, suspicion of terrorism, or anything else.

90. Karma R. Chávez, *Queer Migration Politics: Activist Rhetoric and Coalitional Possibilities* (Urbana: University of Illinois Press, 2013), 8, 146.

91. Melissa Autumn White, "Documenting the Undocumented: Toward a Queer Politics of No Borders," *Sexualities* 17, no. 8 (2014): 986.

92. See Chávez, chapter 3, *Queer Migration Politics* for a thorough analysis of the possibilities and limits of appropriating "coming out" for purposes of challenging migrant criminalization, illegalization, detention, and deportation.

93. The Undocumented Queer Youth Collective and United We Dream's Queer Undocumented Immigrant Project (QUIP) were also key.

94. E.g., Minyoung Park, "5 Must-Have Apps for Undocumented Immigrants," March 17, 2017, <https://money.cnn.com/2017/03/30/technology/immigrant-apps/index.html>.