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(De)*familiarizing* Southeast Asian Refugees' Kinship across  
Resettlement, Racialization, and Deportation

A thesis submitted in partial satisfaction  
of the requirements for the degree Master of Arts  
in Asian American Studies

by

Catherine Hong Ho

2023

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## ABSTRACT OF THE THESIS

*(De)familiarizing* Southeast Asian Refugees' Kinship across Resettlement, Racialization, and  
Deportation

by

Catherine Hong Ho

Master of Arts in Asian American Studies

University of California, Los Angeles, 2023

Professor Thu-Huong Nguyen-Vo, Chair

“*Defamiliarizing* Southeast Asian Refugees' Kinship across Resettlement, Racialization, and Deportation” tracks the role of notions of nuclear family in Southeast Asian (SEA) refugees' resettlement to, racialization within, and removal from the United States. Starting with a legal analysis of the language of Operation Babylift, the Orderly Departure Program, and the Amerasian Homecoming Act, the first chapter explores how the state's construction of nuclear Southeast Asian families reflected Cold War anxieties about family, gender, and liberal democracy. At the same time, Southeast Asian refugee organizations articulated understandings of family in ways that cannot be simplified to contestations or reproductions of the state's discourse, but instead attest to the multiplicities of understandings of family and kinship beyond the dominance of the state narrative of nuclearity. The second chapter then analyzes news media from the 1990's and diasporic Vietnamese authors' examinations of the role of family in SEA's

racialization to critique how the mythos of SEA nuclear families amplified pre-existing notions of Asian American assimilability and meritocracy in contradistinction to Black undeservingness as popularized in the Moynihan Report. By placing literature in conversation with news reports, this chapter seeks to highlight the multiple ways in which stories about Southeast Asian refugee families and kin have been told. The third chapter turns to interviews with anti-deportation lawyers to explore the possibilities and limitations of the language of family in current legal advocacy, revealing yet another way that stories of Southeast Asian families continue to be narrated. These conversations reveal the limitations of the law and point to the need for socio-political discourse beyond the individual client. By bringing together legal documents, news articles, literature, and interviews with deportation defense lawyers, this thesis argues that despite state attempts to mark Southeast Asian refugees as disposable subjects through *reducing* their expansive kinship networks to the constrictive nuclear family, *reusing* the exceptionalized figure of the family-centered Southeast Asian refugee to further deny anti-Black structural racism, and *recycling* their bodies into incarcerated spaces to justify increased militarized policing before *rejecting* them from the state through deportation, Southeast Asian refugee subjects have cultivated and narrated a multiplicity of kinship networks, including and exceeding the state-sanctioned nuclear family. Given the historically racialized and gendered construction of family, this thesis asks what possibilities emerge from defamiliarizing the narrative of nuclear families to instead operate through a framework of kinship which may both include and exceed narratives of biological and nuclear family. While deportation defense is a fundamentally state-facing procedure, how might we simultaneously maintain and nourish conversations about sovereignty and freedom as we stumble toward more just and freer futures?

The thesis of Catherine Hong Ho is approved.

Jolie Chea

Lee Ann Shih-Ching Wang

Eryn Christine Le Espiritu Gandhi

Thu-Huong Nguyen-Vo, Committee Chair

University of California, Los Angeles

2023

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faculty and staff of the Asian American Studies Department and Center for their support and their cultivation of an environment conducive to academic inquiry. I thank my cohort for their presence and for sharing the joys and challenges of graduate school in the ways that only cohort mates can. My work has also been supported by the Graduate Council Diversity Fellowship, the Foreign Language and Area Studies Fellowship, the Ben & Alice Hirano Academic Best Paper Scholarship, and the Center for the Study of International Migration summer stipend. This support has liberated me to immerse myself in reading and writing and to focus on my thesis. I thank my interviewees for their legal and community-building work and for their generous and generative reflections on the possibilities and limitations of the law.

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## **Introduction: Why Family?**

On the night of February 26, 2020, I stood inside of Boston Logan International Airport and waited to welcome Thy Chea back to the United States. Chea came to the United States as a young teenager after fleeing the Khmer Rouge and living in a Thai refugee camp.<sup>1</sup> Having pled guilty to various judicial charges, Chea was vulnerable to deportation and forced to regularly report to Immigration and Custom Enforcement officers.<sup>2</sup> In 2018, Chea, along with his wife and daughter, went to the Burlington ICE office for this routine check in, where he was unexpectedly detained, triggering a series of events that led to his deportation a mere sixteen minutes before a judge granted a motion to allow Chea to stay in the United States.<sup>3</sup> Chea was legally represented by Bethany Li, a community lawyer who worked for the Asian Outreach Unit, now named the Asian Outreach Center. The legal defense rested on the fact that by 2018, Chea's convictions were "long deemed non-deportable."<sup>4</sup> While there was a considerable amount of media attention given to Chea's reunion because his re-entry to the United States marked the first successful case of Cambodian refugee deportee reunion on the east coast and only the fourth case nationally, there was a lot of community attention to this moment because Chea had never physically met his then one-year old son given the timing of Chea's detention and deportation.<sup>5</sup>

Dancing to music blasted from a portable speaker, Chea's wife and children were surrounded by dozens of community members, loved ones, and even strangers, like me, who are committed to liberatory anti-deportation politics. As we anxiously waited for him to deplane, I

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<sup>1</sup> Solis, "It's an Incredible Victory."

<sup>2</sup> Solis, "It's an Incredible Victory."

<sup>3</sup> Solis, "It's an Incredible Victory."

<sup>4</sup> Solis, "It's an Incredible Victory."

<sup>5</sup> Solis, "It's an Incredible Victory."

thumbed through various hand-made posters that decried the violence of state deportations, unsure of which one I wanted to hold myself before finally settling on one that read “STOP ICE RAIDS.” As Chea came down the escalator and ran to hug his children, I could not help but be moved to tears. Indeed, there was not a dry eye in that airport lobby because we were all viscerally struck by the ways that this family and community, separated by multiple state violences and thousands of miles, continued to maintain and actively foster visibly meaningful, resilient, and tender relationships. In that moment, what was important was not the significant legal or juridical victories and implications of Chea’s legal defense, but the palpable ways that Chea’s presence was long awaited and celebrated by his family, loved ones, and community members. This moment of joyful and teary reunion clearly evidenced how the language of family was not only legally impactful, but also centrally important to Chea and his loved ones.

In the days that followed, local news detailed the conditions of Chea’s deportation and the lengthy legal battle that eventually resulted in his return, a year and a half later. I found myself drawn to, and admittedly confused by, the articles’ exclusive discussion of Chea’s conjugal family. I was puzzled by these accounts, not because family was somehow unimportant to Chea, but because of the narrowness with which authors discussed Chea’s loved ones. I was uncomfortable not with these invocation of family, which was clearly important to Chea and all of those present at the reunion, but with the way that media narratives of Chea’s nuclear family absented the more capacious and non-biological relationships and community that awaited his return. Reading those articles, I could not articulate my exact discomfort about the exclusive focus on nuclear family, and this unease would linger with me as I have sought to think more about the racializing and disciplinary roles of the institution of family in the United States. In many ways, this project is an attempt to return to that moment in the airport to better understand

the various histories that structurally contoured Chea's criminalization, deportation, and return. This thesis is also an examination of multi-sited and multi-faceted articulations of family, including state-sanctioned narratives of economically independent nuclear families and the more capacious and flexible articulations of kinship voiced by refugee organizations, diasporic authors, and deportation defense lawyers. Taking seriously the ways Southeast Asian refugees may be organized into kinship networks which include and expand beyond biological families, I want to make clear that this project does not seek to denigrate the importance of biological family ties and relationships. Rather, this project seeks to emphasize the forms of relationality and kinship that are often erased and made illegible in the state's narrow articulation of the nuclear family. This project's aim is not to denigrate or abolish the nuclear family, which remains important for subaltern subjects. Rather, this project seeks to proliferate our understandings of Southeast Asian refugee kinship formations to reframe nuclear family as just one of many forms of relational organization in which Southeast Asian refugees participate. Inspired by the sensibilities of abolition feminism, I examine how the usage of language of family in anti-deportation advocacy already highlight alternative modalities of family and kinship, thereby troubling and contesting the state's narrative of nuclear and conjugal Southeast Asian refugee families. This thesis asks how Southeast Asian refugees and advocates can use the language of family in ways that both acknowledge the state's attempts to racialize and economize the institution of nuclear family while also emphasizing these subjects' differing experiences and articulations of kinship. How might the reconceptualization of nuclear family as an important but non-exclusive mode of social relationality within Southeast Asian refugee communities liberate these subjects to discuss loved ones in ways that are not overly determined by the state, but instead reflect the richness and complexities of their lives?

While this project examines how state deployments of narratives of nuclear family with attendant notions of capitalist productivity and heteronormative gender norms interface with Southeast Asian refugee organizations', diasporic authors', and deportation defense attorneys' alternative and expansive articulations of kinship, it is also shaped by the broader academic discussion of the possibilities and limitations of recognition. Troubling a telos of progress and the categorization of social movements' successes and failures, Thu-Huong Nguyen-Vo and Grace Kyungwon Hong "observe that what is visible becomes incorporated in the moment that it becomes translated into a Manichean, binary framework.... If such an alternative 'social reality' becomes legible, thinkable in other words, coherent and efficacious as an opposition to the 'master code', it is because such an alternative is becoming incorporated. It is the incorporation that organizes alternatives and gives them legibility, visibility, intelligibility, coherence, or efficacy."<sup>6</sup> This thesis will show how the state has cultivated a narrative of biologically and sexually 'proper' conjugal families. Families that can adhere to the state's hegemonic expectations of biological and social reproduction have benefited from sociopolitical and economic privileges. Here, I ask how ideas of family are both used by the state to emphasize the purported assimilability and redeemability of Southeast Asian refugees and how these subjects articulate the incommensurability of their lived realities with the restrictive contours of the state's aforementioned understanding of nuclear family. Examining the political work of family, I ask what modes of interpersonal and economic relationalities the language of nuclear family emphasizes and how the construct of nuclear and biological family might be inadequate to convey the complex multiplicities of Southeast Asian refugees' community formations. Thinking back to the hand-made protest signs at the airport, this project is also guided by an interest in

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<sup>6</sup> Nguyen-Vo and Hong, "The Grammar of Failure." 159.

how the messages of Southeast Asian refugee anti-deportation work are received by multiple audiences. Moments like Chea's reunion perform different functions for the Southeast Asian refugee community, the state, and other racialized communities. This project asks how it might be possible and even necessary to simultaneously speak to multiple audiences with different intentions. Given that state deportation procedures demand a certain performance of juridical legibility that entails objectivity and factuality, is it possible to remain outside of state incorporation? In what ways might anti-deportation movements' usage of the language of family simultaneously uphold and contest the state's violent expectations of the nuclear family's economic self-reliance and (re)production? How might this invocation of family also gesture at expansive modes of kinship and relationalities that align Southeast Asian refugees more closely alongside other racialized populations? Here, I aim to think through best practices and orientations for subjects and communities who necessarily need to interface with the legal system. In what ways can creative and critical advocacy attend to urgent needs while also facilitating longer-term abolitionist imaginations?

Inspired by Eryn Lê Espiritu Gandhi's theorization of the refugee settler condition, articulated as "the vexed positionality of refugee subjects whose citizenship in a settler colonial state is predicated upon the unjust dispossession of an Indigenous population," this project also asks what it means for deportees to belong or claim belonging in a settler colonial state.<sup>7</sup> In 2012, Studio Revolt released a short film entitled "Return to Sender," which featured various deportees who had been forced to Cambodia. In the film, Khmer Exiled Americans detailed the circumstances of their birth, criminalization, prison sentences, families, and deportations. Although there are moments of clear critique and hostility toward the United States and its legal

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<sup>7</sup> Gandhi, *Archipelago of Resettlement*, 2.

system as evidenced by one of the subjects saying that she only wants to visit the US as she “wouldn’t even want to live there,” there are many other moments in which the deported subjects claim Americanness.<sup>8</sup> “We’re not different from any other American kids” says one subject before the film switches narrative focus to emphasize how these deportees played football and “pledged allegiance to the flag every single day.”<sup>9</sup> In asserting an essentialized and gendered Americanness, these deportees perform a refugee settler desire, described by Gandhi as “refugees’ desire to identify with white American narratives of pioneer settlement, over and against ongoing Indigenous dispossession, in order to mitigate the trauma of their own forced displacement due to war.”<sup>10</sup> Given that deportees and those made vulnerable to deportation find themselves forced to engage with the state in hopes of a pardon or a motion to recuse, it is not surprising that these subjects and their social and legal advocates voice a particular national belonging. I want to make clear that I do not seek to deny the legitimacy or authenticity of these subjects’ feelings, nor do I suggest that they should not feel this way. I am not contesting their feelings of Americanness as these can serve as points of departure for resisting state violences.<sup>11</sup> Instead, I am interested in the complex ways in which refugee self-articulations of belonging may interface with state discourses of family and nationalized belonging. In this project, I examine what historical and migration processes structure these ideas of national belonging and ask if it is possible to also perform belonging that critiques state violences while highlighting other forms of belonging. Vinh Nguyen’s naming of refugeetude, the “continued state of being and a mode of relationality” that refugees may possess helps to imagine possibilities where

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<sup>8</sup> *Return To Sender (8 Min)*, 6:32.

<sup>9</sup> *Return To Sender (8 Min)*, 1:39, 1:51.

<sup>10</sup> Gandhi, *Archipelago of Resettlement*, 53.

<sup>11</sup> In her talk at the 2023 Association of Asian American Studies conference, entitled “For All of Us, Not Just Some of Us: Thoughts on the Southeast Asian Anti-Deportation Movement,” Jolie Chea reads the nationalist and patriotic language of Studio Revolt as a point of departure for imagining and enacting ways of being that do not continue the violences of the United States.



refugee deportees, other racialized communities, and Indigenous peoples articulate shared or parallel demands based on a critique of American militarism, carcerality, and colonization.<sup>12</sup> Here, I apply Nguyen’s formulation of refugeetude to ask if it is possible “within and against a global refugee regime that continually produces, manages, and purports to solve the problem of forced migration,” to assert that subaltern subjects belong not to the state, but rather with each other.<sup>13</sup> Southeast Asian refugee deportees have been criminalized and discussed with the same vitriol that fuels conversations about undocumented migrants who are racialized and imagined as Latinx. Naming the structural violences and impossibilities inherent in the law as legal fictions, Lee Ann Wang has argued that the “production of the ‘illegal immigrant’ has become the site of theoretical and empirical research on the racialization of immigrants and the contestation over their place within the nation-state.” Wang’s work demonstrates that the law creates engroupments of people while simultaneously individualizing them through a refusal to consider structural violences and motivations. The way the legal system positions the state as the arbiter of grievances hinders more direct relations between refugee settlers and other groups, but it is this glimmer of an “inchoate relationality that has the potential, without guarantees, to reach for justice” with which I approach this project.<sup>14</sup> It is because I take seriously Jolie Chea’s call to interrogate and dismantle “white supremacy as it is enacted upon peoples of all colors, not just Asian Americans,” and to examine Asian American experiences through centering and thinking “about and through US Black-Asian, Latino-Asian, and indigenous Asian, relations” that I consider the implications of how family has been applied to and used by Southeast Asian refugees.<sup>15</sup> How might anti-deportation advocacy emphasize the need and urgency of Asian and

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<sup>12</sup> Nguyen, “Refugeetude When Does a Refugee Stop Being a Refugee?,” 110.

<sup>13</sup> Nguyen, 112.

<sup>14</sup> Nguyen, 112.

<sup>15</sup> Chea, “Agents of War,” 74.

Latinx migrant solidarities? How does a focus on histories of colonization create affective and political bonds between Indigenous peoples and Southeast Asian refugees? How might an expansion and disidentification of the institutionalized nuclear family allow Southeast Asian refugee subjects to become stronger co-conspirators of Black folks who are often the targets of logics of un/deservingness? This project by no means answers these complex questions, but I hope that it contributes to the powerful corpus of thought that emphasizes the need for a relational Ethnic Studies ethic which brings together and centers concerns of colonization and incarceration. I first turn to the spectral structure of the nuclear family to provide a brief account of how this form has been and continues to be a site of economization and racialization. This introduction then provides a reflection on the limitations and choices of terminology in this project before overviewing my positionality, methodological choices, and the chapters to come.

### **“Family” as an Economic Relation**

Friedrich Engels’ 1884 “The Origin of the Family, Private Property and the State” provides a historical account of the rise of monogamous, nuclear families and theorizes their role in ordering economic relations. Engels argues that “monogamy was the first form of the family not founded on natural, but on economic conditions.”<sup>16</sup> Engels later complicates this by saying that for proletarian families whose conditions necessitate that women work not only in the home but also in the labor market and the factory, “the family of the proletarian is no longer strictly monogamous, even with all the most passionate love and most unalterable loyalty of both parties, and in spite of any possible clerical or secular sanction...In short, the proletarian marriage is monogamous in the etymological sense of the word, but by no means in a historical sense.”<sup>17</sup> For

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<sup>16</sup> Engels and Untermann, *The Origin of the Family, Private Property and the State*, 79.

<sup>17</sup> Engels and Untermann, 87.

Engels, “the social institutions under which the people of a certain historical period and of a certain country are living, are dependent on these two forms of production; partly on the development of labor, partly on that of the family.”<sup>18</sup> The monogamous family is deeply tied to private means of production and “the transition to full private property was accomplished gradually and simultaneously with the transition from the pairing family to monogamy. The monogamous family began to be the economic unit of society.”<sup>19</sup> The co-constitutive nature of nuclear families and capital is expressed in Karl Marx and Engels’ *Communist Manifesto* when they call for the “Abolition of the family!” and argue that the present bourgeois family is based “on capital, on private gain. In its completely developed form, this family exists only among the bourgeoisie. But the state of things finds its complement in the practical absence of the family among the proletariat, and in public prostitution.”<sup>20</sup> They predict that “the bourgeois family will vanish as a matter of course when its complement vanishes, and both will vanish with the vanishing of capital.”<sup>21</sup> Marx and Engels argue that under modern industry, “all the family ties among the proletarians are torn asunder and their children transformed into simple articles of commerce and instruments of labour.”<sup>22</sup> Detailing the transition from feudalism to capitalism, Silvia Federici argues that “family was given a new importance as the key institution providing for the transmission of property and the reproduction of the workforce.”<sup>23</sup> Thus, the privatization of property and the intergenerational transmission of wealth is fundamental to the justification of the nuclear family, thereby revealing that the nuclear family is always a form that has always been shaped by economic concerns and demands.

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<sup>18</sup> Engels and Untermann, 10.

<sup>19</sup> Engels and Untermann, 214.

<sup>20</sup> Marx and Engels, *The Communist Manifesto*, 77.

<sup>21</sup> Marx and Engels, 77.

<sup>22</sup> Marx and Engels, 78.

<sup>23</sup> Federici, *Caliban and the Witch: Women, the Body, and Primitive Accumulation*, 88

Ideas of the proper (white) nuclear family were also raised during the Cold War. Elaine Tyler May writes, “families once again shouldered the burden of maintaining social order. Cold war cultural norms located civic virtue at the doorstep of suburban white middle-class families. Prosperous homes filled with consumer goods represented the American way of life and the triumph of capitalism. Nuclear families that conformed to the heterosexual marital ideal personified this way of life.”<sup>24</sup> Again, the privatized nuclear family is figured as both a site of nationalist social reproduction and capitalist consumption. The state’s investment is made clear by May’s observation that nuclear families were rewarded with “subsidies and supports, from home mortgages to tax benefits for having children. But those who did not conform to that norm, such as unwed mothers, or gay men and lesbians, faced ostracism and had no access to the benefits bestowed on nuclear families.”<sup>25</sup> Thus, the prioritization of the nuclear and conjugal family was a way to discipline the polity to not only uphold notions of patriotic nationalism, but also normative gender performances and sexualities. May examines the fixation on family values to argue that “the political concern with private life, rather than reflecting changes in American families, actually reflects changes in American politics” and that “developments in American politics– not American families– gave rise to the preoccupation with ‘family values.’”<sup>26</sup> Understanding the insistence on family values as a product of state concerns and American politics guides my analysis of the ways family values were imposed onto and articulated by Southeast Asian migrants during their resettlement, racialization, and deportation processes.

Kathi Weeks reports that “as one White House report from the 1980’s put it, the family, as the ‘seedbed of economic skills, money, habits, attitudes towards work, and the art of financial

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<sup>24</sup> May, “Family Values.”

<sup>25</sup> May, 14.

<sup>26</sup> May, 8.

independence,’ plays a key role in the transmission of work skills and ethics; ‘neither the modern family nor the free enterprise system would long survive without the other.’”<sup>27</sup> The rise of neoliberalism in the 1980’s and 1990’s brought a renewed focus on family values and proper nuclear families as evidenced in the debates about welfare family caps, proposed forced sterilization, and the Defense of Marriage Act.<sup>28</sup> Weeks argues that the role of family in the wage system is “concealed by all those discourses that naturalize, romanticize, privatize, and depoliticize the institution...the ideology of the family performs a kind of mopping-up function, enabling us to accept the legitimacy of the wage system despite its shortcomings by encouraging us to imagine that it can provide for those capable of living up to its norms of family form and responsibility.”<sup>29</sup> Perhaps more than ever, the rise of neoliberalism revealed that “the institution of the family not only helps to absorb reductions in the price of labor and to produce lower-cost and more-flexible forms of feminized labor, but also provides the ideological basis for relieving the state and capital from responsibility for much of the cost of social reproduction.”<sup>30</sup> While politicians across the political spectrum advocated for smaller government, the 1990’s saw an increased economic and racialized fixation on promoting nuclear families and denigrating other kinship formations. The institution of family has always been racialized, and most relevant to this project is the 1980’s-1990’s construction of family as something differentially accessible and extended to different racialized groups. It is to the racialization of family that I now turn.

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<sup>27</sup> Weeks, *The Problem with Work: Feminism, Marxism, Antiwork Politics and Postwork Imaginaries*, 64

<sup>28</sup> Roberts, *Killing the Black Body : Race, Reproduction, and the Meaning of Liberty*.

<sup>29</sup> Weeks, *The Problem with Work: Feminism, Marxism, Antiwork Politics and Postwork Imaginaries*, 121

<sup>30</sup> Weeks, 121.

## Racialization of “Family”

Hortense Spillers’ influentially generative “Mama’s Baby, Papa’s Maybe: An American Grammar Book” powerfully demonstrates how the institution of family can only be understood through a racial framework. Writing in response to the ground-breaking Black feminist anthology *All the Women Are White, All the Blacks Are Men, But Some of Us Are Brave*, and the racializing Moynihan Report, which will be analyzed in the first chapter, Spillers remarks that “the ‘white’ family, by implication, and the ‘Negro Family’ by outright assertion, [are] in a constant opposition of binary meanings. Apparently spontaneous, these ‘actants’ are wholly generated, with neither past nor future, as tribal currents moving out of time.”<sup>31</sup> Spillers argues that the institution of family, understood as “the vertical transfer of a bloodline, of a patronymic, of titles and entitlements, of real estate and the prerogatives of ‘cold cash,’ from fathers to sons and in the supposedly free exchange of affectional ties between a male and a female of his choice-becomes the mythically revered privilege of a free and freed community” was not accessible to enslaved Black folks “whose human and familial status, by the very nature of the case, had yet to be defined. I would call this enforced state of breach another instance of vestibular cultural formation where ‘kinship’ loses meaning, since it can be invaded at any given and arbitrary moment by the property relations.”<sup>32</sup> In contrast to explanations of Black kinship formations as due to cultural pathology, Spillers provides a historical and structural explanation: “captive persons were forced into patterns of dispersal, beginning with the Trade itself, into the horizontal relatedness of language groups, discourse formations, bloodlines, names, and properties by the legal arrangements of enslavement.”<sup>33</sup> By tracing how contemporary Black

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<sup>31</sup> Spillers, “Mama’s Baby, Papa’s Maybe,” 66.

<sup>32</sup> Spillers, 74.

<sup>33</sup> Spillers, 75.

kinship formations and support systems were formed under the conditions of enslavement, Spillers' analysis denaturalizes family and warns us of the anti-Blackness that can result from the circulation of that language. At the same time, Spillers also considers how this exclusion from family also might be a site of political consciousness and power. Spillers ends, "we are less interested in joining the ranks of gendered femaleness than gaining the insurgent ground as female social subject. Actually claiming the monstrosity (of a female with the potential to "name"), which her culture imposes in blindness, 'Sapphire' might rewrite after all a radically different text for female empowerment."<sup>34</sup> While Spillers argues that family and kinship are made inaccessible to the enslaved Black community, later in this project, I examine how more contemporary state deployments of proper nuclear families result in a meaningful difference between institutionalized family and more flexible kinship formations. The third chapter also examines the liberatory possibilities of cultivating power and demands from a site of social exclusion.

My work here is also inspired by Richard Rodríguez's examination of the work of *la familia* and its subaltern nationalisms. Employing an anti-antiessentialist critique, Rodríguez considers how the Chicano/a movement's focus on *la familia*, an idea rooted in heteronormativity and masculinity, can be used "in the service of reimagining new communities while maintaining biological kinship ties" and how kinship can make possible "queer models of cultural citizenship."<sup>35</sup> Rodríguez argues that *la familia* is not static, but rather has been a site where "community is made, and remade, ideally over and against normative *familia* romances whose hopeful passing will call forth its next of kin."<sup>36</sup> It is with this embrace of a flexible

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<sup>34</sup> Spillers, 80.

<sup>35</sup> Rodríguez, *Next of Kin: The Family in Chicano/a Cultural Politics*, 18

<sup>36</sup> Rodríguez, 176.

subaltern sensibility that I appreciate that kinship structures and the institution of family have not been wholly determined by state-sponsored migration, racialization, or incarceration, but remain an important site of contestation in which different agents have been fighting to create meaningful livelihoods for themselves and each other.

### **Notes on Terminology**

To invoke the categories of Southeast Asian and refugee is to already enter into a conversation about recognition, legibility, and power. Here, I want to respectfully highlight the tensions inherent in certain linguistic and categorical choices while also acknowledging my own positionality and limitations. I first explain my choice to use both Vietnamese and Southeast Asian as categorical terms in this project before turning to my decision to privilege “refugee” as the sociopolitical and migratory category of analysis. This section then reflects on how understanding and defining deportation more broadly can help further generate abolitionist approaches to anti-deportation work before turning to clarify how I conceptualize family and kinship within this thesis.

#### **Southeast Asia(n): America’s Indochine(se)?**

In *Phantasmatic Indochina: French Colonial Ideology in Architecture, Film, and Literature*, Panivong Norindr argues that “‘Indochine’ is an elaborate fiction, a modern phantasmatic assemblage invented during the heyday of French colonial hegemony in Southeast Asia. It is a myth that has never existed and yet endures in our collective imaginary. As a discursive construction that supported financial and political ambitions, ... Indochina continues



today to arouse powerful desires.”<sup>37</sup> Later, Norindr argues that it was the French that projected social, geographic, and cultural unity onto the spaces that would become known as the Union Indochinoise. Norindr details how the French not only constructed and perpetuated imagined and material differences between the metropole and the colony, but also between various spaces and people within their Indochina. Thus, Norindr emphasizes that French colonizers sought to maintain rule through frenetically oscillating and yet simultaneous processes of otherization and differentiation. This is evident in the different labels the French assigned to spaces in its Indochina. While Cochinchina, the southern part of present-day Vietnam, was formally considered a direct colony, other parts of present-day Vietnam, including Annam and Tonkin, alongside what we now call Cambodia and Laos were considered protectorates. These various spaces had unique relationships with the French colonial government, and the different geopolitical power dynamics existed prior to French colonization and continued beyond Western intervention.

That said, this colonial tactic of division and hierarchization within the space we now call Southeast Asia would continue to manifest during the period of formal war and American military involvement from the 1950’s to the 1970’s. Writing about the complexities of naming convention and acknowledgements, Khatharya Um argues that “the common reference to the war itself as the ‘Vietnam War’ locates it politically and geographically in a specific region and country. The war was promoted as being in, about and for Vietnam.”<sup>38</sup> Um later continues

Semantically locating it in Vietnam also has the effect of reducing the conflict to a singular theatre. Cambodia and Laos were then, and remain today, essentially insignificant in the popular understanding of the war. The lack of public attention to the two neighboring countries reflected, in large part, the clandestine nature of American involvement, but even more significantly, the paradoxical positions that they occupy, simultaneously critical and marginal, in U.S. policy thinking. This ambivalence rested on

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<sup>37</sup> Norindr, *Phantasmatic Indochina*, 1.

<sup>38</sup> Um, “The ‘Vietnam War’: What’s in a Name?,” 136.

the fact that, in and of themselves, Laos and Cambodia held no inherent value to the United States. Their strategic importance was a direct by-product of their geo-political position vis-a-vis Vietnam. For the Americans, as it was with the French, the deliberate and unconsented incorporation of Cambodia and Laos into their geo-political matrix was aimed singularly at furthering the more overarching objectives in Vietnam. Significantly, though Cambodia and Laos became a political and military stomping ground for all contending parties in the conflict, they were never seen in any light other than as instrumental to the success in Vietnam. The deliberate exportation of conflict into the two adjacent countries by both communist and non-communist forces was driven by a strategic rationale that remained fixed on South Vietnam.<sup>39</sup>

While Um calls for a reorientation toward Southeast Asian as a more inclusive and apt moniker, almost two decades later, I am worried that the usage of Southeast Asian as a categorical signifier may obscure (South) Vietnamese complicities and extant and divisive geopolitical tensions. When visibility and recognition afforded to Vietnamese migrants overshadows the distinct but related migration histories and lived realities of Cambodian, Hmong, Lao, and other folks, I am concerned that “Southeast Asian” may become an appellation that does not attend to material and political differences but rather superficially and neoliberally incorporates difference without redistribution. In other words, how might “Southeast Asian” have become synonymous with Vietnamese Americans to obscure how South Vietnam’s agreements with the United States directly led to the material, psychological, and spiritual violence inflicted upon others conglomerated into the category of Southeast Asian?

As Joshua Kurlantzick details, during the war in Southeast Asia, statemakers from the United States projected their own imaginations of a spreading and uncontrollable communism onto the space the French previously called Indochina.<sup>40</sup> Focusing on the space now called Laos, Kurlantzick recounts that the United States used Laos, and specifically recruited Hmong soldiers, to fight a proxy war that was less visible and scrutinized by the media and thus less known by the

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<sup>39</sup> Um, 136.

<sup>40</sup> Kurlantzick, *A Great Place to Have a War: America in Laos and the Birth of a Military CIA*.

(white) American polity. Kurlantzick argues that the outsourcing of war from the demarcated and acknowledged theater of war, Vietnam, into adjacent spaces indelibly affected not only what we now call Laos and those who called it home, but also expedited the militarization of the CIA and the proliferation of secreted wars and military operations. Released as part of the Pentagon Papers, a memorandum from a meeting between the Eisenhower and Kennedy administrations reveals the ways American statemakers imagined “Southeast Asia” as an area vulnerable to communism. The memorandum states, “At this point, President Eisenhower said with considerable emotion that Laos was the key to the entire area of Southeast Asia. He said that if we permitted Laos to fall, then we would have to write off all the area. He stated that we must not permit a Communist take-over.”<sup>41</sup> Fear of a Red Scare, combined with the homogenization of “Southeast Asia,” would be used by the state to justify continued American militarism in the area. The domino theory, the inability to recognize various spaces as distinct entities with their own political goals, and the imagined communist “Southeast Asia” led to expanded but clandestine military presence and violence in present-day Laos and Cambodia under the guise of American involvement in a “civil war” in present-day Vietnam.

Continuing the conversation about secreting and imperial tactics of differentiation, Ma Vang argues that while “the Hmong population in the U.S. is significantly less than the Vietnamese, but comparable to the Cambodian and Lao refugee populations, it is no secret that among the various Southeast Asian refugee communities, Hmong seem to have a unique alliance with the U.S. government to the point that the Hmong soldier/veteran narrative overshadows even that of South Vietnamese soldiers.”<sup>42</sup> This is because, as Vang writes, American

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<sup>41</sup> *Memorandum of Subjects for Discussion at Meeting of President Eisenhower and Senator Kennedy on Thursday, January 19, 1961.*

<sup>42</sup> Vang, *History on the Run : Secrecy, Fugitivity, and Hmong Refugee Epistemologies*, 27.

statemakers “viewed Laos as being at the front line of efforts to seal off South Vietnam’s borders and to prevent the spread of Communism into Thailand. Therefore, Laos’s sovereignty remained in suspension between being ‘neutral’ in the Cold War struggle yet ‘available’ for covert, direct military actions.”<sup>43</sup> While many more American soldiers were stationed in Vietnam, the CIA’s recruitment of Hmong boys to fight in the place of American soldiers has created a narrative of the Hmong (American) soldier/veteran.

By 1975, with the formal defeat of the Army of the Republic of Vietnam by communist forces, the United States pivoted to resettle migrants from the spaces currently called Vietnam, Cambodia, and Laos. However, as Vang distinguishes, “Whereas the U.S. purported to rescue South Vietnamese (and currently some refugees from the Middle East) from a deviant political state to realize freedom, Hmong were saved from not having a political state.”<sup>44</sup> Furthermore, while the military activity in Vietnam was considered an American defeat, the secreted operations in present-day Laos and Cambodia were considered “a CIA success story” because of “CIA management and judgment, culturally sensitive but competitive command of relationships, and the professionally adventurous approach of its personnel.”<sup>45</sup> Kenton Clymer adds, “Despite the problematic outcome of the war in Laos, the CIA considered it a great success because it tied down thousands of North Vietnamese troops who otherwise would have been available to fight Americans in Vietnam. The cost to Laos itself was not a concern for the CIA, and future CIA wars would be based on the Laos template.”<sup>46</sup> Thus, it is clear that the hierarchies of importance reified during the French colonial period were perpetuated during the United States’ militarism. The continuity of the colonial techniques of division, hierarchization, consolidation, and

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<sup>43</sup> Vang, 41.

<sup>44</sup> Vang, 39.

<sup>45</sup> Vang, 31, 43.

<sup>46</sup> Clymer, “Review of A Great Place to Have a War,” 408.

imagination from the French to the Americans not only testify to the interconnectedness of colonization and militarism but also reveal the incommensurable differences that perhaps cannot be subsumed under an all-encompassing category of “Southeast Asian.”

Despite the aggregated category of Southeast Asian, different resettlement processes also reveal the American state's disparate treatments of the constituent subgroups. The so-called rescue of Vietnamese migrants was important to reconstruct the narrative surrounding the war and to assuage American military defeat. As Yen Le Espiritu argues, “the media have deployed the refugee figure, the purported grateful beneficiary of U.S.-style freedom, to remake the Vietnam War into a just and successful war.”<sup>47</sup> Indeed, Operation Babylift and the Amerasian Homecoming Act reveal the state’s attempt to present Vietnamese migrants as pitiful and deserving folks who could be assimilated into (white) American society given their real and imagined adoption into nuclear family structures and their ardent anticommunism. However, while President Ford’s administration staged a photo shoot of President Ford holding a Vietnamese “orphan” from Operation Babylift, Um reminds us, “there was no honor in the sight of the last American Ambassador, flag folded under his arm, dashing onto the helicopter of Operation Eagle Pull, nor was there peace in the aftermath of the Khmer Rouge acquisition of power.”<sup>48</sup> Contrasting the clandestine evacuation of American and foreign personnel from Phnom Penh during Operation Eagle Pull with the highly documented and self-congratulatory resettlement of Vietnamese folks through Operations Babylift and New Life, we must ask if the category of “Southeast Asian” is capacious enough to acknowledge and reckon with these different migration experiences to build coalitions or if it simply flattens and denies these important disparities.

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<sup>47</sup> Espiritu, “The ‘We-Win-Even-When-We-Lose’ Syndrome,” 329.

<sup>48</sup> Um, “The ‘Vietnam War’: What’s in a Name?,” 137.

Unsurprisingly, the differential treatment that specific ethnic groups experienced during colonization and war continue to be perpetuated in divergent life outcomes today, even upon resettlement in Turtle Island. Revisiting Jeremy Hien's *From Vietnam, Laos, and Cambodia: A Refugee Experience in the United States* with these differences in mind reveals the importance of specificity in categorization. Hein both emphasizes that many groups labeled as Southeast Asian were displaced due to American militarism, but his incredibly varied ethnographies and case studies of Vietnamese folks in south Texas, Cambodian women in Boston, and Lao workers in Chicago reveals the fundamental heterogeneity of groups merged into the category of "Southeast Asian."<sup>49</sup> Ethnic groups' different experiences upon resettlement is further emphasized in Eric Tang's *Unsettled: Cambodian Refugees in the New York City Hyperghetto*. Tang writes,

Bronx Cambodians were overwhelmingly impoverished; their welfare participation rates, as mentioned, were as high as 80 percent; and the community did not include capitalized entrepreneurs or professionals...In this sense, to speak of "Southeast Asian refugees in the United States" as a common category is somewhat misleading...Indeed, the economic, political, and geographic trajectories of Cambodian refugees are distinct from those of Vietnamese refugees, whose ethnic economies and professional classes are prevalent.<sup>50</sup>

Tracing the differential colonial and imperial treatment of ethnic groups in the space we now call Southeast Asia, I wonder if the category of "Southeast Asian refugees in the United States" is not only misleading but also violently reductive through its neoliberal acknowledgment of unrectified difference.

The resettlement of certain ethnic groups into what Tang calls the hyperghetto and the varying ethnic and social capital available to different groups continues to affect life outcomes even in the consequential generations. In *The Asian American Achievement Paradox*, Jennifer Lee and Min Zhou argue

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<sup>49</sup> Hein, *From Vietnam, Laos, and Cambodia : A Refugee Experience in the United States*

<sup>50</sup> Tang, *Unsettled*, 9.

Although we found convergence in the experiences of 1.5- and second-generation Chinese and Vietnamese, experiences differ among other Asian ethnic groups, such as Cambodians, Hmong, and Laotians. These groups arrived in the United States with much lower levels of human capital than the U.S. average and have very high poverty rates. Their extremely disadvantaged economic status, combined with their distinctive features and darker skin, may deny them the type of symbolic capital from which lighter skinned, more privileged East Asian ethnic groups benefit. It is entirely possible that poorer and darker-skinned Asians suffer from stereotype threat rather than benefit from stereotype promise.<sup>51</sup>

This specific comparison emphasizes the constructedness of the category of Southeast Asian.

Implicit in the authors' logic is the assumption that Vietnamese folks are perhaps racialized as East Asian and thus afforded certain assumptions about modernity, competency, and academic ability. While this dangerously obscures the heterogeneity of the Vietnamese diaspora, Lee and Zhou's writing about the physical racialization of Cambodians, Hmong, and Laotians asks us to seriously consider the limitations of using Southeast Asian as a political and/or social category. Jolie Chea's analysis of the ways in which language about Cambodian refugees have not only contested the model minority figure, but has also "continued the function of the model minority figure, providing reinforcement to racial hierarchy and power not only in traditional ways but towards new frontiers as well," highlights the ways in which images of various Southeast Asian refugee groups get circulated in resonant ways.<sup>52</sup> However, when academic literature starts to contrast the academic and economic life outcomes of second-generation Vietnamese with those of second-generation Cambodians, Hmong, and Laotians, I wonder how the aspirations for a coalitional Southeast Asian diaspora may run counter to divergent lived realities. This is not to say that "Southeast Asian" has no utility. Indeed, there are commonalities of being colonial subjects, experiencing war-inflicted displacement, and contending with state neglect and violence upon resettlement. However, I am suggesting that we use "Southeast Asian"

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<sup>51</sup> Lee and Zhou, *The Asian American Achievement Paradox*, 196.

<sup>52</sup> Chea, "Agents of War," 130.

purposefully and intentionally through the emphasis of both the similarities *and* differences in ethnic subgroups' experiences. Perhaps then, the category of Southeast Asian can usefully and ethically mobilize communities through commensurabilities while acknowledging incommensurabilities.

In this work, I have chosen to use specific categories and terms whenever possible. This is partly driven by reflections on my positionality and identity. There is a certain violent erasure in the tendency in using the category of Southeast Asian when actually referring specifically to Vietnamese diasporic experiences. Given the relative abundance of Vietnamese American scholarship and given my identity as a Vietnamese American descendent of Vietnamese Orderly Departure Program refugees, I have elected to unsubscribe from flattening universalizing as much as possible. Therefore, in my first two chapters, I almost exclusively use the category of Vietnamese because the objects of analysis, including Operation Babylift, the Orderly Departure Program, the Amerasian Homecoming Act, media coverage, and various fictional works, are concerned specifically with Vietnamese refugees and their experiences. I have chosen to use Southeast Asia to refer to the geography of the war because I want to denaturalize the ways the war is often discursively confined to Vietnam and to acknowledge the multiple theaters of war. I also preserve the categorization used by the texts and materials with which I engage. In the third chapter, I use Southeast Asian more because deportation has affected a multiplicity of Southeast Asian subgroups. Unlike the 1970's operations and procedures specifically aimed at Vietnamese, the criminalization and deportation of Southeast Asians seems more diffuse and less ethnically specific now. Furthermore, I contend that anti-deportation advocacy and community mobilization is a way to infuse the category of Southeast Asian refugees with a politically cohering meaning. That said, even within anti-deportation legal advocacy, there are different



approaches to respectability politics that generally map onto ethnic divides. The political and social stakes of various approaches will be something I return to in the third chapter.

### **Refusing Refugee Exceptionalism**

Another thorny category is that of the refugee. Scholars and practitioners in both Refugee Studies and Critical Refugee Studies have had much to say about the limitations of the 1951 definition of refugee from the United Nations High Commissioner for Refugees (UNHCR). Andrew Shacknove argues that instead of this restrictive definition, refugees are “in essence, persons whose basic needs are unprotected by their country of origin, who have no remaining recourse other than to seek international restitution of their needs, and who are so situated that international assistance is possible.”<sup>53</sup> Felix Bender suggests, “It is the lack of public autonomy and thus their inability to change the conditions that govern their lives that ground an understanding of who is a refugee.”<sup>54</sup> Recently, Eilidh Beaton proposed that “people who would be granted refugee status if they crossed a border, but who remain in their country of nationality, should also be eligible for refugee status.”<sup>55</sup> Despite these important academic interventions, the restrictive 1951 UNHCR definition of refugee, based on persecution due to group membership, remains legally and socially dominant to this day.

Thus, not all of those who seek refuge are legally recognized as refugees. Carl Bon Tempo argues that the United States’ choice to categorize a group as refugees is a highly political calculation often involving the state’s reluctant resettlement of migrants displaced from communist spaces. Taking seriously Catherine Besteman’s analysis of the global militarized apartheid, defined as “the structures of control that securitize the north and foster violence in the

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<sup>53</sup> Shacknove, “Who Is a Refugee?,” 277.

<sup>54</sup> Bender, “Refugees,” 616.

<sup>55</sup> Beaton, “Against the Alienage Condition for Refugeehood,” 147.

south, that gate the north and imprison the south, and that create a new militarized form of apartheid on a global level,” we must earnestly consider the implications of who is recognized as a refugee, what political structures condition that categorization, and the implications of reproducing those distinctions in our own work and language.<sup>56</sup>

In 2006, Yen Le Espiritu argued that “we need to imbue the term ‘refugee’ with social and political critiques—that is, to conceptualize ‘the refugee’ not as an object of investigation, but rather as a paradigm ‘whose function [is] to establish and make intelligible a wider set of problems.’”<sup>57</sup> She asks, “How would refugees, not as an object of investigation, but as a site of social critique, ‘articulate the incomprehensible or heretofore unspeakable’?”<sup>58</sup> Inspired by the contributions of Critical Refugee Studies, here, I wonder if it is possible to disrupt and contest the exclusionary and restrictive definition of refugee. In what ways may the lauding of formal refugees and refugee epistemology and survival naturalize and legitimate state recognition and geopolitical borders? The distinction between migrants and refugees is perhaps even more salient given the bipartisan refusal to consider those at the Southern border as refugees, and instead decrying them as economic migrants.<sup>59</sup> At the same time, those fleeing Ukraine were immediately classified as refugees.<sup>60</sup> I raise this point not to encourage comparative analysis, but rather to highlight that the classifications of migration and refugee are neither apolitical nor self-evident, but rather reflect racialization and geopolitical power. To naturalize the category of refugee risks exceptionalizing their experiences at the cost of denying other groups’ call for refuge.

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<sup>56</sup> Besteman, “Militarized Global Apartheid,” 26.

<sup>57</sup> Espiritu, “Toward a Critical Refugee Study: The Vietnamese Refugee Subject in US Scholarship,” 421.

<sup>58</sup> Espiritu, 424.

<sup>59</sup> Gramlich, “Monthly Encounters with Migrants at U.S.-Mexico Border Remain near Record Highs.”

<sup>60</sup> “Situation Ukraine Refugee Situation.”

Interrogating the creation of legal categories and social boundaries informs not only our critique of state power to mark groups as refugees or migrants, but also reveal complexities within groups often subsumed under the category of “Southeast Asian refugees.” For example, Operation Passage to Freedom was an operation run by the US Navy that facilitated the transport of 300,000 “refugees” from North to South Vietnam after the 1954 Geneva Accords halved Vietnam.<sup>61</sup> Although military historians write about these migrants as refugees, the post-war reunification of Vietnam redefined geopolitical borders such that many of these migrants would today be understood as internally displaced persons. The newness, arbitrariness, and the external imposition of geopolitical borders means that these migrants’ multiplicative displacements are not legible to the global refugee regime or to the American polity. Extending this analysis to the growing number of internally displaced persons, perhaps the celebration of refugees - people who cross acknowledged state borders - legitimate these boundaries which further diminishes the plight of internally displaced people.

Writing about the militarization of Fort Chaffee, a camp in Arizona that held Vietnamese and then Cuban migrants, Jana Lipman reveals, “Vietnamese and Cuban men and women were not legally refugees when they came to Fort Chaffee. While the popular press, base newspapers, and official correspondence consistently referred to Vietnamese and Cubans as ‘refugees,’ their legal status was both more ambiguous and contested. The Executive Branch admitted Vietnamese not as refugees, but as ‘parolees,’ taking advantage of a loophole in the 1952 McCarran-Walter Act, which allowed for ‘temporary admission’ for foreigners who fell outside U.S. immigration law.”<sup>62</sup> Given the number of people from present-day Vietnam, Laos, and Cambodia who came to the United States not as refugees, but rather as parolees and/or

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<sup>61</sup> Frankum, *Operation Passage to Freedom : The United States Navy in Vietnam, 1954-1955*.

<sup>62</sup> Lipman, *In Camps*, 60.1

“immigrants with refugee benefits,” I worry that the emphasis and reclamation of refugee obscures the structural violence and negotiations that these groups had to face. We must also consider the construction of narratives of the “good refugees,” and the notions of debt that accompany being the “object of rescue.”<sup>63</sup> Therefore, the homogenization of migration histories into a more straightforward narrative of refugee resettlement risks reifying the constructed narrative of American benevolence. Not only does this erasure of non-refugee narratives obscure historical migration violences and militarized refuge(e), but it also supports an imagination of an American state that welcomes “deserving” refugees.<sup>64</sup> This imagination indirectly legitimates and perpetuates contemporary violences occurring at the militarized southern border, in Guantanamo, and at all American and non-American legal and geopolitical borders.

While there are many reasons why scholars, writers, activists, and communities may feel compelled to perpetuate notions of refugee exceptionalism, I ask us to reexamine this investment to allow ourselves to be in more ethical relation with what Vinh Nguyen has identified as “millions of racialized, migrant, and Indigenous groups, groups that have their own complicated histories and relationships to the nation-state.”<sup>65</sup> As Mimi Thi Nguyen has argued, there are unique configurations of debt and gratitude that exist specifically for refugees who have been marked as “objects of rescue.”<sup>66</sup> Then, it is perhaps politically meaningful to particularize the categorization of “refugee” when discussing these subjects’ refusal to perform acts of thanksgiving and instead to present certain demands.

Cognizant of these political complexities, in this work, I have ultimately chosen to use “refugee” as the categorical term because that is how most legislation and media coverage

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<sup>63</sup> Nguyen, *The Gift of Freedom*.

<sup>64</sup> Espiritu, *Body Counts*.

<sup>65</sup> Nguyen, “Refugeetude When Does a Refugee Stop Being a Refugee?,” 127.

<sup>66</sup> Nguyen, *The Gift of Freedom*.

classifies the migrants under analysis. Furthermore, I am interested in how notions of abjection and forced displacement are not only cultivated by the state, but also used by these subjects for their own political and personal desires. What images and possibilities does an emphasis of refugee-ness conjure? How have these subjects understood and positioned themselves within these affective economies? What is made politically imaginable and possible when “refugees,” marked by their supposed abjection, voice demand for certain changes, livelihoods, and futures?

At the same time, it is important that when we write and talk about those who are displaced, we resist simplicity and instead name, with specificity, the labels and processes various groups have experienced. Thus, when I discuss the Amerasian Homecoming Act in the first chapter and welfare usage in the second chapter, I return to how the categories of refugee and immigrant with refugee benefits reveal anxieties about racialized and economic national belonging. To reiterate, I use the term refugee not to naturalize the category, but instead to think through how the positioning of seeking refuge can foster an understanding of convivialities connected by experiences of structural violence.<sup>67</sup> Perhaps it is through this expanded articulation of multiplicities that we can embrace our connections and relatedness to “others who may seem so disconnected and removed from one’s experience.”<sup>68</sup> Then, we will be better equipped to collectively contest state borders and violences to, as Vinh Nguyen writes, cultivate togetherness “within a world order that often fails to be humane to the millions of people moving through the world in search of refuge.”<sup>69</sup>

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<sup>67</sup> Nguyen, “Refugeetude When Does a Refugee Stop Being a Refugee?”

<sup>68</sup> Nguyen, 125.

<sup>69</sup> Nguyen, 125,127.

## Deportation and Abolition: Migrant Justice as Racial Justice

I want to continue this section by highlighting the need to center abolitionist feminist racial justice sensibilities in anti-deportation work and migrant justice work more broadly. As Bill Hing has documented, Cambodians' resettlement in areas contesting racialized urban disinvestment resulted in them being targeted by the same surveillance, policing, and criminal legal systems that continue to incarcerate their Black neighbors.<sup>70</sup> A series of neoliberal immigration reforms in the 1990's, namely the Immigration Act of 1990 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, retroactively made criminalized actions the grounds for deportation. As the Southeast Asian Resource Action Center reports, these retroactive classifications made over 14,000 "Southeast Asian refugees vulnerable to deportation."<sup>71</sup> In response to the threat of deportation and physical deportations, certain organizations and communities have developed robust anti-deportation campaigns. However, many of them center notions of deservingness, redemption, and innocence through invoking deportees' service to their family and communities. While these campaigns also may critique the criminal legal system and/or certain individuals' sentences and deportation orders, abolition feminists such as Angela Davis, Gina Dent, Beth Richie, Erica Meiners, Ruth Wilson Gilmore, and Jackie Wang have shown how the move to center deservingness upholds the underlying idea that some people ought to be incarcerated.<sup>72</sup> Specifically, Lisa Marie Cacho has argued

Value is ascribed through explicitly or implicitly disavowing relationships to the already devalued and disciplined categories of deviance and nonnormativity. When we distinguish ourselves from unlawful and outlawed status categories, we implicitly insist that these socio-legal categories are not only necessary but should be reserved and preserved for the "genuinely" lazy (welfare recipients), "undoubtedly" immoral

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<sup>70</sup> Hing, "Detention to Deportation - Rethinking the Removal of Cambodian Refugees Symposium"; Hing, "Deporting Cambodian Refugees: Justice Denied?"

<sup>71</sup> "Immigration."

<sup>72</sup> Davis, *Are Prisons Obsolete?*; Gilmore, *Golden Gulag Prisons, Surplus, Crisis, and Opposition in Globalizing California*; Wang, *Carceral Capitalism*; Davis et al., *Abolition. Feminism. Now.*

(marrying for citizenship), and “truly” dangerous (gang violence). When we reject these criminalized others of color, we leave less room for questioning why such status categories are automatically and categorically devalued. While these tactics may be politically strategic and even necessary at times, it is important to be cognizant of the fact that they work because a sympathetic public can register that some people are the wrong targets of legitimate laws. They work only if a sympathetic public already accepts that discrimination against not-valued others is legitimate and necessary.<sup>73</sup>

As such, the choice to center redemption does not fundamentally deconstruct the prison-industrial complex. Here, I am interested in thinking through the entanglements of incarceration and deportations and how that might generate new modes of connective relationality.

In 2014, Ruth Wilson Gilmore gave a talk entitled “Mass Incarceration, Deportation, Stop and Frisk: The Urban Ecology of the Prison-Industrial Complex.”<sup>74</sup> In it, she argues that poor people of color live “stretched lives” both because of the distance between affordable housing and their work locations and because of the remoteness and inaccessibility of prisons. Gilmore argues that fundamentally racialized capitalism and policing not only decreases the lifespan of those who are incarcerated, but also fragments communities and makes them more fragile. Applying her theorization of surplus, Gilmore argues that both “those without documentation to work” and “those with documentation not to work,” undocumented migrants and criminalized individuals, respectively, both exist in danger and fear of being surplus by state apparatuses that view them as the raw materials for the prison-industrial and deportation complexes.<sup>75</sup>

While many of the Southeast Asian refugees who are vulnerable to deportation are not necessarily undocumented, this connection between incarceration and deportation is generative

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<sup>73</sup> Cacho, *Social Death*, 18.

<sup>74</sup> Gilmore, “Mass Incarceration, Deportation, Stop and Frisk: The Urban Ecology of the Prison-Industrial Complex.”

<sup>75</sup> Gilmore.

in facilitating connections between what Gilmore calls “likely allies.”<sup>76</sup> Instead of thinking of incarceration as a related but preceding process separate from deportation, perhaps thinking through the continuities better emphasizes the necessity of abolition feminist frameworks in anti-deportation organization. Inspired by Gilmore’s thinking about stretching, one could imagine that the process of being forced into prison is both akin and analogous to an act of deportation. In other words, what happens when we consider the physical delineations of jails, prisons, and carceral facilities to also be a type of national border with similar geopolitical significances? How might incarceration and deportation both mark an exclusion from the rhetoric of the national family? Indeed, in both processes, neoliberal logics of individual responsibility and punishment result in the separation and distancing of an individual from their loved ones and communities. In many cases of incarceration and deportation, criminalized individuals experience treatment that could be classified as a type of social death. Lisa Marie Cacho argues that racialized and criminalized individuals “do not have the option to be law abiding, which is always the absolute prerequisite for political rights, legal recognition, and resource redistribution in the United States. When subjugation is engendered, justified, and maintained by the law, legal recognition cannot be a permanent or meaningful solution to subjugation. Criminalization justifies people’s ineligibility to personhood because it takes away the right to have rights.”<sup>77</sup> Additionally, like deportation, incarceration forces bodies into a space where American laws do not apply. The ubiquity of penal labor in America demonstrates how both deportation and incarceration are marked by what A. Naomi Paik terms rightlessness. Those who experience rightlessness are “removed from the rest of the world to the world of the camp, where the protections that many of the rest of us take for granted do not apply” and have been “sundered

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<sup>76</sup> Gilmore.

<sup>77</sup> Cacho, *Social Death*, 8.



from the community that could guarantee the right to have rights.”<sup>78</sup> Critiquing rights discourses, Paik argues that “people are rendered rightless not as the result of the failures of rights, but as a necessary condition for rights to have meaning in the first place.”<sup>79</sup> Thus, it becomes clear that anti-deportation movements necessarily need to be abolitionist. Otherwise, we are stuck with reformist reforms that confine us to the state’s logics and grammars of deservingness and rights.

By centering abolitionist feminism within anti-deportation advocacy, those of us invested in imagining and enacting new modes of existing and belonging can both recognize and sharpen the harm reduction methods needed for those who are directly and urgently targeted by state violence while also developing longer term and structural critiques that allow us all to be more free. There are lively debates about the role of law and abolition. From judicial abolitionists to self-proclaimed reformists, it is clear that the law still structures our daily lives, and these tensions between reform and revolution continue to guide my thinking as I embark on my law school journey. It is with this abolitionist spirit that I ask those of us invested in anti-deportation advocacy to consider the need and the limitations of respectability-driven appeals to the state and attempt to enact radical, abolitionist approaches and demands that will allow us to embrace our complicated and contradictory selves as we hold each other through accountability, growth, and toward liberation.

### **Family and Kinship**

This project argues that nuclear and biological family is an important but non-exclusive form of relationality within Southeast Asian refugee kinship and social networks. By examining multiple and different articulations of Southeast Asian refugee sociality and relationships, I seek to show that nuclear and conjugal families are important to these subjects but perhaps this

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<sup>78</sup> Paik, *Rightlessness*, 3, 5.

<sup>79</sup> Paik, 4.

narrowly defined set of relationships oftentimes does not accurately encompass or convey the richness and multiplicity of connections within these communities. In doing so, this project aims to defamiliarize and decentralize state narratives of economically mobile and self-sufficient Southeast Asian refugee nuclear families which uphold by the model minority myth. Such a move asks us not to discount the importance of biological and even nuclear families in Southeast Asian refugee communities, but rather to examine the contours of these relationships and the sociopolitical milieu in which narratives about such families circulate. Through examinations of legal documents, news reports, diasporic Vietnamese literary productions, and interviews with deportation defense lawyers, this work shows that while many Southeast Asian refugees may have important conjugal and nuclear families, they also may partake in other more expansively imagined and articulated kin relations. This thesis shows that while many Southeast Asian refugees and their advocates use the language of family to refer to non-nuclear and non-biological relations, the state continues to deploy the language of nuclear family values in an exclusionary way that upholds racialized heteronormativity, gender roles, and physical and social reproduction. This project's discussion of the Moynihan Report, debates on welfare caps, and more recent migration policies demonstrates that the state deploys the language of family in ways that perpetuate notions of un/deservingness. Here, I do not seek to denigrate or abolish Southeast Asian refugees' nuclear or biological families, which continue to be sites of meaningful economic, physical, and emotional support. Rather, I suggest that centering notions of kinship, in which biological family is one of many forms of emotional and social attachment, might allow us to simultaneously embrace the importance of biological family and articulate our livelihoods in ways that are not overly determined by the state. This project hopes to proliferate the narratives about Southeast Asian refugee social attachments so that this community can more

accurately and freely express the nuance and variety of its lived realities. Perhaps kinship, which includes biological family, affords Southeast Asian refugees a certain opacity and flexibility to both narrate their lives in ways that are true and resonant to them while also distancing themselves from the state's violent deployment of nuclear and biological family.

### **Notes on Positionality and Personal Stakes**

I approach this project not as an impartial and purportedly objective observer, but as someone who identifies as part of the broader Southeast Asian refugee diaspora. Specifically, my parents and their families are Vietnamese refugees who came to the United States through the Humanitarian Operation (HO) subprogram of the Orderly Departure Program (ODP), which I discuss at greater length in the first chapter. As such, I have grown up with an acute awareness of how migration policies, specifically HO, have stretched and strained deeply important and meaningful familial attachments across time and space. When I was growing up, my father's family was in a protracted process to sponsor my paternal aunts who had not qualified to resettle through ODP because these aunts were married at the time of resettlement, and HO only allowed unmarried children of re-education camp detainees/prisoners to be resettled. Hearing about my dad's family filling out form after form and seeing their excitement when the sponsorships were finally approved gave me a deeply emotional understanding of the ways American migration policies strain and sever family relationships while claiming to reunite and protect these bonds.

My parents' stories about their post-1975 life in Vietnam and their disorientating first few years in America also highlight the ways that they have deeply meaningful life-long relationships with those with whom they are not biologically related. For example, my dad's family borrowed money from non-biological family friends to buy new, matching, shoes for their move to America. In their first two months post-resettlement, their non-biological sponsor taught them

how to drive and how to shop at an American grocery store. My mom's family reminisces on and talks about the other Vietnamese refugee families with whom they would go to "shop" from the clothes that had been donated to the church organization that sponsored their resettlements. Even now, my mom's family shares social and material resources with kin networks that are not biologically related, and yet these relationships have been undeniably important as my mom's family constructs their own lifeworlds within the United States.

While I want to be clear that I am privileged to not be directly or personally affected by the incarceration or deportation, I do identify as part of the broader racialized and Southeast Asian diasporic community that is affected by these violences. Thus, I approach this work with the sensibility that those who are most directly affected are people I could and perhaps will be in conversation and community with. I also want to be clear that my identification as second-generation Vietnamese American also present its own possibilities and limitations. In one of my interviews with an anti-deportation lawyer, the topic of respectability politics arose. The interviewee reflects

I think it's also really important to disaggregate Southeast Asian communities because there were really real and valid tensions between like a lot of the Khmer Cambodian folk that I was working with and a lot of the Vietnamese folk. And a lot of that is because in the diaspora here, like a lot of Viet folks tend to be much more respectability politics, and have been able to be. And there's so much connected to that, right? In terms of the history of like, what those migrations and diasporas have looked like. And so as I was doing this work, I was also supporting folks at VietRise, who are really trying to kind of educate elders, community members about the importance of understanding that their struggles are connected to other Southeast Asian and other immigrant struggles.<sup>80</sup>

Aware of these tensions and differing approaches to respectability politics within the broader Southeast Asian diaspora, I situate myself as a second-generation Vietnamese American who is

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<sup>80</sup> Anon. Interview 1.

interested in enacting other ways of being routed through alternative, and perhaps more contentious, engagements with power. It is my hope that such a disposition allows me to imagine interactions in which Vietnamese refugee communities are more closely and explicitly aligned with not only other Southeast Asian refugee communities, but also alongside other racialized communities that are not afforded the choice of respectability politics.

Inspired by José Esteban Muñoz's theorization of disidentification, which will be discussed at greater length in Chapter Three, I also appreciate and acknowledge that minoritarian subjects oftentimes feel compelled to and may have little choice but to present themselves in the terms of hegemonic power in order to survive.<sup>81</sup> I am not interested in criticizing or delegitimizing the social, interpersonal, and/or legal strategies of subjects who are trying to minimize and navigate the direct harms of state violence. Instead, I am interested in interrogating how power, both from above and below à la Foucault, structures narratives and narratology of Southeast Asian refugee kinship networks. It is this interrogation that allows me to argue that while important, nuclear families are but one of many forms of social organization within Southeast Asian refugee communities. Perhaps this reframing of family and kinship allows for more, multi-sited, and multi-valent stories about this community to emerge more resonantly, thereby decentering and deprivileging the exclusionary and punitive violences of state deployments of the nuclear family.

My investment in proliferating narratives about Southeast Asian refugee kinship networks is also influenced by my interest in legal practice and defense. As a future legal practitioner and/or scholar, I am academically and personally interested in understanding what the law can and cannot do. Directly related to this question is an inquiry into what problems can

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<sup>81</sup> Muñoz, *Disidentifications : Queers of Color and the Performance of Politics*

be remediated by the law and what must be addressed by other means. Although the law purports to deal in facts and objectivity, I am interested in how conceptualizing legal defense as an instantiation of storytelling might offer a clearer understanding of the possibilities and limitations of juridical recognition and legal procedures. Critical Legal Studies has shown that the legal system is not neutral, but rather operates on violent assumptions and simplifications to preserve existing hierarchies and delineations of un/deservingness to perpetuate the status quo. However, Critical Race Theory scholars such as Cheryl Harris and Kimberlé Crenshaw have also shown that the law can still be used as a tool in a multi-faceted racial justice movement. As I balance the complexities of my abolitionist desires and the realities of our current moment, I also approach this project with a desire to know if the law can be reworked or used for the purposes of abolitionist goals. Thus, I approach this project as a second-generation Vietnamese American who wants to take seriously the potentials of a broader Southeast Asian American political identity, as an Asian American Studies student who wants to carry forward the radically interracial and anti-colonial Third World solidarities promoted by the Third World Liberation Front, and as a future lawyer who wants to be accountable to both her future clients and the more expansive project of liberation.

### **Notes on Methodology**

This thesis juxtaposes how the state develops and deploys its racialized narrative of economically independent nuclear families with how Southeast Asian refugees have cultivated and articulated more capacious kinship networks, which include but are not exclusively defined by biological families. Through examinations of legal and governmental documents, Southeast Asian refugee advocacy, news articles, diasporic Vietnamese literature, and interviews with deportation defense lawyers, this thesis shows that the state's narrative of Southeast Asian

refugee nuclear families is a vast oversimplification of the multiplicities of familial kin arrangements within Southeast Asian refugee communities. The goals of this project are two-fold. By engaging with different modalities and objects of study such as legislative reports, news media, fiction, and interviews, this project not only demonstrates the state narrative of nuclear families is an incomplete and inaccurate description of Southeast Asian refugee communities, but it also emphasizes how non-state agents have understood and articulated these flexible kinship networks. Collectively, accounting for multiple articulations of Southeast Asian refugee families demonstrates that these subjects cultivate relationships that do not always adhere to and often expand beyond state expectations. Engaging with different objects of study also highlights how governmental policies, news reports, literature, and lawyering are all constrained by the particularities of their genres. For example, close readings of literature and news reports makes clearer what cannot be expressed in and through the law. Each modality uniquely contributes to a more capacious understanding of kinship. At times, these contributions offer harmonious accounts of family and kinship, and yet other times, there is more explicitly unretractable dissonance. However, it is only through interdisciplinary engagement with these variously situated sites of articulation that we can better appreciate how family has been understood by differently positioned subjects and collectivities. Government documents, news reports, literature, and lawyers each understand Southeast Asian refugee kinship differently, and interdisciplinary mixed-methods allows this project to engage with each modality on its own terms to then argue for a more expansive understanding of kinship.

### **Chapter Overviews**

This project traces the state's fixation on the institution of nuclear family in Southeast Asian refugees' resettlement to, racialization within, and removal from the United States. The

project is equally invested in emphasizing how non-state agents articulate their understandings of Southeast Asian refugee familial kinship networks in relation to the more narrowly defined hegemonic narrative. In the first chapter, I provide a brief overview of the racialization of the institution of family prior to Southeast Asian refugees' resettlement through an analysis of the 1965 Moynihan Report and the Hart-Cellar Act. Chapter One then turns to analyze how Operation Babylift's rhetoric of adoptable and assimilable Vietnamese orphans reflected debates about gender norms, national responsibility, and liberal guilt. This chapter also examines how the form and imagination of Vietnamese nuclear families assuaged the domestic social unpopularity of resettling Vietnamese refugees. Through a legal analysis of the Orderly Departure Program and the Amerasian Immigration/Homecoming Act, this chapter argues that the nuclear family is not apolitical, but is rather a reflection and negotiation of material, cultural, and political constraints. Indeed, the state attempts to use the institution of family to create racialized, gendered, and classed subjects for its own domestic and international political goals. However, refugees also use the language of family and its attendant notions of non-political benevolent care to advocate for the resettlement of loved ones. This not only reveals the political sophistication of Southeast Asian refugees, but also highlights that these subjects consider family to be something that necessarily extends across miles and geopolitical and social borders. Furthermore, Southeast Asian refugee advocacy also highlights the ways that these subjects relate to each other in more expansive and flexible ways than what is encapsulated in the state's deployment of nuclear families. Resettlement advocacy done by refugee groups reveals that their families are spread across continents, thereby highlighting how their way of being in family and in kinship networks differs from the state's assumption of geographically proximate and



physically intact nuclear families. Thus, family is created in and through migration processes that have always been contested by subaltern subjects.

Chapter Two takes up an examination of how neoliberal concerns of economic self-sufficiency and welfare usage continued to racialize family while simultaneously presenting family values as an avenue to economic and social mobility. Employing media and then literary analysis, this chapter starts with a discussion of how the violences of war and migration already rearranged kinship relations even prior to resettlement. By placing literature next to news reports, I hope to emphasize that news articles are also produced from a certain perspective, and thus are also a form of storytelling about Southeast Asian kinship. The aim of putting news reports in conversation with literature is not to burden these fictional accounts with the charge of truth or objectivity, but rather to say both of these types of written production offer important imaginations and revisitations of Southeast Asian refugee kinship forms. My engagement with news reports offer an idea of how (white) Americans understood and attempted to discipline Southeast Asian nuclear families while the close readings of fiction make visible how diasporic Vietnamese authors understand the violences and contradictions of nuclear families and the incommensurabilities of state discourses with their lived experiences. Despite the innumerable ways Southeast Asian refugees socially organized themselves, there were still many attempts by the media and by the academy to present Vietnamese refugees as family-oriented to diminish the space between these new refugees and the emerging professionalized Asian immigrant class. Acknowledging the seemingly ambivalent description of Vietnamese refugees as nuclear families and as welfare frauds, this chapter seeks to advance the argument that the insistence on Vietnamese nuclearity hints at the ways Vietnamese kinship formations were never static and have undergone constant contested construction. This chapter also extends Tang's theorizing of

refugee exceptionalism to consider how existing understandings of Asian Americans as model minorities allowed for promise of intergenerational assimilation and mobility to be extended to Southeast Asian refugees who use government assistance in ways that were not accessible to Black communities, further triangulating Black and Southeast Asian kinship formations. Turning to diasporic Vietnamese authors' literary revisitation of flexible kinship formations, this chapter also emphasizes how economic realities and migration meant that Vietnamese refugee kinship structures have always defied traditional expectations of the economically-provisioning patriarch with a subservient wife and children.

Chapter Three examines the role of family in contemporary Southeast Asian refugee anti-deportation advocacy. This chapter starts with an overview of the neoliberal immigration reforms that further criminalized migrants and enhanced the prison-to-deportation pipeline. Emphasizing the language of individual responsibility, these laws did not allow for consideration of kinship relations in deportation procedures, further revealing the ways the state is deeply invested in regulating and disciplining racialized kinship formations. While my interviews with legal advocates reveal that they may be constrained by legal conventions and their responsibilities to their client(s) or class of clients, I consider the possibilities of maintaining and nourishing conversations about sovereignty, relationality, and freedom as we stumble toward more just and freer futurities. Methodologically, privileging attorneys' reflections and personal opinions that are not burdened by responsibilities to clients allows the chapter to argue that legal writing and defense is also a form of narration that relies on certain slippages and opacities that are intentionally undertaken by the lawyers but are perhaps less obvious from the perspective of the law. Turning to the interviewee's reflections after detailing the legislative history that confines their professional work allows the chapter to more clearly understand how abolitionist lawyering

can be an embodied ethic or mode of engagement versus a tangible and predetermined legal outcome. In conversation with writings about disidentification, I ask if it is possible to imbue notions of kinship with more expansive possibilities. How might the invocation of family in anti-deportation work already necessarily trouble traditional ideas of togetherness and familiarity? I end with a reorientation to articulate demands instead of rights-based asks that are perhaps overdetermined by sentiments of respectability and inclusion that legitimize this settler colonial state's power. To do so, a more clearly articulated distinction between the legal and juridical performance and community-building and consciousness-raising may be helpful.

By tracing the resonances of family across these three different moments, I argue that the state attempts to mark Southeast Asian refugees as disposable subjects through *reducing* their expansive kinship networks to the constrictive nuclear family, *reusing* the exceptionalized figure of the family-centered Southeast Asian refugee to further deny anti-Black structural racism, and *recycling* their bodies into incarcerated spaces to justify increased militarized policing before *rejecting* them from the state through deportation. However, in each of these moments, refugee subjects have continued to contest, manipulate, and ignore attempts of state-imposed disciplinary categorizations to create meaning, relationships, and livelihoods for themselves. By turning to different arenas which each posit a unique understanding of Southeast Asian refugee family and kinship, this thesis does not seek to delegitimize nuclear family, but rather seeks to reframe it as one of many modes of engagement within these communities. In doing so, I hope to defamiliarize the hegemonic narrative of nuclear Southeast Asian refugee families to invite us to re-examine what power structures contour the proliferation of these dominant narratives and to listen more carefully for the many other articulations and understandings of Southeast Asian refugee kinship. My study of family as related to Southeast Asian refugees reveals that family

has never been fixed, but remains a difficult, yet important arena of sociopolitical contestation that can hopefully allow us to attend to the ever-urgent call of deportation defense in ways that do not foreclose, and perhaps even facilitate, the *longue durée* of a fundamentally different world marked by an absence of carceral and racial capitalism and colonization. As the authors of *Abolition. Feminism. Now.* teach us:

Discovering and in fact embracing this ambiguous terrain located in the space between necessary responses to immediate needs and collective and radical demands for structural and ultimately revolutionary change is a hallmark of abolition feminism. Rather than being limitations, prescriptive horizons, or opportunities for empty quick fixes that resolve little, these contradictions are generative and necessary sites for collective analysis and labor.<sup>82</sup>

It is my hope that by embracing the many contradictions and potentials of family and kinship, we can better understand how we can be together and belong to each other.

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<sup>82</sup> Davis et al., *Abolition. Feminism. Now.* 24.

## Chapter One: Differing Constructions of Family during the Resettlement Era

Examining the United States' approach toward the resettlement of Vietnamese refugees in the aftermath of the war in Southeast Asia, Yen Le Espiritu writes that resettlement criteria were not neutral, but rather reflected state preferences, among which included a favoring of “nuclear over non-normative families.”<sup>83</sup> Immigration policies narrowly defined which types of family units would be prioritized for resettlement, thereby disciplining “a broader array of what constituted ‘family’ in Vietnamese refugee life - common law relationships, in-camp marriages, and separated family members” into the more legible and assimilable formation of the nuclear family.<sup>84</sup> The prioritization of nuclear and heteronormative relationships over other relational modes “actively framed and reinforced ideas of (im)proper family, kinship, and sexuality.”<sup>85</sup> This chapter first examines how the state, through various governmental reports and migration policies that predate and extend to Southeast Asian refugee resettlement, has continued to designate the narrowly defined institution of nuclear family as a site of racialization and punitive social disciplining. The chapter then juxtaposes the state's construction of geographically and emotional proximate nuclear families with Vietnamese women refugees' enunciation and usage of family to describe relationships that have been physically and socially stretched across various boundaries. Turning to a Vietnamese refugee organization simultaneously highlights the limitations and violences of the state's conceptualization of nuclear family, appreciates the political sophistication of a group that reworks dominant narratives for their own desires, and amplifies ways that Southeast Asian refugees have socially organized themselves beyond the nuclear structure. To fully understand the ways the state's narrow and punitive

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<sup>83</sup> Espiritu, *Body Counts*, 55.

<sup>84</sup> Espiritu, 55.

<sup>85</sup> Espiritu, 56.

conceptualizations of family have affected the lives of Southeast Asian refugees and the consequential thorniness of invoking this language in contemporary Southeast Asian refugee anti-deportation advocacy, we must first examine how language of nuclear families has historically been applied to these peoples, starting from their resettlement processes. Again, I am not interested in abolishing the nuclear family form, which remains important for many Southeast Asian refugees. Nor am I suggesting that Southeast Asian refugee deportees should not use the language of family as they navigate direct state violence. This chapter is instead committed to examining how and why narratives of nuclear family have certain sociopolitical value through historically tracing what accounts of family have been applied to and by Southeast Asian refugees and for what ends.

The United States' prioritized resettlement of Vietnamese nuclear families is but one instantiation of a broader and still ongoing state project of attaching gendered and racialized meanings to the concept of family. Explaining how language of traditional family structures and values were fundamental to the shift from Asian Americans' racialization as "yellow peril" to "model minority," Ellen Wu identifies that Daniel Patrick Moynihan explicitly referenced "Japanese Americans' 'family stability and values,'" to defend his reasoning in the infamous 1965 "The Negro Family: The Case for National Action" report which argues, that the "weakness of family structure," is the primary explanation for poverty in the Black community.<sup>86</sup> Indeed, 1965 marked both the publication of the so-called Moynihan Report and the passage of the Immigration and Nationality Act, also known as the Hart-Celler Act, which led to unprecedented levels of Asian immigration through the prioritized immigration of skilled professionals and their family members.<sup>87</sup> The state's parallel construction of Asian American

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<sup>86</sup> Wu, *The Color of Success*, 172; "Moynihan Report on the Negro Family," March 17, 1965, 30.

<sup>87</sup> Takaki, *Strangers at the Gates Again*.

families through immigration policies and the simultaneous denigration of Black families in the Moynihan Report demonstrates that “family” cannot be seen as a neutral, value-free concept, but rather is one thoroughly infused with racial meaning.

Theorizing the connection between the site of “family” and neoliberal governmentality, Chandan Reddy argues that “the reconstitution of state power through the deployment of ‘family’ constitutes the conditions of possibility for the juridical recognition.”<sup>88</sup> Thus, when Southeast Asian refugee deportees and their advocates deploy language of “family” in hopes of juridical recognition through pardons or stay orders, they invoke an ongoing and continually contested political construct that has been differentially accessible and applied to racialized groups. Linh Thuy Nguyen has argued that “the family is an instrumental yet overlooked dimension of the racialization of Vietnamese as new immigrants which is rooted in heteronormative, Orientalist, and anti-black notions of family.”<sup>89</sup> In this first chapter, I critically analyze the role of “family” in Vietnamese refugees’ resettlement before turning to their racialization in chapter two. Through an analysis of Operation Babylift, the Orderly Departure Program, and the Amerasian Homecoming Act, I argue that notions of national and nuclear “family” are central to Vietnamese refugees’ resettlement. I first turn to the Moynihan Report and the Hart-Celler Act to argue that Southeast Asian refugees’ resettlement must be understood as part of the state’s longer process of demarcating “family” as a site of anti-Black heteronormativity before examining how Vietnamese refugees’ articulations of family and kinship differ from state narratives.

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<sup>88</sup> Reddy, “Asian Diasporas, Neoliberalism, and Family: Reviewing the Case for Homosexual Asylum in the Context of Family Rights,” 103.

<sup>89</sup> Nguyễn, ““Loving Couples and Families,” 209.

## A Historical Contextualization of the Racialized Family

### “The Negro Family: The Case for National Action” and its Afterlives: Family as non-Black

Dorothy Roberts’ *Killing the Black Body* powerfully demonstrates how chattel slavery depended on the control and attempted destruction of Black kinship formations.<sup>90</sup> Thus, to speak of family or kinship is to necessarily invoke these histories and legacies. However, most germane to this discussion is the way in which Black kinship was explicitly articulated in the 1960’s. It is difficult to overstate the sociopolitical importance of the 1965 report entitled “The Negro Family: The Case for National Action,” better known as the Moynihan Report. Intended as a non-circulated internal government document advocating greater government support for Black Americans, the report is now understood as a major contributor to the shift to cultural, instead of systemic, explanations for racialized socioeconomic differences. Lee Rainwater and William Yancey’s *The Moynihan Report and the Politics of Controversy* thoroughly explores the differences between Moynihan’s initial intentions and the impact of the report. Although Moynihan understood himself as a racial liberal who was advocating for Black communities, what he described as the “tangle of pathology” or what he deemed unstable, disproportionately-matriarchal families became incorporated into a larger impulse to blame the poverty in Black communities on their “subculture” which was responsible for their “disadvantage.”<sup>91</sup> The ways that the Moynihan report has circulated well beyond the author’s intentions also demonstrates the limitations of approaches rooted in liberal paternalism.

Much has already been said about the language of the report and its ongoing afterlives; here, I highlight and dwell in the report’s explicit comparisons between Black, white, and Asian

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<sup>90</sup> Roberts, *Killing the Black Body : Race, Reproduction, and the Meaning of Liberty*.

<sup>91</sup> Moynihan, “The Negro Family: The Case for National Action.”



families to argue that the state has crafted “family” as a form that is differentially accessible to various racialized groups. Moynihan writes that “The white family has achieved a high degree of stability and is maintaining that stability. By contrast, the family structure of lower-class Negroes is highly unstable, and in many urban centers is approaching complete breakdown.”<sup>92</sup> The report’s simple comparison makes clear that the idea of “family” is intended for white Americans and has not been extended or accessible to Black communities. The report itself acknowledges that racial state violence has contributed to the differences between white and Black family formations as it recognizes that “With the emancipation of the slaves, the Negro American family began to form in the United States on a widespread scale. But it did so in an atmosphere markedly different from that which has produced the white American family.”<sup>93</sup> While the report identifies that slavery and its afterlives have disrupted the formation of Black nuclear families, the report also asserts that the nuclear family governed by “male leadership in private and public affairs” is essential to development and progress.<sup>94</sup> Citing the differences between Black and white marriage, divorce, welfare usage, “fatherless,” and “illegitimacy” rates, the report continually references the “deterioration of the Negro family,” thereby defining “family” as something inapplicable and perhaps antithetical to Black people who live in “urban ghettos.”<sup>95</sup> While the report does take precautions to address the heterogeneity of Black America, especially in regards to class and “country life and city life,” the report warns that housing segregation and the proximity of the “stable half” of middle-class Black families to the “slums” means that the “stable half” is “constantly exposed to the pathology of the disturbed group and constantly in

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<sup>92</sup> Moynihan, 5.

<sup>93</sup> Moynihan, 16.

<sup>94</sup> Moynihan, 29.

<sup>95</sup> Moynihan, 8,9,1.

danger of being drawn into it.”<sup>96</sup> The report continues, “It is for this reason that the propositions put forth in this study may be thought of as having a more or less general application.”<sup>97</sup> The contrasting of Black and white families in tandem with the generalization of the Black community creates a binary in which Black kinship structures are not accepted as families - a concept that becomes defined as necessarily including “husband-wife” relationships with a strong father-figure who financially provides for the family, thereby demonstrating that the institution of family is both a racialized and economized form.

Interestingly, a footnote in the report foreshadows the ways in which Asian immigrants will become incorporated and triangulated into this racialized narrative of family. Because of the way data was collected, the report sometimes slips between nonwhite populations and Black populations. To address this, a footnote supposes that because, “In 1960, Negroes were 92.1 percent of all nonwhites,” the data on nonwhite populations can be used as a proxy as data on the Black population.<sup>98</sup> Indian, Japanese, and Chinese populations constituted the remaining 7.9%. Citing the fact that Black women had higher rates of separation and divorce rates from their husbands compared to Indian, Japanese, and Chinese women, the report concludes that “in matters relating to family stability, the smaller groups are probably more stable.”<sup>99</sup> This footnote, intended as a clarifying note on methodology, anticipates the way that the concept of proper family will become defined not as exclusively white, but rather as something uniquely non-Black. This assumption that Asian kinship formations will more closely resemble white rather than Black kinship formations will both inform and be solidified through subsequent immigration policies and trends.

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<sup>96</sup> Moynihan, 29.

<sup>97</sup> Moynihan, 29.

<sup>98</sup> Moynihan, 4.

<sup>99</sup> Moynihan, 4.

Describing the ongoing ramifications of the Moynihan Report and its attending notions of cultural and personal responsibility, Kaaryn S. Gustafson explains,

The specter of the ‘black matriarch’ described in the Moynihan Report became a powerful figure haunting efforts to expand economic security programs for the poor. Rather than focusing on the low educational attainment and high unemployment rates among African American men in urban areas, politicians and public opinion focused on the threats that independent black mothers posed to the future of the American family and American society. According to the portrait painted by the Moynihan Report and the many analyses that followed, low-income African American women were responsible for producing a dangerous threat: young, black—and likely criminal—men.<sup>100</sup>

More recently, Ta-Nehisi Coates has drawn connections between the Moynihan Report and incarceration’s violent severing effects on kinship and community connections to demonstrate how both conservative and liberal actors’ embrace of Moynihan’s analysis of family, “stripping it of any structural context,” has fundamentally limited the conversation about justice, decarceration, and reparations for Black communities.<sup>101</sup> Tracing how different groups reacted to and circulated the Moynihan Report, Daniel Geary identifies President Obama’s public embrace of the language of personal responsibility and familial pathology as evidence of the report’s ubiquitous influence.<sup>102</sup> While this thesis focuses on Southeast Asian refugees, it is important to foreground that racialization is always relational and the state’s denigration and rejection of Black kinship formations must be integral to our understanding of legislative acts that more directly construct Asian American and Southeast Asian refugee kinship formations. The state’s attempt to make family an institution that is differentially accessible to different racialized communities also attempts to obfuscate the historical and contemporary legal and economic policies that have facilitated and fractured different familial forms.

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<sup>100</sup> Gustafson, *Cheating Welfare : Public Assistance and the Criminalization of Poverty*, 30.

<sup>101</sup> Coates, “The Black Family in the Age of Mass Incarceration.”

<sup>102</sup> Geary, *Beyond Civil Rights : The Moynihan Report and Its Legacy*.

## **The Immigration and Nationality Act of 1965: Constructing Asian “Family” through Migration**

Seven months after the Moynihan Report was published, President Johnson sat under the Statue of Liberty and signed the Immigration and Nationality Act, also known as the Hart-Celler Act, into law. Reflecting on the unexpected impact of the Hart-Celler Act, Philip Wolgin writes that policymakers and the president had “attempted to devise a new system of exclusion that would eliminate racial discrimination without changing the character or flow of immigrants to the country.”<sup>103</sup> Despite Johnson’s assurance that this act was “not a revolutionary bill,” the time since then has demonstrated that the passage of the act was actually a watershed moment in America’s immigration history. Exchanging national origin quotas for a seven category system that prioritized family reunification and skilled professionals, the bill did not anticipate the consequential increase in migration from Asia. Addressing those worried about changing the racial makeup of the United States, Senator Celler—one of the main proponents of the bill—reassured, “Since the people of Africa and Asia have very few relatives here, comparatively few could immigrate from those countries because they have no family ties in the United States.”<sup>104</sup> Indeed, the act’s focus on nuclear families was intended as a way to deter immigration of non-Europeans and people of color. However, the consequential immigration of Asian professionals and their families and then Southeast Asian refugees and their family members reveals that the state’s discourses of family are not only inaccurate to the realities of migrants’ lived experiences, but also have unintended consequences beyond the state’s intentions and control.

Anxious to preserve the racial make-up of the United States, Representative Michael Feighan insisted that the Hart-Celler Act strongly prefer family reunification over skilled

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<sup>103</sup> Wolgin, “Re-Forming the Gates,” 61.

<sup>104</sup> Das, *No Justice in the Shadows : How America Criminalizes Immigrants*, 85.

workers, so much so that he successfully advocated for a special preference category for the siblings of American citizens. Political maneuvering like this resulted in the final Hart-Celler Act granting 74% of all visas to family members of US citizens and permanent residents.<sup>105</sup> Furthermore, immigration classified as family reunification would not count against the overall yearly immigration quota.<sup>106</sup> Despite the consternation about preserving America's whiteness and Europeaness, because the Hart-Celler Act capped immigration from the Western hemisphere and also undid the existing Asian Exclusion Acts, the act resulted in an unprecedented increase in migration from Asia.<sup>107</sup> Given the stipulations of the act, it is unsurprising that many of the new immigrants from Asia were highly skilled professionals and/or their nuclear family members. Erika Lee reflects that "the emphasis of U.S. laws in admitting family-sponsored immigrants and professional, highly skilled individuals has meant that the majority of new arrivals come to join family already here."<sup>108</sup> The Pew Research Center reports that still today, "family reunification remains the most common legal gateway to the U.S. for Asian immigrants, as it is for all immigrants."<sup>109</sup> Clearly, the immigration processes outlined in the Hart-Celler Act allowed the United States to selectively admit only highly skilled immigrants and people who already have existing family connections in the United States, ensuring that these immigrants "already have high educational status (and likely a work visa that will lead to steady and high-paying income) before they even arrive" and that "relatives already in the United States can help provide economic capital as well as personal resources to help

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<sup>105</sup> Lee, "Family Reunification and the Limits of Immigration Reform."

<sup>106</sup> Lee.

<sup>107</sup> NW, Washington, and Inquiries, "The Rise of Asian Americans."

<sup>108</sup> Lee, *The Making of Asian America*. 363.

<sup>109</sup> NW, Washington, and Inquiries, "The Rise of Asian Americans."

navigate and succeed in the new land,” and will not be dependent upon governmental benefits or assistance.<sup>110</sup>

While legislative history reveals that lawmakers did not intend for the Hart-Celler Act to create and construct immigrant Asian American families in a way that would be juxtaposed to the specter of “crumbling” Black families, the fact remains that Asian immigration, structured by the stipulations of the Hart-Celler Act, has been triangulated by the state in this way. In the intervening years since the passage of the Hart-Celler Act, the United States has refined what relations are legible and eligible for prioritized family-reunification immigration processes, reflecting a greater state investment in the construction of nuclear families. Currently, there are two separate categories for the purposes of immigration. Immediate relatives, defined as spouses, children, or parents of US citizens, are prioritized and do not face annual quotas. However, other, non-nuclear family relationships are categorized under “family preference” and there are annual quotas on the number of visas that are issued to this category.<sup>111</sup> Interestingly, while US lawful permanent residents can file visa petitions for their spouse and unmarried children, only US citizens can apply for visas for their married children, parents, and siblings. This differentiation between citizens and lawful permanent residents and the increasing restriction of what relations are prioritized reflects the state’s greater investment in constructing nuclear immigrant families and the growing anxiety regarding the changing ethnic and racial composition of the United States. Thus, the Trump administration’s much criticized move to exclude grandparents, grandchildren, brothers-in-law, sisters-in-law, aunts and uncles, nephews and nieces, and first cousins from the category of close relatives to deter family reunification reflects not a departure

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<sup>110</sup> Lee, *The Making of Asian America*. 477.

<sup>111</sup> “Green Card for Family Preference Immigrants | USCIS.”

from but rather an intensification of ongoing state restrictions surrounding what constitutes eligible familial connections.<sup>112</sup>

While the Hart-Celler Act did mention refugees, the act could not have foreseen how migration policies would change in response to the war in Southeast Asia. By 1975, when Gerald Ford and politicians from across the political spectrum felt pressured to respond to what was clearly an American defeat in Southeast Asia, the notion of Asian Americans as the model minority with strong family values had already taken hold. It is with this historical contextualization that I now turn to examine how notions of proper nuclear families informed the resettlement of Vietnamese refugees in the 1970's through the 1990's. Given that Southeast Asian refugees were marked as colonized subjects fleeing from war, it was not immediately evident that they would be consolidated into the nascent formation of Asian America. However, the legal cultivation and preferential selection of biological Southeast Asian families through resettlement processes allowed the language of family to emerge as an ideological throughline that connected this new group of migrants to existing Asian American communities. The way that notions of family values racialize Southeast Asian refugees will also be considered in the next chapter's discussion of welfare usage, but I first turn to how the Vietnamese biological family is shaped in and through three different migration policies.

### **Famil-iar(izing) Vietnamese Refugees: Producing Vietnamese Family through Migration Policies**

While Lisa Lowe emphasizes that many post-1965 Asian immigrants have immigrated from “countries deeply affected by U.S. colonialism, war, and neocolonialism,” the resettlement

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<sup>112</sup> “Grandparents Blocked by Trump Travel Ban Guidelines”; “State Department Expands Definition of ‘close Family’ for Visa Applicants, Refugees.”

of Vietnamese refugees in the aftermath of the war in Southeast Asia marks a clear departure from the post-1965 immigration of professional and economically self-sufficient Asians.<sup>113</sup> As Carl Bon Tempo and Hasia Diner explain, the resettlement of refugees from Southeast Asia was not popular with an American public that disapproved of the war by the end, but “American foreign policy leaders urged that aiding these refugees buttressed the American position in Asia and in world politics.”<sup>114</sup> The social unpopularity of the resettlement of Vietnamese refugees was contradictory to the state’s need to rewrite the end of the war in Southeast Asia, resulting in what Y n L  Espiritu describes as the “we-win-even-when-we-lose syndrome.”<sup>115</sup> Thus, I write to explicitly reject the naturalization of the resettlement of Vietnamese refugees in America because such an acceptance would obfuscate the specific anti-communist political and historical rationale that drove America’s reluctant resettlement of refugees. It is important to highlight that Operation Babylift, the Orderly Departure Program, and the Amerasian Homecoming Act were neither politically or socially popular, nor were they foregone conclusions. Instead, they were the result of a shrewd calculation of what was politically expedient. Here, I choose to focus specifically on Vietnamese refugees because they were the most socially recognizable group during this moment of resettlement, given the relative visibility of the Vietnamese theater of war compared to the secreted operations in Laos and Cambodia. As the naming of the war as the Vietnam War suggests, there was a certain social consciousness surrounding Vietnam and Vietnamese refugees that was not extended to Cambodian, Lao, and Hmong folks due to the intentionally clandestine nature of the operations that took place in those locations. The state’s focus on Vietnamese refugees was also a reflection of political calculations and expediencies. Since

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<sup>113</sup> Lowe, *Immigrant Acts: On Asian American Cultural Politics.*, 16

<sup>114</sup> Bon Tempo and Diner, *Immigration: An American History*, 264.

<sup>115</sup> Espiritu, “The ‘We-Win-Even-When-We-Lose’ Syndrome.”



the war was understood domestically as a war about Vietnam, the state's attempt at moral reoperation also focused mainly on Vietnamese subjects. Thus, this section examines how the state attempted to present Vietnamese families to the American public. Similarly, I group Operation Babylift, the Orderly Departure program, and the Amerasian Immigration/Homecoming Act together not to suggest that they were inevitable or somehow naturally followed each other, but rather to highlight the ways that emphasizing family was simultaneously a mode of disciplining those to be resettled and to way to pacify Americans' concerns about the assimilability and foreignness of the Vietnamese. Indeed, the fixation on family across these three moments demonstrates that Vietnamese "nuclear family" was produced by and through migration policies that shaped kinship units into nuclear formations that would be more familiar to the American public.

### **Vietnamese Babies as Adoptable & Assimilable: Operation Babylift and its Precursors**

The adoption of Asian babies from sites of US military intervention is not specific to Vietnam. The adoption of Korean children by American parents during and after the Korean War was a way the US promoted an image of benevolence as it extended its imperial desires.<sup>116</sup> The infrastructure of Holt Agencies meant that some, predominantly white, American parents were adopting Vietnamese children even before the spectacularized and sensationalized images of Operation Babylift ignited a more widespread trend of adopting Vietnamese children.<sup>117</sup> Allison Varzally details that many of the parents who were adopting Vietnamese children during the war in Southeast Asia were motivated by their anti-war politics which cast adoption "as an apology for rather than the fulfillment and endorsement of the United States' expansionist, anti-

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<sup>116</sup> Pate, *From Orphan to Adoptee: U.S. Empire and Genealogies of Korean Adoption*; Woo, *Framed by War: Korean Children and Women at the Crossroads of US Empire*.

<sup>117</sup> Varzally, *Children of Reunion*.

Communist practices” as these parents conceptualized “the American family as a site of inclusion and redemption.”<sup>118</sup>

Many of the Vietnamese children adopted by American parents during this time were mixed-race Amerasian children because there was a specific concern that these children would be socially and economically marginalized in Vietnam. This emphasis on children of American soldiers would be recirculated during discussions of the Amerasian Homecoming Act, which will be discussed at the end of this chapter. However even before the war, interracial adoption within the United States was already politically fraught given activist groups’ description of such practices as “cultural assault.”<sup>119</sup> Questions of the importance of class and gender also informed adoption practices as “middle-class, white women” defended their decisions to adopt Vietnamese children through “articulating a gendered form of protest that foregrounded and celebrated maternity.”<sup>120</sup> Adoption of Vietnamese children became an avenue through which questions of gender, citizenship, race, and responsibility were negotiated, but not in the public sphere. Instead, the privatized family was delineated “as a location of social and political change,” redirecting any conversations about governmental and public responsibility.<sup>121</sup> However, during the war, the adoption of Vietnamese children was still relatively uncommon and unpopular because it was reflective of a specific anti-war class and political positionality. Although adopting parents often criticized the failures of the state and the violences of the war, their adoptions of Vietnamese children reinforced ideas of family values and reflected the children’s severance from their biological and national Vietnamese family and their incorporation into predominately white, American nuclear families and the American national family. At this point,

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<sup>118</sup> Varzally, 15.

<sup>119</sup> Varzally, 34.

<sup>120</sup> Varzally, 28.

<sup>121</sup> Varzally, 16.

the American government still preferred funding foreign medical support and services for children in Vietnam rather than encouraging adoption because they wanted to minimize the visibility of the war's violence. Varzally writes, "Although the government would noisily champion adoption in the last hours of the war, in the mid- and late 1960s, with the exception of congressional hearings on Southeast Asian refugees and the advocacy of a few vocal legislators, American officials remained largely silent on the matter."<sup>122</sup>

In the last few days of the Vietnam War, the United States seamlessly and immediately repurposed its military aircraft to instead transport supposedly orphaned Vietnamese children to the United States for adoption.<sup>123</sup> Employing a framework of militarized refuge(e), Yen Le Espiritu details how President Ford's commitment of two million dollars to Operation Babylift reflected a "hastily arranged and executed" attempt to reframe American military failure as instead a successful humanitarian rescue.<sup>124</sup> Central to the American justification of Operation Babylift was the narrative that these children were orphans; however, many of these children were not orphans, but had families in Vietnam. Varzally further complicates this discussion of adoption/orphan status and consent by highlighting the multiplicity of ways Vietnamese families used orphanages, including temporary usage for economic relief. The varied legal and extralegal efforts by Vietnamese refugees, migrants, and residents, domestically and abroad, to reunite airlifted children with loved ones and family members—extended and nuclear—demonstrate the fallaciousness of the narrative of American rescue. However, this narrative was necessarily promulgated because America needed an "affirmation of its material and moral worth."<sup>125</sup> While the contemporaneous Operation Frequent Wind resulted in the "rescue" of more Vietnamese

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<sup>122</sup> Varzally, 34.

<sup>123</sup> Espiritu, *Body Counts*, 41.

<sup>124</sup> Espiritu, 40.

<sup>125</sup> Varzally, *Children of Reunion*, 51.

lives than Operation Babylift, it is the image of unmarked and innocent children and babies who continue to occupy the American imaginary. This is because unlike adult refugees who could articulate a political consciousness, the airlifted children instead presented a tidier and more facile canvas onto which American exceptionalism and benevolence can be projected. Furthermore, the children's purported and planned adoptions into nuclear families would facilitate their physical and social incorporation and assimilation into the American body politic in ways that were not possible for older refugees. Unlike the thornier and perhaps more critical adult Vietnamese refugees, airlifted Vietnamese children and babies could be welcomed physically into the arms of President Ford and metaphorically into whiteness and heteronormative nuclearity, but this was only possible because the children's biological and national family had already been fractured due to the violences of war.<sup>126</sup> Thus, the incorporation of the children into the American national family and American nuclear families also necessarily gestures to the fracturing of Vietnamese kinship networks.

### **Orderly Departure Program: Family as Subjects and Categories of Interest**

Despite the spectacularization of Operation Babylift, the resettlement of Vietnamese refugees remained highly unpopular. Carl Bon Tempo writes, "Polls between 1975 and 1977 consistently showed that the majority of Americans opposed the entry of refugees."<sup>127</sup> Crediting xenophobia, the public's general weariness of the military action in Southeast Asia, and the less favorable economy with the unpopularity of refugee resettlement, Bon Tempo does acknowledge that public hostility lessened during 1978 and 1979 when the sensationalized images and stories of people dying at sea proliferated in the news media. However, even those images were not

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<sup>126</sup> Espiritu, *Body Counts*, 43; Varzally, *Children of Reunion*, 50

<sup>127</sup> Bon Tempo, *Americans at the Gate: The United States and Refugees during the Cold War*, 162.

enough to make resettlement socially or politically popular. According to Pew Research, 62% of respondents to a 1979 poll disapproved of President Jimmy Carter's decision to increase the quota so that up to 14,000 "Indochinese" refugees could resettle to the United States per month.<sup>128</sup>

At the same time, the United States was being pressured internationally to accept more refugees. As the ethnic Chinese within Vietnam felt more targeted by the new Vietnamese government, an increasingly large number of people were attempting to seek asylum in the neighboring countries of Thailand, Hong Kong, the Philippines, and Malaysia. By 1979, the member countries of the Association of Southeast Asian Nations (ASEAN) started to globally and urgently announce their physical incapacity and political unwillingness to accept more refugees.<sup>129</sup> The situation continued to deteriorate as refugees were denied asylum and refused entry. Judith Kumin reminds us that during this time, "Refugees were refused permission to land; thousands were pushed back to sea and drowned."<sup>130</sup> It was during this time that ASEAN countries publicly called for Western states to intervene. Motivated by questions of the right to asylum and the United States' fear of international embarrassment and political jockeying, in 1979, the United Nations High Commissioner on Refugees (UNHCR) facilitated a migration process entitled the Orderly Departure Program (ODP). Through ODP, there was a form of cooperation between Vietnam, UNHCR, and Western countries such that those who wished to leave Vietnam for reasons attributable to "family reunion and other humanitarian cases" were able to leave in a more regimented and physically secure way compared to the boat routes that

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<sup>128</sup> Desilver, "U.S. Public Seldom Has Welcomed Refugees into Country."

<sup>129</sup> Cutts and Office of the United Nations High Commissioner for Refugees, *The State of the World's Refugees, 2000*.

<sup>130</sup> Kumin, "Orderly Departure from Vietnam," 106.

had previously been used.<sup>131</sup> Unsurprisingly, what constituted “family reunion and other humanitarian cases” was highly politicized and had to be agreed upon by both Vietnam and the country of resettlement, but Kumin argues that the Vietnamese government was willing to engage in this protracted and convoluted cooperation with Western states because they would be able to address concerns about political dissonance and hopefully improve their relationship with the west which had largely embargoed them, excluding them from the international economy.<sup>132</sup> ODP facilitated the resettlement of more than half a million people, many of whom came to the United States and were socially understood as refugees despite the varied legal statuses created by the program.

In the summer of 1989, there was a hearing before the House of Representatives’ Subcommittee on Immigration, Refugees, and International Law entitled “Orderly Departure Program and U.S. Policy Regarding Vietnamese Boat People.” In this hearing, the explicit categories of interest are identified as the report details that those who are able to migrate through ODP fall into one of three categories: “Category I—family reunification,” “Category II—former U.S. government employees, U.S. firms or organizations, former Vietnamese government, civil and military personnel or those who had close associations with U.S. government policies and programs,” and “Category III—reeducation center detainees.”<sup>133</sup> Tellingly, as of the writing of that report, more than 60,000 people had applied to migrate through category one while only 7,500 people applied through the second preference category.<sup>134</sup> Strikingly, the focus and insistence on the creation and maintenance of family is demonstrated in the resettlement of reeducation center detainees. The report reveals, “There are presently

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<sup>131</sup> Kumin, 112.

<sup>132</sup> Kumin, “Orderly Departure from Vietnam.” 112.

<sup>133</sup> United States, *Orderly Departure Program and U.S. Policy Regarding Vietnamese Boat People*, 10–11.

<sup>134</sup> United States, 20.

applications from 18,000 detainees who have served five years or more in reeducation [sic] who with family members total approximately 72,000 persons.”<sup>135</sup> Thus, despite the domestic unpopularity of Vietnamese refugee resettlement, the machinery of the state still found it compelling and/or necessary to preserve a notion of the nuclear family and its attendant gendered distribution of labor and moral rectitude. Simultaneously, this legal emphasis on the family demonstrates the ways in which ideas of family had already been negotiated through the war. While emphasizing family reunion was meant to highlight the purported benevolence of the US state, it also necessarily prompts an inquiry into the causes of family separation in the first place.

In 1990, the same Subcommittee on Immigration, Refugees and International Law received a report entitled “Refugee Program: The Orderly Departure Program from Vietnam from Harold Johnson, the director of Foreign Economic Assistance Issues from the National Security and International Affairs Division of the General Accounting Office. The report concerns the levels of usage of ODP and if Immigration and Naturalization Services (INS) was doing an adequate job interviewing and processing Vietnamese applicants. However, the document’s discussions, assumptions, and naturalizations of Vietnamese families further demonstrates the centrality of notions of nuclear family in Vietnamese refugees’ resettlement. The report identifies that Vietnamese could “travel to the United States under the ODP as immigrants, following normal U.S. visa issuance procedures, or as refugees.”<sup>136</sup> However, for those categorized as refugees, “The Departments of State and Justice developed three basic categories of Vietnamese refugees eligible for entry under ODP.”<sup>137</sup> The categories slightly differ than those presented in the aforementioned hearing and are as follows, “family members of

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<sup>135</sup> United States, 20–21.

<sup>136</sup> United States, *Orderly Departure Program and U.S. Policy Regarding Vietnamese Boat People*.

<sup>137</sup> Office, “Refugee Program,” 2.

persons in the United States not currently eligible for immigrant visas,” “former employees of the U.S. government,” and “other persons closely associated or identified with the United States’ presence in Vietnam before 1975, including children of American citizens in Vietnam (Amerasians) and their immediate family members.”<sup>138</sup> The explicit naming of Amerasian children with American parents is something I will return to in the following section. The document later reiterates that “Vietnamese can enter the United States under ODP for family reunification reasons as immigrants or for humanitarian reasons as refugees.”<sup>139</sup>

Fascinatingly, the report states that “INS and State officials told us that the majority of refugees emigrating [sic] to the United States through ODP were category I immigrant visa petitioners, adjudicated as refugees for family reunification purposes. Relatively few were category II or III individuals.”<sup>140</sup> Category I petitioners are family members of people in the US, while category II and III refer to former government employees and Amerasians, respectively. The preoccupation with “family” in Vietnamese refugees’ resettlement processes is further emphasized as the report states that, “although ODP was intended to provide a means of emigration for both family reunification and humanitarian reasons, most cases made available by the Vietnamese government were those involving family reunification.”<sup>141</sup> Again, despite the domestic unpopularity of refugee resettlement, the state continued to be invested in maintaining an immigration policy that prioritized the ideology of family, even if that resulted in more resettled refugees and the need to increase resettlement caps every year.<sup>142</sup> Thinking of the multiple facets of the Cold War, perhaps this fixation on family reflected the state’s urgency of

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<sup>138</sup> Office, 3.

<sup>139</sup> Office, 4.

<sup>140</sup> Office, 6.

<sup>141</sup> Office, 7.

<sup>142</sup> United States, *Orderly Departure Program and U.S. Policy Regarding Vietnamese Boat People*.



recuperating the military defeat in Southeast Asian with a moral victory. By emphasizing narratives of Vietnamese family resettlement, the United States could even further distance itself, positioned as the benevolent benefactor and rescuer, in contradistinction to the communist spaces from which the refugees were fleeing. I highlight these continuities and the focus on the family not to assign any certain intentionality but rather to demonstrate the legally structured ways in which nuclear and biological families were cultivated through the processes of resettlement. The clear and explicit legal selection and prioritization of biological family in Vietnamese refugees' resettlement processes warns us that the state is not indifferent about notions of kinship and relationality, but rather is quite invested in perpetuating a specific model of heteronormative and capitalist reproducibility that is found within the nuclear family. By prioritizing and preferencing those who fit within the state's exclusionary conceptualization of biological families, the state also effectively penalized the alternative forms of kinship that Southeast Asian refugees cultivated but that did not uphold the state's exclusive expectations. At the same time, the language and logics of family reunion also necessarily admit to the fracturing of kinship networks that needed to be reunited. While this logic of Vietnamese families' reunion and wholeness differs from the logics of national incorporation into the American nuclear and national family that undergird Operation Babylift, both of these processes attempt to obfuscate and yet remind us of the ways loved ones and kin networks had been separated.

### **Amerasian Immigration Act and Amerasian Homecoming Act: Whose/Who's Family?**

Even before the end of the war in Southeast Asia, the children of Vietnamese women and American servicemen occupied a certain social imaginary that contained powerful political and moral force. Many of the children adopted from Vietnam were so called "Amerasians," and discussions about these children exemplified the anxieties regarding citizenship, race, belonging,

and paternal responsibility. In this section, I argue that critically engaging with the history of the Amerasian Immigration Act and the consequent Amerasian Homecoming Act reveals that these migrations were not homecomings, which suggests certain notions of belonging, inclusion, and acceptance, but rather these legislative acts demonstrate the ways in which family continues to be an active site of construction, despite multifaceted attempts to depoliticize it. The Amerasian Immigration/Homecoming Acts offer an interesting synthesis of Operation Babylift's disavowal of Vietnamese families to then incorporate children into American nuclear and national families and the Orderly Departure Program's logic of Vietnamese family reunion. Indeed, the way that legislation permitted the resettlement of Amerasians without guaranteeing citizenship revealed the way that the rhetoric of family worked to uphold notions of American benevolence but also demonstrated that racial hostility and xenophobia necessitated that family be defined rather restrictively and conservatively.

As early as 1971, there was proposed legislation regarding the migration of Amerasian children. Senator Frank Moss introduced a bill to fund the care and potential adoption of Vietnamese orphans, with emphasis given to the children of American soldiers.<sup>143</sup> However, the discomfort surrounding the idea of American men fathering children with Vietnamese women and then leaving the children in Vietnam meant that in the same year this legislation was proposed, the Department of Defense and the Nixon administration denied both the widespread existence of and responsibility for Amerasian children.<sup>144</sup> For many years, the official American stance regarding Vietnamese Amerasian children repeated the model of disavowal that had been established in Japan and Korea.

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<sup>143</sup> Varzally, *Children of Reunion*, 45.

<sup>144</sup> Thomas, *Scars of War: The Politics of Paternity and Responsibility for the Amerasians of Vietnam*.

Given the divisiveness of the war in Southeast Asia and the increased televised visibility of American militarism and its human products, the United States found it increasingly difficult to brush off the question of Vietnamese Amerasian children. Sabrina Thomas writes that in June of 1973, “NBC released its one-hour prime time special, *The Sins of the Fathers*,” which detailed the struggle of Vietnamese Amerasians. Representative Patsy Mink would go on to reference this program in her proposed bill that sought to fund expedited adoption processes, especially for Amerasian children.<sup>145</sup> After visiting an orphanage in South Vietnam, Mink “insisted that the Nixon administration address Amerasians separately from other Vietnamese orphans, and immediately amended her bill to grant adopted Amerasians U.S. citizenship.”<sup>146</sup> This question of citizenship and formal belonging would continue to haunt the final versions of the Amerasian Immigration Act of 1982 and its revision, the Amerasian Homecoming Act of 1987.

While there was clear political momentum for the cause of Amerasians during the days and weeks after the war, Thomas argues that growing unpopularity of resettling comparatively poorer and less educated Vietnamese refugees through ODP distracted from any Amerasian specific legislation despite state makers who quietly assumed “American paternity of Amerasians and acknowledged the discrimination and abuse Amerasians faced in Vietnam as a result of it, but insisted that this in itself did not make them American children.”<sup>147</sup> Facing pressure from various Amerasian advocacy groups, in 1981, another bill entitled the Amerasian Immigration Act (AIA) was brought to the floor.<sup>148</sup> This act proposed that Amerasian children would be given “preferential immigration status” if they could prove American paternity, acquire

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<sup>145</sup> Thomas, 62-69.

<sup>146</sup> Thomas, 67.

<sup>147</sup> Thomas, 113.

<sup>148</sup> Thomas, 119.

an American financial and legal sponsor, and have their Vietnamese mothers give up parental rights.<sup>149</sup>

Central to the AIA was the fantasy of reunion and paternal acknowledgement upon homecoming.<sup>150</sup> By mandating that the Amerasian subject renounce Vietnamese maternity for only the possibility and not the guarantee of American paternal claims, the AIA continued to project a rhetoric of American benevolence and magnanimity despite the affective and material ties of the Amerasian children with their Vietnamese kin alongside the absence of their biological American fathers. During this time, Amerasians were still presented as orphaned babies and children despite the fact that many of them had become young adults and lived within certain kin structures that differed from the nuclear family.<sup>151</sup> Central to the political debates about the AIA was the conferral of citizenship and how to prove American paternity. Within American law there is a gender-distinction regarding conferral of a parent's American citizenship to their children born outside of the United States. Thomas succinctly summarizes, "While children born abroad to American women are automatically citizens, the law ensures that for children born abroad to American men, citizenship is only granted if the father legitimates the child. Thus U.S. citizenship law is inherently gendered along the maternal line."<sup>152</sup> During the debates prior to the passage of the AIA, Amerasian advocates called for the extension of full citizenship to this group while AIA opponents preferred to classify Amerasians not as Americans, but rather as another subgroup of Vietnamese refugees. The unsettledness of *jus sanguinis*, or the extension of citizenship via parental citizenship as opposed to through the geographic location of birth, was further complicated because the AIA required proof of

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<sup>149</sup> Thomas, 119.

<sup>150</sup> Varzally, *Children of Reunion*.

<sup>151</sup> Varzally, 81.

<sup>152</sup> Thomas, *Scars of War: The Politics of Paternity and Responsibility for the Amerasians of Vietnam*, 11.

American paternity, which was often undocumented given the war-time conception and birth of Amerasians, oftentimes outside of marriage. While Amerasians could prove paternity through birth certificates, photographs, witness testimony, or other records, there was also discussion of the possibility to petition through physical appearance.<sup>153</sup> Those critical of the AIA feared mongered about the potential abuse of the program and advocated a blood test to determine paternity. Those who critiqued blood tests as eugenic and racist advocated instead for examining the “physical characteristics” of Amerasians which also depended on racist and essentialized notions of what it means to look and be American. Specifically, Black and White Amerasians were more legible and recognizable as Amerasians whereas Latinx and Asian Amerasians were excluded in debate and in practice. Thomas argues, “In this case, the American looked Black or white and the non-American looked Asian.”<sup>154</sup>

Eventually, the final version of AIA that was passed in 1982 only allowed for the migration of the Amerasian subjects themselves and did not provide for the migration of their mothers or other family members, thereby legally defining Amerasians’ family as solely their American fathers while rejecting the importance and existence of their Vietnamese mothers. Furthermore, it ultimately required some form of evidentiary proof of American parentage, which meant it was not accessible to many Amerasians. It also did not confer onto Amerasians automatic citizenship, but only a pathway to naturalization. Additionally, the denunciation of their Vietnamese mothers and kin networks also denied Amerasians the ability to later sponsor and reunite with their loved ones. As such, the AIA attempted to define proper and legible families as domestic and markedly not international. However, the refusal to extend citizenship to Amerasians and their mere existence troubles the easy ideas of natural belonging and

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<sup>153</sup> Varzally, *Children of Reunion*, 84.

<sup>154</sup> Thomas, *Scars of War: The Politics of Paternity and Responsibility for the Amerasians of Vietnam*, 130.

American soldiers' moral responsibility and upstandingness. Resettled Amerasians point to and are embodied testaments of the continuities of war and the ways in which the category of family and its attendant rhetoric attempt to write over those histories and realities.

Given the inability of Amerasian children to migrate with their family members under the AIA and the burden of proof, the act was not highly utilized and resulted in fairly low amounts of migration.<sup>155</sup> However, those who did come via AIA were often not reunited with American fathers, but rather struggled to integrate economically and socially.<sup>156</sup> The plight of Amerasians occupied a certain American social consciousness as is reflected in newspapers and magazine covers of Amerasian Le Van Minh.<sup>157</sup> However, the Reagan administration was opposed to increased resettlement and national and parental responsibility. Nevertheless, in 1987, Congress could not agree on a federal budget and had to pass a continuing resolution. Representative Robert Mrazek, pressured by constituents who had gotten to know some Vietnamese migrants, attached a rider titled the Amerasian Homecoming Act (AHA). Through this act, Amerasians seeking resettlement could prove American paternity through essentialized physical characteristics and could also migrate with "immediate family members."<sup>158</sup> Despite Amerasians' formal classification as immigrants, the AHA provided Amerasians with refugee benefits including cultural and language training and ensured that Amerasians were counted in their annual refugee quota established by the ODP.<sup>159</sup> Despite the relaxing of the AIA to allow for migration of family members in the AHA, Varzally argues,

the law betrayed Americans' unwillingness to draw the circle of family too widely. Although the mothers of single Amerasians could readily secure an exit visa, they could not do so if those sons and daughters were married. Amerasians' spouses or children

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<sup>155</sup> Varzally, *Children of Reunion*, 91.

<sup>156</sup> Varzally, *Children of Reunion*. 87.

<sup>157</sup> Thomas, *Scars of War: The Politics of Paternity and Responsibility for the Amerasians of Vietnam*, 181.

<sup>158</sup> Thomas, 208.

<sup>159</sup> Thomas, 208.

received preference, but the act made no mention of cousins, aunts, or uncles, despite the expansive Vietnamese concept of family. Moreover, the act seemed to anticipate and seek to circumvent a problem of Vietnamese stretching the bonds of family, requiring that an immigration officer first determine if an aspiring immigrant had a ‘bona fide relationship with the principal alien [the Amerasian] similar to that which exists between close family members.’<sup>160</sup>

Amerasians’ constrained choice of migrating with either their mother or their spouse reveals how imaginations of wholeness and undisrupted nuclear families were used to counterbalance the foreignness and national shame associated with acknowledging and resettling Amerasians. The acknowledgement of Amerasians’ potential spouses paradoxically highlights their age and the thorny fact that they, unlike the babies and children from Operation Babylift, have lived experience and political articulations that may trouble hegemonic narratives of American benevolence and responsibility. It is important to note that while some Vietnamese who hoped to migrate and some Amerasians did enter into a form of commodification and bribery of fabricated familial relationships, this perhaps mirrors the US’s sociopolitical construction of Amerasians as “natural” children coming home to a country to which they had never been. While some of these arrangements devolved after resettlement in the United States, Varzally reminds that sometimes “genuine affections developed between members that mimicked or substituted for the bonds of their real kin, again challenging the standards of family conceived by lawmakers.”<sup>161</sup>

Operation Babylift, the Orderly Departure Program, the Amerasian Immigration Act, and the Amerasian Homecoming Act demonstrate the ways in which the sociopolitical imaginary of intact Vietnamese nuclear families was co-constituted alongside the legally selective physical resettlement of nuclear Vietnamese refugee families or refugee figures who could be adopted and assimilated into American nuclear families. However, the fixations on constructing and

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<sup>160</sup> Varzally, *Children of Reunion*, 92.

<sup>161</sup> Varzally, 97.

normalizing nuclear families does not fully obfuscate the military violences that had already negotiated kinship formations. The narrative of America rescuing Vietnamese orphans is only made possible through the tacit acknowledgment of the parental death imposed by war. At the same time, Vietnamese efforts to reunite with their airlifted children also incisively deconstructs this myth of benevolence. The impulse to reunite families through ODP begs the question of why families had been separated in the first place. The AIA and the AHA demonstrate that despite language of belonging in the US, Amerasians have lived ties and connections that are not politically convenient to the American public and state. As such, the engagement with these three moments of Vietnamese resettlement demonstrates how notions of nuclear family are deployed to mitigate the unpopularity of increased Vietnamese resettlement, in often contradictory ways. However, these state's insistences that the nuclear family is an apolitical structure already contain within them confessions of the ways in which kinship has already been marked and altered by militarism and war. Thus, at face value, the state's narratives of protecting families and family values through Operation Babylift, the Orderly Departure Program, and the Amerasian Immigration/Homecoming Act also remind us of the ways that loved ones have been separated because of the violences of war, migration, and gendered belonging. These state's consternation and fixation on deploying exclusive and punitive visions of nuclear family also hints at the multiplicity of kinship formations that existed in Southeast Asian refugee communities or else such legal migratory disciplining would not be necessary. I now turn to appreciate the ways that refugee subjects have strategically engaged with the state's discourse of biological and intact family while simultaneously offering articulations of kinship networks that more accurately convey the messiness and richness of their lives.



## **Fighting Family Fragmentation: The Strategic Uptake of *Family* as a Political Tool**

While the state has clearly been invested in cultivating specific representations of Vietnamese families, groups like Families for Vietnamese Political Prisoners Association (FVPPA) have also used this rhetoric of family to further their own political and personal goals while also highlighting other, alternative, ways of being in family and kin networks. FVPPA was an organization of Vietnamese women based in Virginia that was dedicated to the cause of freeing and resettling political prisoners, including South Vietnamese soldiers and other groups marked as potential dissidents, from Vietnamese re-education camps. Writing about the creation and work of FVPPA, Sam Vong argues that the women of FVPPA “wove together discourses of family and humanitarianism and a politics of moral obligation to propel the issue of reeducation prisoners onto the national stage.”<sup>162</sup> Although it is not clear how FVPPA members felt about the possibilities or limitations of the state’s deployment of family, it is perhaps more obvious that these women cared deeply about Vietnamese refugees’ resettlement. Vong argues that these women “transformed the private concerns of loss and family separation into a public and political issue” and strategically “mobilized their identities as mothers, widows, and wives of Vietnamese reeducation camp prisoners to appeal to various interest groups and win support for their cause” in ways that seemed less overtly political because of the gendered and personal language of family.<sup>163</sup> Instead of the issue of political prisoners being solely about Vietnamese men in Vietnam, the women presented it as “a wider issue of family separation that affected wives, mothers, and widows.”<sup>164</sup> Positioning their requests in proximity to the state’s pre-existing language of family values, the women of FVPPA were able to connect with white

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<sup>162</sup> Vong, “Compassion Gave Us a Special Superpower,” 108.

<sup>163</sup> Vong, 109.

<sup>164</sup> Vong, 117.

women whose husbands were missing in action and with lawmakers and politicians who viewed the framing of family reunification as less politically divisive and controversial compared to refugee resettlement. In a time when issues relating to Vietnam were highly politicized and partisan, FVPPA's seemingly innocent language of family was able to bring more attention to Vietnamese lives and was able to garner bipartisan congressional support for resettlement prospects. Furthermore, the seemingly innocuous language of family was more popular and approachable within the Vietnamese refugee community, thereby building a larger base of support. Additionally, Vong argues that emphasizing their roles as mothers and wives of political prisoners ameliorated any tensions caused by women in leadership positions.<sup>165</sup>

This invocation of family was not unsophisticated. Vong reports that interviews with Khuc Minh Tho, the founder of FVPPA, revealed that the emphasis on her family and her role as a wife was calculated because narratives of family had more political and social currency given the state's ideological project of constructing family that has been traced earlier in this chapter. Furthermore, FVPPA used the language of family and highlighted the emphasis on family in the existent Orderly Departure Program to argue that freeing political prisoners in re-education camps was within the existing bounds of American immigration policy.<sup>166</sup> Although the effects of FVPPA are difficult to specifically quantify and enumerate, in 1988, the US and Vietnam did agree on the release and migration of political prisoners from re-education camps. Vong cites that this agreement facilitated the migration of "ten thousand released reeducation prisoners and forty thousand of their immediate family members to immigrate to the United States."<sup>167</sup> Again, we see the ways in which the emotionally evocative ideas of family and reunion are used to

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<sup>165</sup> Vong, "Compassion Gave Us a Special Superpower."

<sup>166</sup> Vong, 118.

<sup>167</sup> Vong, 120.

buffer the unpopularity and perceived foreignness of Vietnamese refugees. The role of family is further reflected in the creation of the Humanitarian Operations (HO) Program, a subprogram of ODP which allowed for the American resettlement of refugees who had spent three or more years in reeducation camps. Given the focus on family in all of the immigration acts pertaining to Vietnamese refugees, it is unsurprising that people who qualified under HO were also permitted to migrate with their family members. This is perhaps most clearly underscored by Public Law 107-185, also known as the McCain Amendment.<sup>168</sup> Passed in 2002, this amendment to the HO Program created a category titled “aliens covered” although they would be treated as a “refugee of special humanitarian concern.” Aliens covered consisted of the children of a qualified national; here, qualified national is defined as someone who was interned in a re-education camp or their widow or widower. Notably, to qualify for the aliens covered category, the adult children had to be of “21 years of age or older” and had to be “unmarried as of the date of acceptance of the alien’s parent for resettlement under the Orderly Departure Program or through the United States Consulate General in Ho Chi Minh City.”<sup>169</sup> Even decades after the initial resettlement of Vietnamese refugees, the insistence on nuclear family remains, as is evidenced in the delineation of married and single adult children.

FVPPA not only reconfigured and utilized the state’s purported care for families to achieve their goal of resettling more Vietnamese refugees, but their advocacy also reveals other, non-traditional and non-nuclear ways that Vietnamese refugees have existed within and constructed transnational and stretched kin networks. While the state projected an imagination of intact and undisrupted resettled Vietnamese nuclear families that had been saved by American

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<sup>168</sup> “An Act to Extend Eligibility for Refugee Status of Unmarried Sons and Daughters of Certain Vietnamese Refugees.”

<sup>169</sup> “An Act to Extend Eligibility for Refugee Status of Unmarried Sons and Daughters of Certain Vietnamese Refugees.”

benevolence, FVPPA's advocacy made clear that war and restrictive migration policies had separated them from beloved family members. In advocating for their husbands' resettlement, the women of FVPPA show that Vietnamese refugees were thinking of family in ways that are much more capacious than the state's formulation. Thus, while FVPPA's usage of family as an organizing framework may be read as a reproduction the state's narrow articulation of nuclear and undisrupted families, the application of family to these women's stretched kin relationships might also highlight the limitations of the family narrative. Thus, to invoke family, especially in the context of Vietnamese refugees, is to conjure up a long and contested history of racialized and gendered belonging and citizenship. Ideas of nuclear and proper families continued to color Americans' perception of Vietnamese refugees and the material realities of Vietnamese refugees' lives upon resettlement. It is to this which I turn in the next chapter.

## **Chapter Two: Journalistic and Diasporic Vietnamese Literary Depictions of Resettled and Racialized Southeast Asian Refugee Kin Networks**

Critically analyzing academic sociology's knowledge production practices, Linh Thuy Nguyen has argued that researchers have applied normative and modernist assumptions of economic success to interpret Vietnamese refugees' lives after formal resettlement. Nguyen argues that "state-sponsored discourses of the racial family have defined it in relation to the heteronormative family as a unit necessary for liberal inclusion into the nation-state and the political and economic system of capitalism."<sup>170</sup> Situating this knowledge production within the context of international Cold War anti-communism and the domestic Civil Rights and Black Power movements, Nguyen asserts that the valorization of supposed Vietnamese nuclear families was a way to (re)-enforce racial, economic, and sexual expectations and hierarchies. I now take up Nguyen's call to interrogate the technology of family to argue that the rhetoric of family that was both enforced upon and employed by Vietnamese refugees posited a kind of nuclearity while it simultaneously reflected how economic and military violence had already transformed and expanded kinship structures beyond that of the nuclear family. In doing so, this chapter first examines how society's and the media's focus on Vietnamese nuclear family also reflects the state's insistence on privatization and individualization and brings together conversations about neoliberal welfare reform and the racialized criminalization of migration. The chapter then turns to an analysis of diasporic Vietnamese authors' depictions of re-assembled Vietnamese kinship formations to highlight how diasporic Vietnamese literary production has grappled with the complexities and messiness of Southeast Asian familial attachments and kin networks. By putting news reports in conversation with literature, this

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<sup>170</sup> Nguyễn, "“Loving Couples and Families,” 14.

chapter also hopes to demonstrate that while journalism operates on assumptions of factuality and objectivity, both news reporting and literature are sites of story-telling. Although news articles and fictional stories require different methods of engagement, putting these two types of writing in dialogue allows us to better appreciate that Southeast Asian refugee sociality includes, but also expands beyond, the state's narrative of happy and economically independent nuclear families. The journalistic insistence on nuclear Vietnamese families demonstrates both hegemonic investment in nuclear families and yet also implicitly suggests the existence of other kinship formations, else the focus on nuclear families is rendered unnecessary. Alternatively, diasporic Vietnamese literary productions can more explicitly reimagine more inclusive models of family and kinship and also make clearer the violences and limitations of the institutionalized and nuclear family. Ultimately, this chapter hopes to emphasize the ways Vietnamese refugees cared for each other beyond biological relatedness, not only to survive and maintain zoe, but also to create a sense of meaning and bios, thereby demonstrating the ways Vietnamese refugee subjects expanded and constructed alternative kinship networks beyond the state's intention.

### **Expansion of Kinship Formations on the Way to Resettlement**

Although the majority of this chapter will focus on the ways Vietnamese kinship structures are challenged, expanded, and articulated within the geographic and sociopolitical borders of the United States, it is important to note that the physical realities of war and material precarity already necessitated such transformations even prior to resettlement. While Nazli Kibria's theorization of patchworking, or the haphazard bringing together of varied economic and social resources, will be discussed later in this section, it is important to remember that these forms of partnership and convivialities are not exceptional and exclusive to the United States. To speak of the traditional Vietnamese family form is already an act of flattening given the varied cultural

practices and ethnic groups within Vietnam. Material and community losses due to war and war-induced gender dynamics in Vietnam demanded certain re-orderings that only added to the multiplicity of family forms. The unpredictable contours of escape and the physical and spiritual danger of departure further necessitated a need for flexible conceptualizations of kinship.

Hồi Ký Miền Nam is a YouTube channel with over 397,000 subscribers. Their 1,800 videos are stories of Southern Vietnamese life during the war. One particular collection is Nước Mắt Mẹ Già translated as Old Mother's Tears and another collection is Chuyện Người Vợ Tù Cải Tạo. This second collection of memoirs and recountings are from wives of prisoners who were sent to re-education camps. Thus, these women had to take on all household and income-generating responsibilities. From the perspectives and recountings of these women, we can appreciate that there were already diverse family practices before the war and there was a proliferation of family forms brought on by the disruptions caused by war. Given that their husbands were in re-education camps and were not economically providing for their families, these women had to take on new and/or expanded responsibilities to care and provide for the household. This is an important precursor to the relative gender-equity that is documented by Kibria, which will be discussed later. It is important to note that this change was understood and documented not only by academics, but deeply understood by Vietnamese refugee women themselves.

The untidiness of family formations was also evident in early news coverage of Vietnamese refugees' resettlement. On May 6, 1975, just a few days after the effective end of the war, the *San Francisco Chronicle* ran an article entitled "Viet Wife Finds Ex-GI Married" that detailed the surprise of Vu Thi Lan, a refugee who had been employed by the US government in Vietnam, when she found out that Michael Green—the GI she had married in Vietnam on October

8th, 1969—had remarried an American wife in 1970.<sup>171</sup> In contrast to Green’s wishes for Vu to return to California with her daughter and nephew, Vu was adamant that she stay in Bangor, Green’s hometown.<sup>172</sup> At the same time, the article highlighted the American’s wife’s insistence that Green was her husband. The fact that war had separated Vu and Green, people who had been married, and the reality of Vu’s migration with her daughter and nephew made clear the ways in which the state’s ideas about the proper Vietnamese nuclear family had already been challenged because of the gendered dynamics of militarism and the upheavals associated with migration. Vu’s refusal to be erased and conveniently forgotten is an example of the ways in which the state’s insistence on neat forms of kinship fails to capture, and thus always gestures to, the messy emotional, biological, and social relations formed in and through war and migration.

### **The Myth of the Economically Self-Sufficient Vietnamese Nuclear Family**

Despite the clear ways Vietnamese refugees existed in kinship relations beyond the nuclear family, there was still a concerted effort by the media and by the academy to represent Vietnamese refugees as abiding to the norms of the nuclear family. This section turns to various representative examples of news articles about Southeast Asian, particularly Vietnamese, refugees. Methodologically, I was interested in how newspapers based in cities with considerable Vietnamese refugee populations imagined Vietnamese families. For that reason, many of the articles analyzed come from the West Coast of the United States, namely from the Los Angeles area. This curated selection of articles reflects not only the primary and secondary migrations that led to visible Vietnamese ethnic capital and presence in Orange County, but also demonstrates how Vietnamese refugees were categorized and conceptualized by hegemonic

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<sup>171</sup> “Viet Wife Finds Ex-GI Married.”

<sup>172</sup> “Viet Wife Finds Ex-GI Married.”



power that could not ignore the refugees' existence. The selected articles also represent a variety of ways news media interfaced with the state's narrowly defined narrative of Vietnamese nuclear families. While some articles celebrate Vietnamese subjects who uphold expectations of economically self-sufficient and independent nuclear families, other examples analyzed here more explicitly demonstrate ways that this state-sanctioned narrative fails to encapsulate the richness of Southeast Asian refugees' social organizational structures. By presenting a range of journalistic accounts of Southeast Asian refugee families and kinship structures, I hope to highlight the ways that Southeast Asian refugee kinship networks include and expand beyond the state-sanctioned imagination of nuclear families.

In 1981, the *Sacramento Bee* published an article by Ann Reed entitled "Freedom Flight: Vietnamese Family Escaped on Perilous Third Try."<sup>173</sup> The article recounts Viet Le's educational and work experience in Vietnam and America before, during, and after the war, including his justification for attempting to escape Vietnam multiple times. Interestingly, Reed takes considerable effort to impress that Le is highly educated, noting that he had gone to school in America for three years and had done doctoral work at the University of Saigon and in England.<sup>174</sup> Addressing previous escape attempts, Vu says that he lost over \$20,000 in one of his three attempts.<sup>175</sup> The article also provides the specific detail that "Le paid about \$2,000 in gold per adult and \$1,000 per child for his family of six. He had to borrow part of the money from a relative who accompanied them on the journey."<sup>176</sup> This mention of the also affluent or comfortable relative serves to assuage any concerns about Le's economic dependency, which is further rebuffed in the article's explicit mention that Le "and his family live in a home in

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<sup>173</sup> Reed, "Freedom Flight: Vietnamese Family Escaped on Perilous Third Try."

<sup>174</sup> Reed.

<sup>175</sup> Reed.

<sup>176</sup> Reed.

Sacramento and Le works as a counselor for refugees at Sacramento's Fremont Adult School" only a year after their escape.<sup>177</sup>

While Le does mention that others have lost their family members, the article ends with Le's insistence on intergenerational transmission and inheritance. Le says, "'Don't think too much of the old days. Think of your children's future. If you think of yourself, you sometimes think you don't have anything.'"<sup>178</sup> This is the exact type of generational inheritance and transmission that Ly Thuy Nguyen critiques as imbricated in racialized and "violent bioreproduction of race, gender, and sexuality" that necessitates "white supremacy, heteropatriarchy, private property—violent structures that simultaneously disavow, disappear, and recuperate (racialized m)others."<sup>179</sup> Nguyen also argues that there is "mutual co-constitution of inheritable wealth and gendered exclusion of citizenship through [the] American legal system."<sup>180</sup> Thus, the article's singular focus on Viet Le, a highly educated and assumedly economically self-sufficient father figure who is unrepresentative of the Vietnamese diaspora reproduces ideas of linear futurity and economic and social assimilation that align with whiteness. Implicit in this article is the assumption that hard work and family values will ensure economic mobility and security because if Le can survive and thrive despite his detailed tribulations, then there must be no structural reason for others, Vietnamese or not, to not succeed. Furthermore, the article's failure to mention his privileged Vietnamese class and social position and any governmental refugee assistance benefits serves to repudiate the existence of any racialized structural barriers that may inflict violence upon others.

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<sup>177</sup> Reed.

<sup>178</sup> Reed.

<sup>179</sup> Nguyen, "Queer Dis/Inheritance and Refugee Futures," 220.

<sup>180</sup> Nguyen, 220.

The turn to cultural explanations instead of structural examinations of economic mobility and educational attainment occurred not only in the media, but also in academic knowledge production. For example, in their study of a Vietnamese refugee community in Versailles, Louisiana, Zhou and Bankston argue that “students who have strong adherence to traditional family values, strong commitment to a work ethic, and a high degree of personal involvement in the ethnic community tend disproportionately to receive high grades, to have definite college plans, and to score high on academic orientation.”<sup>181</sup> The authors also argue that “Vietnamese family values constitute a source of direction to guide children to adapt to American society the Vietnamese way.”<sup>182</sup> Although community norms in any group may serve as a source of direction, the authors’ focus on supposedly static “cultural orientations” at the expense of an economic analysis further triangulates Asian Americans and specifically Vietnamese refugees in relation to Black and white Americans. While there have been important interventions and re-framings of Claire Jean Kim’s theory of racial triangulation, articulated as the “simultaneous, linked processes” of ‘relative valorization’ and “civic ostracism” where white supremacy valorizes Asian Americans relative to Black Americans on cultural and/or racial grounds while ostracizing Asian Americans as “immutably foreign and unassimilable with Whites on cultural and/or racial grounds in order to ostracize them from the body politic and civic membership” to maintain power over both groups, the framework of a field of racial positions is helpful to understand the political work of family.<sup>183</sup> Zhou and Bankston present Vietnamese family values as a preventative against assimilation into the racialized “underclass subculture.”<sup>184</sup> Although the explicit language of underclass is seemingly race neutral, Dorothy Roberts argues, “the word

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<sup>181</sup> Zhou and Bankston, “Social Capital and the Adaptation of the Second Generation,” 821.

<sup>182</sup> Zhou and Bankston, 831.

<sup>183</sup> Kim, “The Racial Triangulation of Asian Americans,” 107.

<sup>184</sup> Zhou and Bankston, “Social Capital and the Adaptation of the Second Generation,” 842.

‘underclass’ refers not only to its members’ poverty but also to a host of social pathologies such as crime, drug addiction, violence, welfare dependency, and illegitimacy. Although poverty may be relatively race-neutral in people’s minds, these other depravities are associated with Black culture.”<sup>185</sup> Thus, the authors’ explicit invocation of underclass subculture not only simplifies Black “subculture” and Vietnamese culture as immutable and immune to social and economic realities, but also denies the violence of disinvestment and criminalization that have targeted both communities. While Zhou and Bankston do acknowledge that “almost all of them [Vietnamese refugees] began their American lives on some form of government assistance,” the authors fail to address how the extension of such benefits –benefits which were increasingly denied to Black Americans through the neoliberal language of welfare reform and individual responsibility– contributed to the cultivation and maintenance of social capital and facilitated the “adaptation of Vietnamese children, in school and afterward.”<sup>186</sup> Thus, to talk about upwardly mobile Vietnamese nuclear families is already to invoke a dialogue of racialization, but perhaps especially so when discussed in relation to the specter of the “underclass.”

This narrative of successful and mobile Vietnamese nuclear families continues to persist even today. In 2015, to celebrate the 40th anniversary of the resettlement of Vietnamese refugees to the state of Washington, Thuy Vu wrote in the *Seattle Times* that “Vietnamese refugees have blended successfully into the multicolored ethnic tapestry of their adopted homeland.”<sup>187</sup> Vu ends the opinion piece with the reminder to Vietnamese refugees that “it is imperative to help build it into a stronger place for everybody to live and raise their families, both for the present and future generations.” The citation of Vietnamese refugees’ successful assimilation and their

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<sup>185</sup> Roberts, *Killing the Black Body : Race, Reproduction, and the Meaning of Liberty*.

<sup>186</sup> Zhou and Bankston, “Social Capital and the Adaptation of the Second Generation,” 840.

<sup>187</sup> “The Sacrifice and Gratitude of Vietnam’s Refugees.”

familial forms in a short piece totaling less than 400 words signifies the importance of family in Americans' understanding of Vietnamese refugees and in these refugees' self-articulation.

Despite impulses to define Vietnamese refugees as nuclear family-abiding people, it became clear rather early on after resettlement that Vietnamese kinship formations were undergoing transformation. On February 28, 1983, the *Oklahoman* published an article by Pat Record entitled "New Life Strains Vietnamese" which states that Vietnamese refugees were struggling to find a balance between new and old ways of living, and that "the core of the struggle is the family."<sup>188</sup> Record, in conversation with Nguyen Dinh Thu, the president of the Vietnamese-American Association in Oklahoma City, says that "the Vietnamese family as a unit is being chipped away" because families are no longer able to maintain a "strong sense of extended family and closeness to its ancestral boundaries."<sup>189</sup> This admission reveals two things: first, that kinship formations in Vietnam had never abided by the American imagination of nuclearity, but rather had always had more expansive relationalities. Secondly, the article's mention of the depression and guilt that resettled refugees experience articulates a critique of the narrative that America is a land of benevolence that allows and prioritizes family reunification; it becomes clear that formal legal resettlement does not resolve the lasting and war-inflicted emotional and social wounds. Record also reports that there exists "friction between Vietnamese women and their husbands," and a "generation gap developing between the older Vietnamese and their grandchildren" due to gendered economic mobility and different language fluencies. Thus, there existed a frenetic ambivalence regarding Vietnamese refugee families as there was a move to project an image of the intact nuclear structure with its attendant gendered and

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<sup>188</sup> Record, "New Life Strains Vietnamese."

<sup>189</sup> Record.

generational power divisions that belied the struggles of many Vietnamese refugees to maintain cohesion and adapt to life upon resettlement.

These generational and gender dynamics that Record reports on are also themes in Nazli Kibria's ethnographic work on Vietnamese refugees in the Philadelphia area. Although Kibria sometimes risks essentializing Confucian ideals, she generally argues that "contrary to the media images" Vietnamese refugee families "were not unchanging and uncompromising traditional and Confucian entities that they were often made out to be. Rather, I found family life to be an arena of considerable conflict and flux."<sup>190</sup> Kibria argues that Vietnamese refugees responded to social and biological losses by "shifting and expanding the criteria for inclusion in the family circle. Thus, for example, friends and distant relatives who had been marginal members of the family circle in Vietnam became part of the active circle of kin relations in the United States."<sup>191</sup> Critically, Kibria understands these changing kinship structures as reflections of Vietnamese refugees' economic conditions:

Vietnamese immigrants relied on a collectivist household economy, one in which individual resources were shared and pooled to cope with the demands and vicissitudes of the economic environment faced in the United States. These collectivist households were organized around Vietnamese kinship traditions, drawing on them for structure, support, and legitimation. Thus, Vietnamese Americans strove to preserve the traditional Vietnamese family system partly because of its significance to their economic lives and future.<sup>192</sup>

One of the most important ways Vietnamese refugees expanded their kinship networks to meet material needs was through the process of patchworking, which Kibria describes as the "merging of many different kinds of resources."<sup>193</sup> In contrast to the more standard understanding of pooling resources, "patchworking also better conveys the often uneven and unplanned quality of

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<sup>190</sup> Kibria, *Family Tightrope: The Changing Lives of Vietnamese Americans*, 7.

<sup>191</sup> Kibria, 8.

<sup>192</sup> Kibria, 10.

<sup>193</sup> Kibria, 77.

members' contributions to the household economy, both in substance and in tempo" alongside an acknowledgement that for Vietnamese refugees, the contributed resources were not only financial, but also social and informatory.<sup>194</sup>

In Kibria's work, Vietnamese refugee households with large kinship structures that extend beyond the nuclear family to include "distant relatives and friends" were economically rational because such arrangements maximize the number of labor force participants, minimize per capita costs, and allow the kinship structure to tap into more and varied "social arenas and institutions and to take advantage of the resources contained within them."<sup>195</sup> Another important element of this discussion of kin-making and patchworking is the analysis of the labor market and economic conditions of Philadelphia in the 1980's; racial discrimination, language barriers, and the inapplicability of prior job experience confined many Vietnamese refugees to low-level service sector jobs. Given the precarity of these jobs, many Vietnamese chose instead to take up informal work because there, "income and payments are not subjected to taxes, and minimum wage laws are not acknowledged" meaning "wages from such work were protected from the scrutiny of welfare and social service agencies as well as from government tax regulations."<sup>196</sup> Again, these work and labor choices are depicted as economically sensible given the instability and terminatable nature of government eligibility programs. Because some government entitlement and social welfare programs are restricted to certain demographic categories, Vietnamese refugees benefited from patchworking with larger kin networks because "it created an economic buffer or safety net that helped them to survive and to overcome vacillations in their means of livelihood."<sup>197</sup>

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<sup>194</sup> Kibria, 77.

<sup>195</sup> Kibria, 85, 78.

<sup>196</sup> Kibria, 80–81.

<sup>197</sup> Kibria, 86.

Despite the economic rationale and necessity of patchworking to maintain life, Vietnamese refugees' kinship structures were soon decried by the media as welfare fraud. While some accounts like Mark Arax's "Wages and Welfare : Refugees Called Victims and Perpetrators of Fraud" published in the *Los Angeles Times* on February 10, 1987 painted a relatively nuanced description of the conditions that led Vietnamese refugees to enter exploitable extralegal and even criminalized/illegal work in order to supplement their welfare benefits, other accounts were much more critical and sensationalized to stoke (white) anger about fraud and theft.<sup>198</sup> For example, in 1981, UPI published an article entitled "A Vietnamese refugee mother of seven who has been..." which detailed the juridical charging of Van Hong Nguyen, "a Vietnamese refugee mother of seven who has been receiving county aid since her arrival in the United States five years ago" who had been "receiving \$42,407 in welfare aid and \$8,702 in food stamps" with "seven counts of perjury for statements made in applying for aid for herself and children ranging in age from 10 to 22."<sup>199</sup> Describing Nguyen as a woman who often wore "jewelry valued from \$45,000 to \$300,000," this sensationalized story clearly echoes dialogue about the figure of the fraudulent welfare queen, racialized as Black, that had started to proliferate, especially around the case of Linda Taylor.<sup>200</sup> I will return to this resonance momentarily, but I first turn to other media accounts to demonstrate that the anxiety about Vietnamese welfare fraud was not confined to shocking stories, but proliferated the social imaginary.

On December 16, 1987, the *Los Angeles Times* ran an article by Mark Arax entitled "County Unit Designed to Combat Welfare Fraud by Asian Refugees."<sup>201</sup> The article details that

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<sup>198</sup> Arax, "Wages and Welfare."

<sup>199</sup> "A Vietnamese Refugee Mother of Seven Who Has Been... - UPI Archives."

<sup>200</sup> "A Vietnamese Refugee Mother of Seven Who Has Been... - UPI Archives."

<sup>201</sup> Arax, "County Unit Designed to Combat Welfare Fraud by Asian Refugees."



“Southeast Asian welfare recipients have illegally taken jobs as seamstresses, cooks and beauticians. While many of these refugees are being paid cash wages below the legal minimum, others are earning as much as \$25,000 a year in unreported income on top of their monthly welfare checks.”<sup>202</sup> While the article does acknowledge that “many refugees say legitimate but low-paying jobs hold little attraction when they can take in considerably more by combining welfare benefits, Medi-Cal and unreported income,” it suggests that this rationale is not acceptable when it continues, “the underground economy has given Southeast Asians, who make up 90% of the state's refugee population, a compelling reason to remain on public assistance for several years. State figures show that nearly three of 10 refugee families on public assistance have received aid for a period ranging from four to 10 years.”<sup>203</sup> In contrast to the individualized language used to describe Van Hong Nguyen, by 1987, welfare fraud was presented as a perniciously ubiquitous issue as it says “50% of California's estimated 400,000 Southeast Asian refugees, or 43,500 families, are fully reliant on welfare, according to state figures. As many as half of these families have one or more members working illegally in the underground economy, according to a number of government officials, private resettlement workers and refugees.”<sup>204</sup> Here, the language of family and the specter of non-nuclear kinship formations become more clear as Arax explicitly writes, “that an underground economy organized along ethnic and family lines is extremely difficult to counter.”<sup>205</sup> Thus, the enlarged kin networks that allow refugees to survive in the United States becomes a site of state derision, encroachment, and discipline that is portrayed as a threat to state and national coffers.

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<sup>202</sup> Arax.

<sup>203</sup> Arax.

<sup>204</sup> Arax.

<sup>205</sup> Arax.

“Welfare Fraud Rife among Refugees - Officials Cite Southeast Asian Immigrants who Don’t Report Income” was written by Thomas Elias and published on January 17, 1988 by the *Daily News of Los Angeles*.<sup>206</sup> Although it reiterates much of what Arax reported earlier, there is a particularly insightful quote from a refugee. The article reads, “‘I cannot hope to support my family on what I earn here,’ said one fast-food restaurant waiter who admitted he doesn't report any of the tips or wages he receives. ‘If I don't have the welfare, my children will have to work and not go to school. But they must go to school. So I cannot report my income.’”<sup>207</sup> The article also states that “50,000 Southeast Asians draw aid to families with dependent children.”<sup>208</sup> The combined citation of Aid to Families with Dependent Children (AFDC) alongside the invocation of school and its accompanying possibilities of academic and economic mobility demonstrates how the treatment and racialization of economically disadvantaged Southeast Asians refugees was not a foregone conclusion. Indeed, there exists a tension between the drive to sublate Southeast Asian refugees into the markedly non-Black demographic category of professionalized, economically self-sufficient, and familial Asian Americans and the concern and reality of a permanent Southeast Asian refugee welfare class in a sociopolitical moment where welfare had been conflated with Blackness. While Lee and Zhou’s work on second-generation convergence seems to suggest that the social expectations associated with the model minority myth has ensconced the former narrative for Vietnamese Americans, Eric Tang’s theorization of refugee temporality and the hyperghetto reminds us that this tension remains to be settled and varies drastically within the broad category of Southeast Asian refugees.

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<sup>206</sup> ELIAS, “WELFARE FRAUD RIFE AMONG REFUGEES - OFFICIALS CITE SOUTHEAST ASIAN IMMIGRANTS WHO DON’T REPORT INCOME.”

<sup>207</sup> ELIAS.

<sup>208</sup> ELIAS.

Welfare usage in general became more scrutinized as neoliberal sentiments of individual responsibility and hard work continued to root and proliferate in the social and political lexicon. This is perhaps most clearly articulated in Kaaryn Gustafson's work which analyzes the criminalization of poverty and the ways in which "welfare reform" made the welfare system an arm of the criminal legal system.<sup>209</sup> Although Gustafson mostly focuses on the rise of prosecutions of welfare fraud after the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the linking of the criminal legal system and the welfare system is already evident in the 1994 sentencing and prosecution of Jimmy Vo.<sup>210</sup> Described in an article written by Leslie Brown and published by Tacoma's *News Tribune*, Vo was given a five-year sentence and ordered to "pay \$767,215 in restitution" for leveraging his language skills and familiarity with social work to create "a welfare fraud scheme that could have cost the government \$4.6 million if his clients had continued to collect benefits until reaching age 65."<sup>211</sup> The article details that Vo coached more than fifty refugees on how to act at doctors' visits to be deemed eligible for Supplemental Security Income, and in exchange, Vo's refugee clients paid him up to \$3,000.<sup>212</sup> Interestingly, Vo's lawyer, John Hickman, argues that many Southeast Asian refugees "hold good jobs and have a strong sense of family and personal integrity."<sup>213</sup> The article ends with Hickman's assertion that "Vo's 10 children are all employed, many as professionals," and the belief that "In the long run, I think Jimmy Vo's children are more typical as to what we have to look forward to than Jimmy Vo's isolated criminal activity."<sup>214</sup>

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<sup>209</sup> Gustafson, "The Criminalization of Poverty."

<sup>210</sup> Brown, "IMMIGRANT GETS 5-YEAR TERM FOR WELFARE FRAUD."

<sup>211</sup> Brown.

<sup>212</sup> Brown.

<sup>213</sup> Brown.

<sup>214</sup> Brown.

Because of the spectacularization of Linda Taylor, Barbara Jean Williams, and Dorothy Woods—Black women welfare recipients who were caught committing fraud—by the late 1970’s and the early 1980’s, welfare usage had become associated with the figure of the Black welfare queen, imagined as “someone hyperrational who was working the system, milking government money from taxpayers” and simultaneously portrayed as “uneducated, lazy, and irrational. A welfare queen was someone who did not, or perhaps would not, pursue the long-term well-being of her family.”<sup>215</sup> Given that large single-mothered households were imagined as the typical welfare client, the discussion of Van Hong Nguyen’s seven children and the lack of mention of any male or father figure places her squarely in the realm of welfare queen discussions. Furthermore, much attention had been paid to Linda Taylor’s 1974 report to the police that “fourteen thousand dollars in cash, jewelry, and furs had been stolen from her home,” and that social reference is clearly reflected in the accusations of Van Hong Nguyen wearing jewelry worth thousands of dollars across the US-Mexico border.<sup>216</sup> Aihwa Ong has written about the “ideological blackening” of “refugees from Cambodia and Laos” “because of being welfare dependent and having high rates of teenage pregnancy, and because of their location and isolation in inner city neighborhoods” in contrast to the “whitening of Vietnamese and ethnic Chinese immigrants.”<sup>217</sup> However, resisting both the essentialization of Black communities and the homogenization of Vietnamese and ethnic Chinese migrant communities brings into sharper relief the mutability of the processes of racialization and criminalization. Perhaps the news coverage of Vietnamese refugees’ and other Southeast Asian refugees’ welfare fraud served as an embodiment of Foucauldian social disciplining. The highly publicized social and juridical

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<sup>215</sup> Gustafson, “The Criminalization of Poverty,” 36.

<sup>216</sup> Gustafson, “The Criminalization of Poverty.”

<sup>217</sup> Ong, *Buddha Is Hiding: Refugees, Citizenship, the New America*, 5:86.

punishment meted out on Southeast Asian refugees who committed welfare fraud perhaps served as a warning to others to abide by and perform nuclear self-sufficiency, lest be ensnared in the criminal legal system like the exemplars and their Black counterparts. Thus, the public acknowledgment of non-nuclear family forms within Vietnamese refugee communities can also be read as a way to coerce the rest of the population to behave in ways that conformed to social scripts of gratitude and “proper” notions of sexuality and gendered labor. This framework of disciplining allows us to make sense of how Vietnamese welfare “cheats” were denigrated while there was contemporaneous celebratory coverage of Vietnamese refugees’ nuclear families.

The persistent reference to the Southeast Asian refugees’ children in accounts of transgressions of welfare rules also exemplifies and expands what Eric Tang describes as refugee exceptionalism. Thinking through the connections between the afterlives of colonization and slavery in the United States, Tang defines refugee exceptionalism as the process by which Cambodian refugees were

discursively removed from underclass status by policy makers, landlords, social workers, and researchers. I show how these agents routinely cast refugees as those who would eventually achieve the successes portended by liberalism even as all empirical evidence pointed to the contrary. I term this discursive removal *refugee exceptionalism*— the ideologies and discursive practices that figure refugees as necessarily *in* the hyperghetto but never *of* it. It is the process whereby refugees are resettled into and then recurrently “saved” from the hyperghetto and its attendant modalities of captivity: uninhabitable housing stock, permanent exclusion from the labor market, and punitive social policy. However, refugee exceptionalism never actually removes the refugee from hyperghetto spaces and institutions (certainly not in any material sense); on the contrary, it requires that she be held in perpetual captivity so that she can be used over and over again.<sup>218</sup>

The fast-food worker’s reference to his children’s schooling and the lawyer’s explicit citation of Vo’s professional children suggests that refugee exceptionalism is also applied across multiple generations. While Dorothy Roberts critically analyzes the ways “contemporary welfare rhetoric

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<sup>218</sup> Tang, *Unsettled*, 14.

blames Black single mothers for transmitting a deviant lifestyle to their children, a lifestyle marked not only by persistent welfare dependency but also by moral degeneracy and criminality,” the next, and presumably more assimilated, generation of Vietnamese Americans is invoked to seemingly compensate for their parents’ welfare fraud. This suggests a temporariness of welfare dependency that will result in eventual economic mobility for Southeast Asian refugees and their children. The invocation of Southeast Asian refugees’ children and the promise of their future achievement, scholastic successes, and economic self-reliance that is made available through the model minority myth is thereby contrasted and triangulated against the prevailing discourse of permanent and perpetual Black intergenerational welfare dependency. Applied intergenerationally, refugee exceptionalism obscures the continued persistence of poverty and poor educational outcomes for many Southeast Asian Americans. The rhetoric and logics of refugee exceptionalism disguises commonalities between Black and Southeast Asian refugee communities, thus hindering stronger affective and political interracial solidarities.

Southeast Asian refugees relied on their expansive kinship networks and government assistance to survive and adapt to life in the United States. However, these realities did not fit easily with the neoliberal move to privatize and prioritize nuclear families as economically self-dependent units of national organization. The consternation about Vietnamese refugees’ welfare usage and fraud reveals that racialization and placement in the field of racial positions is neither clear nor self-evident. Rather, ideas regarding nuclear and proper families have been used to both determine and discipline refugees’ sociopolitical place. Meanwhile, cultural explanations surrounding the myth of self-reliant Vietnamese refugee nuclear families both deny the material realities of many Southeast Asian refugees and the inherent anti-Blackness embedded in such an assertion. This analysis of these articles reveals how news reports have sought to encourage and

discipline nuclear Vietnamese refugee families while also sometimes explicitly decrying the incommensurability of the state's discourse with the refugees' lived realities. Having established the sociological contexts in which Vietnamese refugee kinship networks were contested and rearranged during and after resettlement, I now turn to diasporic Vietnamese authors whose literary works examine the re-construction and re-assemblage of family forms.

### **Not Quite Nuclear: Literary Examinations of Gender, Generations, and Adoption upon Resettlement**

While state and global systems of ordering and domination have assigned specific value to the form of nuclear family, there have always been and will continue to be relationalities and bonds that exist beyond the capture of the state. The explanation of Vietnamese refugees as family-abiding has never been accurate to the complexities of kinship formations after resettlement, and yet Vietnamese refugees have cultivated kinship within and beyond these narrow circumscriptions to both resist the state and to maintain meaning and purpose for themselves. The violences of war, racism, militarism, and hetero-compulsivity encourage and attempt to destroy different kinds of kinship formations, but literature offers an avenue through which certain formations, realized and imagined, can be re-visited. In this section, I analyze works from Nam Le and Aimee Phan to highlight how Vietnamese diasporic literature grapples with the violences of the state's restrictive understanding of nuclear family while also making visible more inclusive and flexible models of family and kinship. While Nam Le and Aimee Phan write explicitly about Southeast Asian refugees' welfare and governmental assistance usage during the post-resettlement period, their works also trouble simple state notions of independence, belonging, and integration. Instead, these works reveal how seemingly nuclear Vietnamese families continue to be troubled by the ravages of war and how the conditional non-

rejection of Vietnamese orphans in the space of the white American nuclear family does not sufficiently engender feelings of true belonging. Instead, these literary works offer re-imaginings of familial relationships to uplift the complex and beautiful dependencies and relationalities that formed during and after the war.

### **Nam Le's *The Boat***

Published in 2008 as a series of short stories that explore the (im)possibilities of ethnic literature and the burden of representation, Nam Le's *The Boat* starts with "Love and Honor and Pity and Pride and Compassion and Sacrifice" and ends with "The Boat." Both of these stories feature Vietnamese and diasporic Vietnamese characters while the rest of the collection focuses on other ethnic identities. In this section, I first analyze "The Boat" given its concerns of migration and kinship before turning to the first story in the collection, "Love and Honor and Pity and Pride and Compassion and Sacrifice" which centers questions of post-memory and generational rifts.

"The Boat" tracks the experiences of Mai, a young woman trying to leave Vietnam. Mai's father worked at sea and then fought in the war before being forced to a re-education camp. Although Mai's recollections about her parents and brother who are still in Vietnam are presented as flashbacks that disrupt the mostly chronological developments on the boat itself, they provide useful information about the negotiations of gender and generational power within Vietnamese families during and after the war. During her father's time in the re-education camp and consequently in a hospital, Mai "continued trundling every day from corner to corner, selling cut tobacco to supplement their family income."<sup>219</sup> This demonstrates how the perturbations of

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<sup>219</sup> Le, *The Boat*, 238.



war already scrambled the assumptions of parental care and economic provision purportedly inherent in the nuclear family form. This is again emphasized when Mai visits her blind father, unknowingly for the last time, and he asks Mai to look after her mother. The lack of the patriarch and the inability of Mai's father to provide and care for their family is further evidenced in the fact that Mai's mother, not her father, is the one who arranges for Mai's departure from Vietnam. Mai's mother is also able to offer Mai a "damp bundle of money" which suggests that these women and girls were forced to find ways to become employed and provide for themselves given the physical and economic absence of the father figure.<sup>220</sup>

The violence and desperation of war not only separated nuclear families and other kinship arrangements, but it also forced people into forms of reliance and care that resembled and perhaps replaced and expanded the relationalities that are usually confined within more settled and nuclear family structures. This is clear in both Mai's relationship with the smuggler with whom her mother has made arrangements and in her relationships with Quyen and Truong. Although Mai's mother refers to the smuggler as Mai's uncle, the text describes him as "an uncle she [Mai] had never met."<sup>221</sup> When Mai arrives at a market in Rach Gia, "she was swept up by this man who hugged her, turning her this way and that."<sup>222</sup> Given her confusion and the long car ride, Mai forgot her mother's instructions on how to interact with this man. After hugging her, this man's "face spread in an open, unnatural smile before he walked away. All at once Mai remembered her mother's instructions. The folded paper. She ran after him and pressed it into his hand. He read it, furtively, refolded it into a tiny square, and then he was Uncle again."<sup>223</sup> While this clearly demonstrates the constructed nature of certain forms of kinship during the post-war

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<sup>220</sup> Le, 238.

<sup>221</sup> Le, 240.

<sup>222</sup> Le, 244.

<sup>223</sup> Le, 245.

period, I argue that this interaction between Mai and the uncle figure also demonstrates the willingness and perhaps need to engage in these ephemeral relationships for material and bodily security. This man serves as Mai's uncle without clear economic payment; after all, the evidence or contract upon which the relationship is premised is simply "a fold of paper, torn from an exercise book."<sup>224</sup> The ease of this transaction reveals that the realities of war made such revisions of family structures more acceptable and perhaps even encouraged. Furthermore, Mai's brief interactions with the uncle figure also highlights the ways people formed important affective relationships despite the brevity of their encounters. Although the narration states that "he wasn't, in all likelihood, her real uncle—she knew that now," when the uncle leaves Mai to complete the remainder of her journey out of Vietnam on her own, "she felt in her stomach a deep-seated fluster. It was the last she saw of him."<sup>225</sup> There is a sentiment of social relatedness as Mai refers to this man as Uncle, despite the acknowledgement of their biological unrelatedness. Furthermore, there seems to be a sense of mutuality despite and beyond the economic arrangements that had been made. As the uncle departs, he instructs Mai on how to contact her mother upon arrival and "gave her another abbreviated hug."<sup>226</sup> Unlike the public hug that was used to greet Mai and perform a certain familial sentimentality to disguise the newness of the relationship, this hug is given in private and perhaps only to soothe Mai. This gesture of kindness and care extends beyond any economic contours and reminds us that the scrambling of kinship during this time also demonstrated and fulfilled affective needs as well. This passage reveals that adherence to nuclear family forms was not possible for many Vietnamese subjects

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<sup>224</sup> Le, 240.

<sup>225</sup> Le, 245.

<sup>226</sup> Le, 245.

who were navigating the brutality of war and that these subjects responded to their lived realities by adopting more flexible and inclusive understandings of family and kinship.

This is perhaps even more clear in Mai's relationship with her boatmates, Quyen and her son Truong. These boatmates form powerful kinship bonds despite, or perhaps given, the milieu of the cramped boat and the unknown duration of their time at sea. While "each family kept mostly to itself. Mai was alone. She stayed close to Quyen and Quyen's six-year-old son, Truong."<sup>227</sup> Early on in the story, it is revealed by Quyen that her husband, Truong's father, had already escaped to Pulau Bidong, a refugee camp, eight months prior to the time of the story. Mai asks "Why hadn't they traveled together?" to which the story reads, "'We are going to America,' Quyen continued, passing over Mai's question."<sup>228</sup> When Mai reveals that she does not know if she wants to go to America or Australia, Quyen insists that Mai goes to America with her and her family because Truong, her son, is so attached to Mai. However, it is later disclosed that Truong is not actually the biological son of Quyen's husband. Instead, Quyen "had conceived him when she was young, and passed him off to her aunt in Da Lat to raise, and then she had gotten married. With the war and all its disturbances, she had never gone back to visit him. Worse, she had never told her husband."<sup>229</sup> This troubles the idea of intact and sexually proper nuclear families within Vietnam and demonstrates the ways war physically and emotionally stretched and reformed kinship structures prior to migration. Torn between the fear of her husband deserting her after finding out about her illegitimate son and the guilt of abandoning Truong in Vietnam as she escaped, Quyen decided to take Truong with her as she departed Vietnam. Considering her options in the space and time of the boat journey, Quyen

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<sup>227</sup> Le, 235.

<sup>228</sup> Le, 241–42.

<sup>229</sup> Le, 267.

asked Mai to take Truong and ““pretend he was your son”” just until she worked up the courage to tell her husband.<sup>230</sup>

At points, Mai conflates Truong with her father and her brother, Loc, who she has had to leave behind. While looking at Truong, she “could almost fool herself into thinking he was there, little Loc...He was about the same age as Truong.”<sup>231</sup> Later, looking at Truong again, Mai realizes “what it was that had drawn her to the boy all this time. It was not, as she had first assumed, his age—his awkward build. Nothing at all to do with Loc. It was his face. The expression on his face was the same expression she had seen on her father’s face, every day, since he’d returned from reeducation. It was a face dead of surprise.”<sup>232</sup> This conflation and convergence of different biological and affective kin suggests that the prompt willingness to reconsider and expand kin circles was not only done for material survival, but also to both fill and honor the absences caused by the violences of war and migration. Perhaps it is Mai’s desire to feel close to not only her family members but also included in a sense of kinship that encourages Mai to agree to Quyen’s proposed arrangement; “She would look after him, completely, unconditionally, and try not to think about the moment when Quyen might ask her to stop.”<sup>233</sup> This moment, written by Nam Le—a boat refugee himself—gestures towards the ways re-establishments and reformations of kinship structures were not only economically, but also emotionally, necessary given the immense collective and personal pain of geographical separation and death. Here, Quyen’s admission of Truong’s paternity demonstrates that even relationships that might appear nuclear have been affected by the difficulties of war. At the same time, Quyen’s desire to bring Truong to the United States with her despite the interpersonal

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<sup>230</sup> Le, 268.

<sup>231</sup> Le, 242.

<sup>232</sup> Le, 254.

<sup>233</sup> Le, 271.

difficulties it might engender reveals that unsanctioned relationalities are not diminished by their characterization as non-nuclear, but instead emphasizes the limitations of the nuclear family form in describing and encompassing the messiness of Southeast Asian refugee kin relationships.

The importance of kinship networks even in the space of the boat is dramatically emphasized as the story develops and as those on the boat become more battered. It is then that an unnamed “young teenage girl with chicken legs wandered over to the gunwale and in a motion like a bow that didn’t stop, toppled gracefully over the side.”<sup>234</sup> In response, Quyen whispers, “She must not have any family,” thereby portraying family as both a preventative and salve from the biological and spiritual violences of boat migrations.<sup>235</sup> As more people pass and their bodies are thrown overboard, Mai “resisted the impulse to identify which families had been depleted.”<sup>236</sup> Given Mai’s interactions with Quyen and Truong, it is clear that family is used here to invoke a larger set of relationships of care and mutuality. The depletion of families is a shorthand for an emptying and removal of those who care for and about each other. Thus, Truong’s death at the end of the story acts as a rejection and rebuke of alternative, non-nuclear, forms of care. While Mai’s agreement to care for and informally adopt Truong represents more capacious kinship forms beyond the sexually-disciplined nuclear family, Truong’s death that occurs as the passengers spot land symbolizes the impermissibility and foreclosure of that possibility. Much like how the immigration procedures examined in the first chapter refused to acknowledge common law and affective kinship, Truong’s death also represents a type of punishment for those who deviated from the nuclear form. However, Truong’s death and his illegibility to the receiving host nation does not nullify the powerful impact and connection he

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<sup>234</sup> Le, 256.

<sup>235</sup> Le, 256.

<sup>236</sup> Le, 257.

had with Mai. Perhaps Truong's death also represents the epistemological erasure that occurs in the state's deployment of heteronormative and intact nuclear families as this narrow articulation of family renders illegible and unacceptable important relationships like that between Mai and Truong. Thus, Nam Le's short story re-orientates readers to consider and respect both the lives and social possibilities that have been lost and remain unacknowledged by state structures.

Having discussed the limitations and falsity of the imagination of economically self-reliant Vietnamese nuclear families, I now turn to examine the ways authors have revisited the migration-related changes in gender expectations and relations within Vietnamese kinship networks and the broader diaspora. Citing a high women to men ratio, cultural challenges, and racial hostility in the labor force, Kibria argues that "migration had worked to create greater equality between Vietnamese American men and women in their relative control of societal resources. In other words, relative to that of men, the level of women's control of societal resources had improved."<sup>237</sup> Although the traditional nuclear family with a father who works outside of the home to provide economic resources while a mother works within the home to provide domestic and reproductive labor is increasingly less common in all demographic categories in the United States, many Vietnamese refugees, given their economic precarity, were never included in this particular economic arrangement.<sup>238</sup>

Nam Le's first short story in *The Boat*, entitled "Love and Honor and Pity and Pride and Compassion and Sacrifice," gestures at the rearrangement of gender relations. The story is about a writer named Nam at Iowa Writers' Workshop who struggles with the burden of representation and the politics of ethnic literature. Yet he ultimately chooses to write a story based on his father's experiences surviving the My Lai massacre. Although much could be said here about the

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<sup>237</sup> Kibria, *Family Tightrope: The Changing Lives of Vietnamese Americans*, 110.

<sup>238</sup> Author, "1. The American Family Today."

metafiction and imagery of the short story, what is most germane is the character's discussion of his family. Nam, the character, reveals that at sixteen he had left home because of "a girl, and crystal meth" and because "she embodied everything prohibited by my father."<sup>239</sup> Instead of cutting the character off financially, Nam's mother supported him, resulting in Nam's father giving his mother an ultimatum. "She moved into a family friend's textile factory and learned to use an overlock machine and continued sending me money. 'Of course I want to live with him,' she told me when I visited her, months later. 'But I want you to come home too.' 'Ba doesn't want that' 'You're his son,' she said simply. 'He wants you with him.'"<sup>240</sup> This development and exchange highlights the ways Vietnamese refugee women were not dependent upon their husbands for material security. The lack of competition for low-waged and gendered labor in some ways provided women with greater social ability to leave familial arrangements on their terms.<sup>241</sup>

In the same flashback, Nam reunites with his father for the first time in months, and his father "asked me if my female friend was well, and at that moment I realized he was speaking to me not as a father –not as he would to his only son—but as he would speak to a friend, to anyone, and it undid me."<sup>242</sup> Shortly thereafter, Nam's father bargained with Nam. If Nam came home, then his mother would be able to as well and they would "never speak of any of this again."<sup>243</sup> Almost a year later, Nam did return home, "rehabilitated and fixed in new privacy, he was true to his word and never spoke of the matter. In fact, after I came back home he never spoke of anything much at all, and it was under this learned silence that the three of us –my father, my

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<sup>239</sup> Le, *The Boat*, 20.

<sup>240</sup> Le, 20.

<sup>241</sup> Kibria, *Family Tightrope: The Changing Lives of Vietnamese Americans*, 71.

<sup>242</sup> Le, *The Boat*, 20.

<sup>243</sup> Le, 21.

mother, and I, living again under a single roof—were conducted irreparably into our separate lives.”<sup>244</sup> These moments highlight the ways in which the parents’ comparative lack of control and authority over their children in a country that is foreign to them reshapes and challenges notions of generational filial piety. The son’s rejection of the father’s authority alongside the father’s treatment of the son as a stranger or a “friend” demonstrates the ways in which the generational expectations inherent in the nuclear family structure were never quite attainable for refugees whose lives were already marked by war and displacement. The lack of emotional closeness and intimacy is further highlighted when Nam asks: “I wanted to know how he climbed out of the pit. I wanted to know how there could ever be any correspondence between us. I wanted to know all this but an internal moment moved me, further and further from him as time went on.”<sup>245</sup> The story emphasizes how the imagination of the nuclear family requires the parents and children to have a rootedness and a shared frame of cultural and experiential reference which was not often the case for Vietnamese refugees and their children. Furthermore, the emphasis on the silence in the household gestures at that which cannot be shared and transmitted. This depiction is antithetical to the formation of the nuclear family that serves to transmit inheritance and private property, suggesting that even if certain forms of kinship and cohabitation may appear to be nuclear, there are ways in which structural violence has already reformulated these relations. While media reports like those analyzed above suggest that family values were integral to and responsible for Vietnamese economic stability and social integration, Le’s depiction of the alienation of familial ties makes visible the tensions and contradictions of the state’s deployment of nuclear family while pointing to other ways that people exist within familial and kin relationships.

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<sup>244</sup> Le, 21.

<sup>245</sup> Le, 21.



We later learn that Nam's parents separated when he was in law school and that his father was "unemployed and living alone in Sydney, had started sending long emails to friends from his past—friends from thirty, forty years ago."<sup>246</sup> Reflecting on his drinking habits during his time as a practicing lawyer, Nam says "my parents had already split by then, my father moving to Sydney, my mother into a government flat."<sup>247</sup> His parents' physical and emotional distance underscores the inability of the nuclear family form to describe Vietnamese refugees' kinship and life practices. The loneliness of Nam's father equally refutes the depiction of Vietnamese refugees as part of nuclear families or extended kinship networks. At the same time, the mention of friends from his past hints at the ways relationships forged by and during war can transcend typical temporalities and remain important for decades without contact. The mention of Nam's mother's government flat also rejects refugee exceptionalism and the idea that the next generation's assimilation—evidenced by Nam's linguistic fluency as a lawyer and a writer—will guarantee economic self-sufficiency for Vietnamese refugees. Although the story does not specify if the separation was a legal divorce or an informal separation, the parents' separation also challenges the essentialist idea of the always-intact Confucian Vietnamese family that values cohesion at the expense of individualism. While there has not been much empirical research about divorce within the Vietnamese American community, a *Los Angeles Times* article cites the rate as "16 divorces per 1,000 marriages among Vietnamese Americans," which is only slightly lower than the national average of 19 divorces per 1,000 marriages.<sup>248</sup> Granted that marriage and divorce rates already reflect certain class and legibility related distortions, this seemingly minute detail in the story challenges assumptions about Vietnamese family and

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<sup>246</sup> Le, 22.

<sup>247</sup> Le, 7.

<sup>248</sup> Do, "Vietnamese Americans Get over Divorce; Immigrants Shedding Old Taboo, with Their Kids' Encouragement."

kinship structures and related narratives of gendered dependency. Importantly, Le's revisitation of Vietnamese families does not refute the importance of these biological relations. The story makes clear that regardless of the difficulty of Nam's relationship with his father, Nam does not choose to forsake his father. Instead of outright dismissing the state's imagination of happy, economically self-sufficient, and emotionally close nuclear families, Le's work complicates this narrative to highlight alternative ways of being in familial and kin relations. I now turn to Aimee Phan's *We Should Never Meet* to examine how Phan re-visits familial formations of airlifted Vietnamese babies.

### ***Aimee Phan's We Should Never Meet***

Published in 2004, *We Should Never Meet* is a series of linked stories that alternate between events that happened in Vietnam before Operation Babylift and the teenage and young adult lives of Vietnamese babies who were moved to the United States. Phan writes against the popular narrative of familial affection for and incorporation of Vietnamese babies who came to America through Operation Babylift and adoption agencies and instead centers less tidy feelings of anger, disappointment, and rejection. Jodi Kim and Catherine Nguyen have already written extensively about the politics of compassion and politics of hostility, respectively, in the characters' relationship with the United States. Here, I present a brief review of their arguments and provide my own reading of the stories to further extend the argument that the form of the nuclear family has rarely if ever encompassed the forms of kinship experienced and cultivated by Vietnamese refugees.

Jodi Kim and Catherine Nguyen analyze the stories and actions of characters Kim, who is an Amerasian who came through Operation Babylift, and Vinh, an unaccompanied minor and Vietnamese refugee. While Kim is first adopted, she gets returned and lives out the remainder of

her childhood in foster care until she turns eighteen and is legally severed/freed from the foster care system. Similarly, Vinh also does not get placed into a permanent foster home or get adopted, but also moves around various foster homes before joining a Vietnamese American gang. While Kim and Vinh both have separate narratives, their tumultuous romantic relationship with each other and their similar social positions means that they have parallel stories about forming relationships with Vietnamese elders who could come to represent kin members. Instead of embracing these new family-esque relationships, both characters end up unleashing physical and emotional violence onto these parental figures. Jodi Kim analyzes these characters to suggest that they offer a “new geography of kinship” because they use affiliations with each other within their foster networks or within gangs to fill the absences caused by the lack of their birth and adoptive parents.<sup>249</sup> Building on this, Nguyen characterizes the markedly non-model minority depiction of Vinh and Kim as an example of “politics of hostility.” Nguyen argues that the characters demonstrate a double ostracization when they experience “the inability to form adoptive/foster families as well as the inability to form affiliations with the Vietnamese American community.”<sup>250</sup> In both of their respective stories, Kim and Vinh choose to destroy the budding relationship they have built with these pseudo-parental figures; Nguyen argues that this represents how “the failure of kinship in terms of adoption and foster care also results in the failure of affiliation with the Vietnamese American community...In this way, they reveal the limits of American rescue and hospitality for both Operation Babylift orphans and Vietnamese refugees.”<sup>251</sup> Understanding the foster care system as a metonym of ideas of American benevolence and inclusion, Phan reveals that while the language of family was applied during

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<sup>249</sup> Kim, *Ends of Empire*, 219

<sup>250</sup> Nguyen, “Welcome to the Family!,” 103.

<sup>251</sup> Nguyen, 134–35.

the resettlement of Vietnamese babies and children, sentiments of care and responsibility often associated with family were not extended to them after migration.

I now turn to “Emancipation” to explore how the story of Mai, an unaccompanied Vietnamese minor who was smuggled to the United States at the age of five, clearly demonstrates the limitations of inclusion into white families for Vietnamese children. While the coverage of Operation Babylift suggested that all of the children would be happily engulfed into a (white) loving family, Mai’s story suggests that violences and absences remain, even for the relatively “lucky” ones. Although Mai describes her foster parents, the Reynoldses, as well-intended white vegetarian liberals who care enough about her to make a homemade cake for her each year for her birthday, she is perturbed by the fact that they never adopted her. Instead, they fostered her for nine years without adoption. Reflecting on the possibility of leaving for college, Mai even remarks that “her foster parents would be fine without her” and that “they’re getting another foster kid after I leave” because “they had another kid living there before me, too.”<sup>252</sup> This mention of her foster predecessor suggests a type of fungibility that implicitly critiques systems of international adoption as sites of commodification. The story explains, “They wanted to help as many children as they could. Mai understood this, most of the time. But there were other times she thought she could change their minds. She did everything to demonstrate she’d make a nice daughter... They had so many years to make her a legitimate part of their family, but the possibility was never even discussed.”<sup>253</sup> The idea of luck is a theme in work, but Mai considers herself luckier than Kim because she “eventually found a home with the Reynoldses, Kim never found hers. She never stayed in one place longer than two years. It wasn’t supposed

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<sup>252</sup> Phan, *We Should Never Meet*, 152.

<sup>253</sup> Phan, 158.

to be that way. Kim was meant to be luckier.”<sup>254</sup> Despite this “luck,” Mai still feels only conditionally and temporarily accepted, which is revealed when she fights with her foster father, saying “You wouldn’t say that if I was your real daughter...I’m not your responsibility anymore.”<sup>255</sup> Thus, Mai articulates a critique of conditional acceptance and the impossibility of full belonging for those who are already marked as foreign and discarded. However, Mai is also fascinating because she refuses a politics of pity and demonstrates a certain agential determination to leverage the sentimentality of family to her benefit.

In the story, Mai is turning eighteen and has applied to colleges on the East Coast, namely Wellesley. Understanding that “colleges liked essays on triumphing over adversity and learning important values from a life lesson,” Mai initially struggles with the discomfort of commodifying her life experiences for college applications.<sup>256</sup> Eventually, she decides to use the contours of the genre and demands of the college application essay to her advantage: “Remembering all the sympathies people had projected on her all her life, Mai wrote of her longing for her dead mother and native land and her resolution to return to Vietnam one day and help her former countrymen.”<sup>257</sup> Although Mai wonders what her foster parents’ reaction to her essay will be, she also knows that she will not receive financial support from them for college as she has been “officially emancipated. They’re no longer obligated by the state to support or even shelter me after today.”<sup>258</sup> Demonstrating that she clearly understands the financial situation she will be in, she confesses to her friend, Huan - an adopted Amerasian orphan, “I lied. In the essay...Everyone believed me, but it isn’t true. Do you miss your biological mother? ... I made it

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<sup>254</sup> Phan, 151.

<sup>255</sup> Phan, 169.

<sup>256</sup> Phan, 146.

<sup>257</sup> Phan, 147.

<sup>258</sup> Phan, 157.

all up. I'm an opportunist. It's pathetic."<sup>259</sup> Although this admission may be driven by a sense of guilt due to the self-commodification, it also reveals Mai's understanding that narratives of family have social and economic value that she manipulated in her favor. The story ends with Mai's partially imagined and constructed memory of her mother, saying that "She could have been more than what became of her. She should have lived longer, pursued a higher education than grade school level, seen her daughter grow up... Because she never had any of these things, I will take them for her. I will live the way she should have."<sup>260</sup> Although Mai's critique of transgenerational harm and recuperation is not publicized in the same way that her award-winning college admissions essay is read aloud, this moment of private reflection and commitment signifies the ways Mai, and other refugees, have marshaled the language of family, not because they do not value their kin, but rather because of the abundance of their love and care for them. Mai's negotiation of her foster parents' possible reactions, her memories and imaginations of her biological mother, and her anxieties about paying for college reveal that Mai's relationship to her foster family is not one of true and affective inclusion. This tenuous relationship instead becomes a source of deep financial and emotional anxiety. Phan's story ruptures hegemonic expectations that family can serve as an all-purpose salve that remediates the social and physical violences of war, thereby highlighting the limitations of the state's narrative of nuclear and "proper" families.

"Motherland," the last short story in Phan's collection, emphasizes the consciousness and relationships that Vietnamese children who were sent to America have with the United States and with articulations of family. Again, Mai and Huan are reunited in Vietnam, but it is implied that Mai has become physically and emotionally distant from her foster parents. Huan had not

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<sup>259</sup> Phan, 159.

<sup>260</sup> Phan, 171.

“seen Mai in a few years and not regularly since high school...After college, Mai left for graduate school in England. Then a consulting job in Beijing. Now teaching English in Japan.”<sup>261</sup> Huan also explicitly asks if Mai has kept in touch with the Reynoldses: “We write. Christmas cards, birthdays,” but she has no plans to visit because “I’m busy, they’re busy. They have a new foster child. He’s only seven.”<sup>262</sup> Mai’s decision to leave the United States suggests that she may never have felt fully embraced there. At the same time, these decisions also demonstrate a sort of refusal from Mai of the United States as well. In choosing to move abroad, Mai is also rejecting a positionality of indebtedness and gratitude that is forced upon her in the United States.

Huan and Mai go to the adoption center and orphanage that Huan once moved through as a baby; it is there that Huan says Mai is lucky that she remembers her biological mother. To that, Mai “glances sideways at him, annoyed. Huan, you have a mother. Huan pulls away from her. I know that. Then why does it matter if your biological mother willingly gave you up or not? Why do you only care about the people who’ve rejected you?”<sup>263</sup> The text’s de-centering of biological relations and the emphasis on the important affective relations and bonds that exist within adopted families does not eliminate a critique and awareness of the racialization of adoption. Earlier, the text reads, “It is obvious that he and his mother are not biologically related: she, a chubby Caucasian redhead, and he, a lanky half-black, half-Vietnamese with fuzzy black hair. Gwen’s enduring strategy to combat raised eyebrows and sneers is to explain their situation frankly: she and her husband adopted Huan once he arrived in America with the Operation Babylift evacuation.”<sup>264</sup> Phan presents a nuanced depiction of the ways Vietnamese adoptees can care for and love their adopted parents, even with an understanding of the racialized and colonial

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<sup>261</sup> Phan, 218.

<sup>262</sup> Phan, 225.

<sup>263</sup> Phan, 240.

<sup>264</sup> Phan, 217.

contours of their interactions. “Huan can never really complain about his parents. They always showed him love, even during his angry years...They continued to love him, even when he couldn’t believe or accept it. Though the workers at the orphanage and adoption center looked after hundreds of babies, Huan realizes they aren’t to blame either.”<sup>265</sup> Making up with his mom after a fight, Huan “thinks this isn’t enough of an apology, but she is his mother. She knows who he is.” Huan’s acknowledgement and claiming of his adopted mom as his mother after unsuccessfully attempting to learn more about the conditions of his biological mother’s surrender of him and his adoption marks an informed and active construction of kinship that is not reducible to just reproductions of or oppositions to structural positionings. Early in the story, Huan reflects that “his mother tries to see the best in everything and, especially now, is determined to pass this trait down to her son.”<sup>266</sup> Although Huan is not presented as queer in terms of sexuality or gender, his openness to alternative forms of kinship perhaps exemplifies what Ly Thuy Nguyen calls queer dis/inheritance which “marks a critical shift in how we understand refugee lineage and the possibilities of remembering outside of heteronormative, possessive individualist formations of familial structure” through “preserving the silence and protecting the unknown, speculating history and merging past-present-future into a sensory lineage.”<sup>267</sup> Given that Huan’s “inheritance” of optimism is neither economic nor biological, this detail suggests that subjects marked as outside of the normative nuclear structure all have the potential power of “tending to the hurt and the trauma, imagining a healing, all the while rejecting damaging traditions of homophobia, transphobia, sexism, nationalism.”<sup>268</sup> This fictional exchange also highlights how refugee subjects like Mai and Huan already understand the

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<sup>265</sup> Phan, 241.

<sup>266</sup> Phan, 242.

<sup>267</sup> Nguyen, “Queer Dis/Inheritance and Refugee Futures,” 222–23.

<sup>268</sup> Nguyen, 223.



unsuitability of state-sanctioned happy narratives of neat and nuclear Vietnamese families to convey the rich texture of their lives. Mai and Huan articulate an understanding of the tensions and contradictions of the state's narrative of nuclear family because they understand how war, nationalism, and imperialism have already altered their nuclear families. As such, these characters' reflections on biological and adopted families not only foreground alternative ways of being in families, but also differing relationships to the institution of family.

The story hints at a mode of agential acceptance when Mai recognizes "It's not our parents' fault. Or anyone else's here. How could I be angry with them, expect them to do right when there was no such thing? When everything here was wrong? Huan nods, understanding. It was a war. It was."<sup>269</sup> Although short, this exchange highlights that structures like militarism have confined certain populations' choices, while emphasizing that there is still agency to re-visit, re-understand, and reconstruct the past for self and collective peace and healing. These literary articulations and imaginations remind us that those who have witnessed and have been affected by great violences are not reducible to those harms and instead continue to create meaning and relations for themselves and those around them. This section's engagement with literature calls attention to how diasporic Vietnamese authors articulate alternative ways of being in families and kin networks that are not as easily accessible in journalistic accounts. These works show that these writers appreciate and contest the violence of the state's deployment of narrowly-defined nuclear families.

### **Migrants' Individualized "Responsibility": An Analysis of Welfare "Reform"**

Phan's chapters that are set in America focus on a burgeoning neo-liberal moment. To fully appreciate not only the literature, but also the experiences of Southeast Asian refugee

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<sup>269</sup> Phan, *We Should Never Meet*, 243.

subjects, I want to end this chapter with a brief review of the role of family values in welfare reform debates before turning to migration reform in the next chapter. 1996 marked the passage of both the Personal Responsibility and Work Opportunity Reconciliation Act and the Illegal Immigration Reform and Immigrant Responsibility Act. The explicit naming of responsibility in both of these acts conveys the ascendancy of neoliberal politics of shrinking government spending by moving services previously provisioned by the government into increasingly privatized spaces. The structure of family played an interesting role as it was deemed an acceptable individualist collectivity. Analyzing adoption and surrogacy, Sylvia Posocco argues that one must attend to “changes in the governance of the family and reproduction in the Global North, and the progressive ‘rolling back’ of the welfare state and privatization of care in late liberalism. In an incisive analysis, Laura Briggs shows how the dismantling of child welfare services in the US, for example, was accompanied by an increasing reliance on privatized families called to step in to compensate for ever-decreasing state provisions.”<sup>270</sup> In more contemporary work, Laura Briggs has argued that “‘welfare reform’ was both a symptom and a cause of changes in the middle-class family: nobody could stay home with the kids anymore and there could be no expectation of public support. The anti-welfare campaign, more than any other single thing, ushered in the neoliberal moment.”<sup>271</sup> Briggs follows with the reflection that “after forty years of changes in the workplace and government, the critical necessity of family to support dependency was the new normal” and that we now live in a moment characterized by “the ballooning importance of households and their private care labor in the face of a disappearing safety net, work lives that make no accommodation to the reproductive work of households and communities, and the shaming of those single mothers, queers, trans folk,

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<sup>270</sup> Posocco, “Harvesting Life, Mining Death: Adoption, Surrogacy and Forensics across Borders,” 6.

<sup>271</sup> Briggs, *How All Politics Became Reproductive Politics : From Welfare Reform to Foreclosure to Trump*, 13.

feminists, and others not organizing their households into a ‘traditional’ family.”<sup>272</sup> Faith Robertson Elliot’s 1989 analysis of the relationship between the state and family is helpful because it argues that the family is neither free from nor an adjunct of the state, which “allows us to see a variety of competing groups as exercising state power in different ways and to different degrees at different points in time. It can allow us to see the content of state policies as reflecting divergent inter ideologies, and shifts in power relations, and as tending in a variety of directions. Contradictions can be placed at the centre of the analysis. Power is not calibrated in zero sum terms whereby what is gained by one group is lost by another and vice versa.”<sup>273</sup> I want to extend this analysis to argue that the regulation and management of racialized families has been and continues to be of particular interest to the state, especially during the turn to neoliberalism evidenced in the 1990’s.

This is abundantly evident in the creation of family caps on welfare. Although most people who receive welfare are white, a larger percentage of the Black population receives this assistance. As such, welfare caps were created to disincentivize women, racialized as Black, from having additional children while they were receiving aid.<sup>274</sup> The transformation from Aid to Families with Dependent Children, an entitlement program, to the current discretionary system of Temporary Assistance to Needy Families marked an even greater intrusion into the supposedly privatized sphere of family. In the parlance of welfare reform, families who previously relied on government assistance, including Southeast Asian refugee families, needed to take responsibility for their lives and their children’s futures to achieve self-sufficiency.<sup>275</sup> The journalistic accounts in the first section of this chapter highlight how Vietnamese subjects who

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<sup>272</sup> Briggs, 17.

<sup>273</sup> Elliot, “The Family,” 459.

<sup>274</sup> Roberts, *Killing the Black Body : Race, Reproduction, and the Meaning of Liberty*.

<sup>275</sup> Roberts.

could uphold and perform economic independence were lauded while Vietnamese welfare users were criticized. The turn to fiction allows us to appreciate the many ways that Vietnamese subjects depended on those outside of their nuclear and biological families to survive the migration process and to create lifeworlds within the United States. In this light, the welfare reforms function as ways to discipline those who do not uphold nuclearity. The notions of meritocracy and individualism evident in the welfare reforms continue to violently obfuscate the structural obstacles of moving away from economic precarity. Ideas of redemption and deservingness are still central to contemporary discussions of both welfare and deportation. The invocation of family in anti-deportation work demonstrates that the construct of family is a site of ongoing contestation, definition, and resistance. In the next chapter, I turn to contemporary anti-deportation work to explore the disidentificatory possibilities of kinship as a more capacious alternative that includes and extends beyond the nuclear family.

### Chapter Three: Recontextualizing Southeast Asian Refugee Deportees' Families within Broader Kin Networks

Lan Nguyen's documentary film, "Fighting for Family" follows the life of Chuh A, a deported Montagnard refugee, as he navigates the multiple violences of state displacement to maintain and strengthen familial relationships with his wife and daughters.<sup>276</sup> Tracing the marginalization and exploitation of ethnic minorities within Vietnam, the resettlement of Vietnamese refugees into neighborhoods facing state disinvestment, and various subjects' negotiations of the violences of deportation, the film emphasizes both how state policies have attempted to separate families and how Southeast Asian refugee subjects have cultivated familial bonds despite these attempts. The film features Chuh's wedding to his wife, Rex. Although the language of marriage seems aligned with state expectations of "proper" nuclear families, the fact that the wedding takes place after seven years of family separation brought on by Chuh's incarceration, detainment, and deportation, reveals the incompatibility of the state's narrow rhetoric with the complexities of Chuh's life. Toward the end of the film, Rex says, "I feel like a family should be together, and not be like, how we are."<sup>277</sup> This reflection highlights the ways that the state has hindered this family from being able to be together in the ways that they want while also making clear that these relationships are still strong, deeply meaningful, and legitimate despite their physical distance. In doing so, the film simultaneously highlights the importance of family relations, however nontraditional they may be, for Southeast Asian refugee deportees and the failures of the state's narrative of nuclear families to describe these real and lived relationships. The film also highlights SEAC Village, a community organization in North Carolina, that supports Southeast Asian refugee community members who are facing

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<sup>276</sup> *Fighting for Family*

<sup>277</sup> *Fighting for Family* 20:39

deportation. The inclusion of this community organization emphasizes modes of interdependence and relationality beyond that of the biological family, and the importance of community organizing will be a point I return to later in this chapter.

While *Fighting for Family* does provide a brief overview of how the machinery of Southeast Asian refugee deportation has been developed across partisan lines, this chapter hopes to further elucidate the legislative and congressional histories that structure current anti-deportation work. Continuing the last chapter's examination of racialized imaginations of welfare queens and the introduction of the Personal Work Opportunity Reconciliation Act, this chapter moves to trace how neoliberalism's anxious fixation on individual responsibility, meritocracy, and retributivism are also evident in the 1996 passage of the Defense of Marriage Act, the Antiterrorism and Effective Death Penalty Act (AEDPA), and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). While chapter two focused on how the racialization of institutionalized family extended a certain promise of upward mobility to Southeast Asian refugees compared to Black communities despite their common welfare usage and shared reliance on kin networks beyond the nuclear family, this chapter examines how deportation apparatuses created in 1996 continue to structure and constrain contemporary anti-deportation advocacy and broader discussions about justice and liberation. Starting with a historical review of the migration laws leading up to AEDPA and IIRIRA reveals that while these acts both increased the size and reach of border securitization and further conflated migration and criminalization law, they mark the intensification of, and not the deviation from, existing anti-immigration sociopolitical sentiment. Briefly pausing on the post-9/11 neo-conservative conflation of terrorism, global Brownness, and deportability, this chapter also asks how Southeast Asian anti-deportation advocacy necessitates and potentially facilitates interracial

solidarities that allow for a more cutting, diffuse, and radically sustainable critique of state violences. Turning to my interviews and conversations with anti-deportation lawyers, this chapter then examines both the necessities and limitations of legal advocacy to argue that there is a need to facilitate a sociopolitical discourse beyond an individual client or class of clients. Methodologically, these interviews reveal that legal advocacy is yet another arena through which notions of family and kinship are contested. My conversation with anti-deportation lawyers reveal that these practitioners mediate the demands of the state and judicial system with the often non-conforming lived realities of their clients. These interviews extend the argument presented thus far that while Southeast Asian refugee deportees may exist within important nuclear and biological families, the state's narrow deployment of economically independent, heteronormative, and traditional nuclear families is not representative of the many social relations that Southeast Asian refugees cultivate. To respect both the biological and non-biological relationships of Southeast Asian refugee subjects, I suggest the demand that the kin relations of deportees be respected offers a more flexible orientation through which deportees and their advocates can speak not only to the state, but also foster conversations with other minoritarian subjects and communities. Inspired by Muñoz's theorization of disidentification, it is perhaps through the subtle rejection of the state's imposition of narrowly-defined and exclusive nuclear family that Southeast Asian refugee deportees can counter the political and philosophical burdens of gratitude, more accurately discuss their relationships to loved ones including biological family members, and maintain the possibility of more ethical futurities in which minoritarian subjects' relations to the state are decentered and are instead replaced by interdependent and relational convivialities.

## **Legislative Construction of Deportable Criminal Aliens: AEDPA, IIRIRA, DHS, and their Living Legacies**

The neoliberal turn of the 1980's and 1990's brought forth a series of increasingly stringent and punitive immigration laws with pervasive effects on the daily lives of racialized migrants and residents.<sup>278</sup> The 1986 Anti-Drug Abuse Act made immigrants with drug-related convictions vulnerable to deportation.<sup>279</sup> That same year, the Immigration Reform and Control Act allowed for the naturalization of some undocumented Mexican migrant families while funding an "Alien Criminal Apprehension Program," which codified the prison-to-deportation pipeline and increased funding to border patrol.<sup>280</sup> By 1998, the Anti-Drug Abuse Act was amended to create the legal category of "aggravated felony" - crimes with sentences of longer than five years - within immigration law.<sup>281</sup> The Immigration Reform Act of 1990 expanded what qualified as an aggravated felony and thus increased the grounds for deporting criminalized (im)migrants.<sup>282</sup> This act, much like the logic of mandatory minimums, curtailed an immigration judge's ability to "take into consideration the defendant's family support, rehabilitation, or severity of his crime."<sup>283</sup> The Antiterrorism and Effective Death Penalty Act (AEDPA) of 1996 created a court that allowed the government to deport "aliens" deemed as "terrorists" and expanded the category of "crimes of moral turpitude."<sup>284</sup>

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<sup>278</sup> Menjivar and Abrego, "Legal Violence."

<sup>279</sup> Macías-Rojas, "Immigration and the War on Crime: Law and Order Politics and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996."

<sup>280</sup> Macías-Rojas.

<sup>281</sup> Abrego et al., "Making Immigrants into Criminals."

<sup>282</sup> Abrego et al.

<sup>283</sup> Macías-Rojas, "Immigration and the War on Crime: Law and Order Politics and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996"; Cortés, "Illegal Immigration Reform and Immigrant Responsibility Act (1996)."

<sup>284</sup> Antiterrorism and Effective Death Penalty Act of 1996.



With this legal historical context, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 marked both a continuation and intensification of the ongoing processes of immigrant criminalization and deportation.<sup>285</sup> Like all of the aforementioned pieces of legislation, IIRIRA increased funding for law enforcement; the first part of the legislation required a doubling of the number of border patrol agents in five years coupled with the construction of a physical wall along the US-Mexico border.<sup>286</sup> IIRIRA also criminalized unauthorized border crossings and document fraud by coding these transgressions as criminal instead of civil violations.<sup>287</sup> The legislation also restricted the work available to those without citizenship and more strictly regulated social services and welfare available to undocumented residents.<sup>288</sup> Most relevant to the discussion of Southeast Asian refugee resettlement and livelihood is Title III, which facilitated state deportations. Migrants who pleaded guilty or had served a prison sentence of more than a year for a misdemeanor or felony were vulnerable to deportation through a retroactive expansion of the category of deportable offenses.<sup>289</sup> Although I reject the carceral politics of worth or deservingness that reinscribe ideas of value and redemption, it is important to note that actions like bouncing a check, shoplifting, and failing to pay for subway fare all carry sentences of incarceration or parole longer than a year and thus became grounds for deportation for criminalized (im)migrants who were then classified as “criminal aliens,” thereby demonstrating the extent to which migrant poverty was criminalized.<sup>290</sup> Notably, this redefinition and the broadening of the category applied retroactively such that criminalized (im)migrants were faulted and vulnerable to deportation even

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<sup>285</sup> Fragomen, “The Illegal Immigration Reform and Immigrant Responsibility Act of 1996.”

<sup>286</sup> Fragomen; Cortés, “Illegal Immigration Reform and Immigrant Responsibility Act (1996).”

<sup>287</sup> Fragomen, “The Illegal Immigration Reform and Immigrant Responsibility Act of 1996.”

<sup>288</sup> Fragomen.

<sup>289</sup> Kwon, “Deporting Cambodian Refugees.”

<sup>290</sup> Kwon.

if they had already served their sentences. Upholding the 1990 Immigration Reform Act, individual cases were again not eligible for reconsideration, demonstrating the totality of the category of “bad” or “criminal” (im)migrant.<sup>291</sup> Once marked with this label, criminalized (im)migrants were viewed not only as socially disposable, but also as legally deportable. IIRIRA made around 16,000 Southeast Asian refugees vulnerable to deportation, a process which has become substantially expedited for Southeast Asian refugees under the last two presidential administrations.<sup>292</sup> Abrego and colleagues have argued that it was the combination of IIRIRA and AEDPA that both expanded the category of “aggravated felony” and simultaneously “restricted due process opportunities for certain classes of individuals in removal proceedings (e.g., exemption from various stays of deportation, as well as from applying for asylum) in an effort to speed up the deportation process.”<sup>293</sup>

The atomization of criminalized refugees is reflected in the law’s refusal to examine familial relations - the same familial relations that were discursively and legislatively prioritized through immigration laws just two decades earlier. This is attributable in part due to neoliberalism’s depletion of the public and governmental services which transformed the site of the family into a welfare provisioning unit. Thinking through the possibilities and limitations of kinship theory, Kath Weston reflects on the rise of “familial or family-like structures of privatized dependence or interdependence as the social safety net shrinks...Even for US citizens, then, kinship is increasingly disestablished from the state even as the state simultaneously expands a very few relational forms and economic arrangements that it will recognize under the aegis of kinship.”<sup>294</sup> The violent juridical dismissal of kin relations not only demonstrates the

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<sup>291</sup> Abrego et al., “Making Immigrants into Criminals.”

<sup>292</sup> Constante, “Deportations of Southeast Asian Americans Stress Families and Finances, Advocates Say.”

<sup>293</sup> Abrego et al., “Making Immigrants into Criminals,” 698.

<sup>294</sup> Bradway and Freeman, *Queer Kinship: Race, Sex, Belonging, Form*, 8.

increased conflation between racialized criminal law and immigration law, but it also simultaneously criminalized poverty and obfuscated such an analysis through its rhetoric of individual culpability and responsibility. In *Padilla v. Kentucky*, Justice Stevens, writing the majority opinion on behalf of five justices, remarks, “as a matter of federal law, deportation is an integral part—indeed, sometimes the most important part —of the penalty that may be imposed on noncitizen defendants who plead guilty to specified crimes.”<sup>295</sup> In this way, these criminalized migrants not only face greater scrutiny and police targeting due to their race, but also face more punitive consequences for their criminalized behavior. Part of the tough on crime era, IIRIRA also has an instructive purpose. The legal violence inflicted on Southeast Asian refugees through deportation disciplines the polity to act in ways that uphold notions of good citizenry. Soo Ah Kwon argues that deportation, like immigration, is an economic policy that not only works to discipline labor and depress wages but also works as a political instrument of the capitalist neoliberal state.<sup>296</sup> Through the deportations of Southeast Asian refugees, the state can reassert its legal and physical power to discipline people to act in ways that do not violate laws and instead uphold the social script of refugee gratitude.

While our current immigration policies and procedures can be traced back to this neoliberal moment, the rise of neoconservatism in the last two decades has contributed to a greater militarization of migration, especially along the US-Mexico border. Although this thesis examines the implications of the institutionalization of nuclear family through the lens of Southeast Asian refugees, it would be remiss to discuss the growing deportation machinery without thinking through the ways in which the militarization of the US-Mexico border has

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<sup>295</sup> *Padilla v. Kentucky*.

<sup>296</sup> Kwon, “Deporting Cambodian Refugees.”

contributed to the assumed illegality of migrants crossing that specific geopolitical boundary.<sup>297</sup>

Thinking through the co-constitution of Asian and Latinx migration and labor extraction from the termination of the Bracero Program in 1964 and the passage of the Hart-Celler Act and the Delano Grape Strike of the following year reminds us of the importance of a relational Ethnic Studies orientation.<sup>298</sup> It is with sensibility that I think through how the legal category of criminal alien was operationalized post-9/11. Thus, while Laura Briggs has written that “One of the odder consequences of 9/11, though, has been a growing association of Mexican and Central American immigrants with ‘terrorism,’ although no evidence of links between the hijackers and Latin American migrants has ever even been suggested,” a relational ethnic studies approach makes the imprecise application of the rhetorical figure of “criminal alien” or “terrorist” across Asian and Latina/o/x populations perhaps less surprising.<sup>299</sup> In the wake of 9/11, the US implemented a variety of acts which expanded government surveillance and legalized the deportation of suspects of terrorism even without the performance of legal procedures. 9/11 also catalyzed the creation of the Department of Homeland Security, which is explicitly tasked with “securing the nation from the many threats we face.”<sup>300</sup> Ramón A. Gutiérrez writes that the Enhanced Border Security and Visa Entry Reform Act of 2002 further funded new INS agents while fostering cooperation between the INS and the State Department. The Real ID Act of 2005 “tightened laws regarding asylum and the deportation of terrorists, and funded the construction of a border wall along a 14-mile stretch across San Diego County, California.”<sup>301</sup> Through the rhetoric of the War

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<sup>297</sup> De Genova, “Migrant ‘Illegality’ and Deportability in Everyday Life.”

<sup>298</sup> Shah, *Contagious Divides*; Lew-Williams, *The Chinese Must Go*; Loza, *Defiant Braceros How Migrant Workers Fought for Racial, Sexual, and Political Freedom*; Rosas, *Abrazando El Espíritu : Bracero Families Confront the US-Mexico Border*; Quintana, *Contracting Freedom : Race, Empire, and U. S. Guestworker Programs.*; Lee, *The Making of Asian America*; Ganz, *Why David Sometimes Wins : Leadership, Organization, and Strategy in the California Farm Worker Movement.*

<sup>299</sup> Briggs, *How All Politics Became Reproductive Politics : From Welfare Reform to Foreclosure to Trump*, 91.

<sup>300</sup> “About DHS | Homeland Security.”

<sup>301</sup> Gutiérrez, “Mexican Immigration to the United States,” 18.

on Terror, the category of “removable alien,” previously reserved mostly for those coming across the US-Mexico border, was expanded to include “suspected terrorist” which included Chicana/o/x, Central American, and Western, South, and Southeast Asian migrants.<sup>302</sup> Gutiérrez’s work shows that while the sociopolitical imagination of those crossing the US-Mexico border has long been imbued with negative assumptions of illegality and criminality, the funding of migration agents, surveillance technology, and a physical deterrent that defines our contemporary moment is attributable to the rhetoric of terrorism that emerged in response to 9/11. Thus, the post-9/11 xenophobia not only financially and physically grew America’s deportation machinery, but also worked to socially naturalize the violences of deportations.

Anti-deportation and immigrants’ rights advocates have also lamented how 9/11 stalled ongoing efforts to create a pathway to citizenship for undocumented folks. In the summer and early fall of 2001, the Development, Relief, and Education for Alien Minors (DREAM) Act was on the Senate floor, but the xenophobia cultivated and unleashed by 9/11 resulted in the repeated failure of the bill.<sup>303</sup> Reviewing how Lawful Permanent Residents (LPR) navigate deportations in the post-9/11 era, Yen Trinh writes that the Family Reunion Act of 2002, which was introduced to the House but never made it out of committee, could have offered hope to LPR and other migrants without citizenship who were vulnerable to deportation.<sup>304</sup> The act would have allowed for judicial review and prosecutorial discretion so that those who committed minor offenses would be able to seek cancellation of their deportation orders. Trinh contrasts the unsuccessful Family Reunion Act of 2002 with the Child Citizenship Act of 2000 which granted automatic citizenship to young, biological and adopted children of U.S. citizens who entered the United

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<sup>302</sup> Gutiérrez, “Mexican Immigration to the United States”; Paik, *Rightlessness*.

<sup>303</sup> Gutiérrez, “Mexican Immigration to the United States.”

<sup>304</sup> Trinh, “The Impact of New Policies Adopted After September 11 on Lawful Permanent Residents Facing Deportation Under the AEDPA and IIRIRA and the Hope of Relief Under the Family Reunification Act.”

States as LPRs.<sup>305</sup> Highlighting the lack of consistency between the passage of the Child Citizenship Act and the stalling of the Family Reunion Act demonstrates the differences of how family was recognized and/or dismissed before and after 9/11, the unsymmetrical ways the state recognizes certain family formations based on nationality and natality, and the ways in which those vulnerable to deportation strategically took up the language of family in response to increased deportations.

In 2012, President Obama signed an executive order entitled “Deferred Action for Childhood Arrivals.” Gutiérrez writes that this executive order instructed “DHS to grant persons who entered the United States before their 16th birthday and before June 2007, a renewable two-year work permit and temporary exemption from deportation.”<sup>306</sup> I raise this point not to belittle the important structural and personal benefits of DACA, but when considering this development within the historical framework I have traced here, the emphasis on work and productivity, alongside the valorization of DACA recipients as juxtaposed to their parents marks yet another way in which racialized migrants’ legally and temporally tenuous existence within the United States remains rooted in economic concerns of productivity. Gutiérrez reports that while 790,000 DACA applicants were approved, “some 72,000 [were] denied.”<sup>307</sup> Furthermore, the temporary nature of the work permit and exemption from deportation alongside the impermanent form of the executive order meant that the explicitly anti-immigrant Trump presidency re-established many of the recipients’ legal precarity.<sup>308</sup> In discursively distancing DACA recipients from their parents, the law attempts to construct a violent narrative of personal innocence, culpability, and belonging that marks some subjects as somehow un/deserving of state violence. Thus, the narrow

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<sup>305</sup> Trinh.

<sup>306</sup> Gutiérrez, “Mexican Immigration to the United States,” 21.

<sup>307</sup> Gutiérrez, 21.

<sup>308</sup> “Alert.”

non-rejection of DACA recipients without the provision of a pathway to citizenship further entrenches the state's biopolitical power to revoke legal recognition at any moment and obfuscates the systemic violence inherent in America's migration policies.<sup>309</sup>

In 2014, under the Obama administration, the Department of Homeland Security released a memorandum regarding deportation that stated "DHS personnel should consider factors such as: extenuating circumstances involving the offense of conviction; extended length of time since the offense of conviction; length of time in the United States; military service; family or community ties in the United States; status as a victim, witness or plaintiff in civil or criminal proceedings; or compelling humanitarian factors such as poor health, age, pregnancy, a young child, or a seriously ill relative."<sup>310</sup> It is not lost upon me that this is the same presidential administration that led to then unprecedented rates of deportations through the rhetoric of deporting "felons not families."<sup>311</sup> In 2022, the Department of Homeland Security under the Biden administration released another memorandum that named "the impact of removal on family in the United States; such as loss of provider or caregiver" as a mitigating factor against deportation.<sup>312</sup> It is within this sociopolitical milieu that Southeast Asian refugee deportees and their advocates have used the language of family in hopes of preventing deportations. Although the language of the memoranda does provide some space for creative lawyering and while prosecutorial discretion perhaps provides slightly improved legal chances for deportees to not experience deportation, it leaves the underlying laws and structures unchanged. The return to considering family members in deportation proceedings demonstrates the ways in which the

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<sup>309</sup> "Alert."

<sup>310</sup> "Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants."

<sup>311</sup> Gonzalez-Barrera and Krogstad, "U.S. Deportations of Immigrants Reach Record High in 2013."

<sup>312</sup> "Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of Prosecutorial Discretion."

nuclear family is a site of racialization for Southeast Asian refugees that is used to depict them as less foreign, perhaps more assimilable, and is used to maintain the narrative of American benevolence. The invocation of family in anti-deportation work demonstrates that this construct is a site of ongoing contestation, definition, and resistance.

The rather rapid transformation in the perception of Vietnamese refugees as deserving victims worthy of state protection and resettlement to atomized neoliberal beings that threaten the nation's safety demonstrates the necessity of a disposability approach. Analyzing how the figure of the Vietnamese refugee was legally created during resettlement versus during deportation shows how the American refugee regime has never been a benevolent refuge for refugee kinship structures. Rather, it is primarily concerned with the political benefits that can be extracted from refugees. In the 1970's, Vietnamese refugees and their real and imagined nuclear families could serve as evidence of the perils of communism and bolster claims of American democracy and diversity. However, after the neoliberal and neo-conservative turns, the punishment and deportation of Southeast Asian refugees is used to circulate language of crime and responsibility while also shoring up support for increased border security and policing. Tracing the state's various applications of notions of nuclear family elucidates how the American state entrenches American exceptionalism through its differential treatment of the figures of Vietnamese and Southeast Asian refugees across time and space. Indeed, the legislative pieces analyzed here reduce, reuse, recycle, and reject the figure of Vietnamese and Southeast Asian refugees and their kin networks to uphold notions of American inclusion and safety without regard for these refugees' lived experiences.

Writing to Asian American Studies scholars, Bill Ong Hing has noted that "deportation remains a significant term through which to map not only a racialized history of exclusion and



expulsion; it also affords the possibility - as anti-deportation activists make clear of cross-ethnic, cross-racial solidarity, and resistance.”<sup>313</sup> In the next section, I explore what possibilities lawyering engenders and how the genre-imposed constraints of lawyering necessitates different forms of advocacy as well.

### **(Abolitionist) Lawyering and its Limitations**

“If you go into this type of work, and you are directly representing people, there's a huge, immense responsibility that comes with that. And I do believe in the tenant of that zealous advocacy, I think the limits or the context for what looks successful or doesn't look successful, is important in sort of refusing respectability politics, and also not the job of a deportation defense attorney in their day to day, right.”<sup>314</sup> This is a generative reflection from a conversation I had with someone who was formerly an anti-deportation lawyer. In this section, I turn to interviews I conducted with lawyers doing Southeast Asian refugee anti-deportation work. My first conversation for this section was conducted with someone I had known prior to the start of this project. From there, I relied on snowball sampling as this interviewee kindly introduced me to their colleagues and other people doing this work. Given that my first interviewee and I have many shared political orientations and commitments, I do not claim that these interviews and reflections are representative of the many perspectives found within legal practice or even within the narrower category of immigration law. Instead, they are the reflections and musings of people who practice the law but acknowledge the limitations of juridical recognition and procedures. Given that I introduced myself as an incoming Vietnamese American law student who has questions about the violence of the law and yet is committed to supporting marginalized

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<sup>313</sup> Hing, “Deportation,” 49.

<sup>314</sup> Anon. Interviewee 1.

communities--particularly those vulnerable to deportation, I hope my interviewees felt relieved of the responsibilities of representing a client and could instead focus on their personal reflections regarding the possibilities and limitations of the law. While these lawyers admittedly represent only one of many ways to engage with and operate within the law, these interviews reveal the ways that the legal system is yet another arena of storytelling about Southeast Asian refugee families and kinship networks. Ethical responsibilities to clients, abolition as an orientation and mode of engagement versus a pre-determined outcome, conscious juridical performance, and the understanding of legal work as just one of many forms of advocacy emerged as themes across the interviews and will be explored in depth below. Together, these interviews emphasize the limitations of both the law and the state's narrowly defined narrative of economic self-sufficiency and nuclearity to point to how creative lawyering and modes of resistance beyond the law can more clearly re-contextualize nuclear families as part of more capacious networks of kin relationships.

One of the most prominent themes that emerged in the interviews and through the writing was that of lawyers' self-articulated sacred responsibilities to their clients. When I asked one of my interviewees how they navigated the tensions of respectability politics and of advocating for a specific client while being mindful of the state scripts that intentionally position groups against each other, they responded:

As somebody who's a lawyer, I was wearing my lawyer hat and a lot of these conversations, it was really important for me to hold to that, above all, right, the idea that lawyers have to zealously represent their clients is so cornerstone to defense work in general. And I think that it does mean that sometimes we have to make really unfortunate choices, and strategic decisions. And I think being okay with that, while acknowledging that most of the time, creative lawyering means that we can find another way talk about "merit." You know, I think there's a difference between naming a person's connection to their family, even though we know that big picture, saying relationships, a nuclear family does reinscribe respectability politics, to me that it's like a harm reduction thing, right?

...Those are the types of choices we can make. Right? We cannot make choices that actually work against our clients, right? I think oftentimes, the way that I was thinking about it is like when I'm doing impact litigation work, when I'm doing direct client work, like when I was working on pardon campaigns, I was really focused on what can we do for this person here? And in this moment, how can we put our best foot forward so to speak in securing their freedom? And then when I was in coalition spaces, or in like larger policy conversations, that's where I could really let myself go, I think in terms of like, I mean, we were still contending with respectability politics, but I didn't have that sort of charge, to zealously represent my client and that way, right, because there wasn't a client as it were.

The interviewee clearly articulates the tension between their personal abolitionist politics and the requirements of legal advocacy. The discussion of the role of lawyering being analogous to a hat that can be put on and taken off also hints at the performance of lawyering that will be discussed later. This response makes clear that within the genre of lawyering, an attorney has a responsibility to their chosen client that precedes any concerns about more abstracted political visions and yet there are ways that creative lawyers can stretch the adversarial and two-party model of law to build toward different futures. The implicit distinction between direct client work and policy work also reveals that each mode of advocacy work presents its own ethical norms and values. For law, perhaps the commitment to the specific client means that resistance and advocacy take the form of creative lawyering while policy work or community organizing can present other forms of resistance. Another lawyer I interviewed further emphasized this notion of a sacred duty to the client in stating, “You are your client’s legal voice - you can’t even in a small way, subvert what is best for them, even in a small way, for some abstract vision, even as appealing as that may be.”<sup>315</sup> This clear articulation of the ethical responsibility that lawyers have to their client does not mean that lawyering cannot be one of many avenues of resistance

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<sup>315</sup> Anon. Interviewee 3.

and contestation that fosters greater liberation and equity. Instead, it means that more abstract desires and visions must be routed through what is best for the particular client.

In one of my conversations, a lawyer who is currently doing Southeast Asian refugee anti-deportation work said that she tries not to “throw people under the bus. And so when we frame the stories of clients, we try not to frame them in such a way that would exclude people who don't fit that mold.”<sup>316</sup> To that, I asked her to reflect on how that abolitionist orientation interfaces with certain predominant narratives that have emerged in relation to Southeast Asian refugee deportation such as nuclear family relations and deportees’ personal redemption. She responded:

It's an issue where we always need to challenge ourselves to not fall into narratives that unintentionally harm certain people. And I think the way that it comes up is, as an advocate, you're trying to paint your client in the most sympathetic light. So I think that's at the root of a lot of this, and often you're trying to appeal to certain decision makers, or you're trying to move. You're trying to make this person who's been like, you know, who like many people dehumanize, because of their conviction, you're, you're trying to make them relatable.<sup>317</sup>

While abolition feminism rejects carceral feminism’s reliance on simplistic binary bifurcations of good and bad people, this interviewee’s reflection on relatability suggests that the process of making a convicted and scorned client more relatable in hopes of protecting them from deportation does not necessarily replicate the logics of carceral feminism. In their attempts to make their Southeast Asian refugee deportee clients more relatable, lawyers may rely on narratives of nuclear family and likeability but that does not necessarily mean that the lawyers are upholding these discrete categories of good and bad. Instead, the attempt to present convicted refugees as loving parents, partners, and community members also offers more complicated and

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<sup>316</sup> Ho, Anon. Interview 2

<sup>317</sup> Ho, Anon. Interviewee 2, 2.

multi-layered accounts of the clients. Perhaps the attempt to highlight the tenderness and love present in refugee deportees' lives does not ensconce delineations of good and bad, but rather troubles the utility of these categorizations in the first place.

To make sense of these interviewees' articulated tensions between the need for immediate harm reduction and the desire for a more ethical and just world, Laila Hlass's "Lawyering from a Deportation Abolition Ethic" is deeply generative.<sup>318</sup> Contrasting it to the divisive redemption arc inherent in the mainstream "families not felons" narrative, Hlass defines deportation abolitionists as those who "seek to end immigrant detention and deportation, explicitly understanding immigrant justice as part of a larger struggle for racial justice."<sup>319</sup> Hlass encourages deportation defense lawyers to practice a deportation abolition ethic in which they

disrupt harmful and violent parts of the system while practicing within it. Immigration defense attorneys, just as criminal defense attorneys practicing a carceral abolitionist ethic, can "highlight engrained assumptions, expose the failures of policing, overload the system's functioning, and illustrate the social and economic unsustainability of carceral approaches" as part of their legal practice. These carceral abolitionist lawyers can contribute to furthering abolition, as long as their vision remains focused on an abolitionist horizon and retains essential abolition principles and strategies. Immigration attorneys practicing a deportation abolition ethic can use the law to reduce harm to individuals, families and communities by challenging immigration enforcement, but should ensure they are not building up the carceral deportation state—through actions to legitimize it or otherwise direct additional resources and power to enforcement and detention.<sup>320</sup>

Writing within and about the law, Hlass acknowledges that abolitionist strategies "are often practiced outside of the legal system, as legal remedies are often limited by existing laws and legal systems that work to maintain the status quo. Yet even as most strategies do not involve traditional legal interventions through court processes, lawyers sometimes work alongside

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<sup>318</sup> Hlass, "Lawyering from a Deportation Abolition Ethic."

<sup>319</sup> Hlass, 1599.

<sup>320</sup> Hlass, 1637.

organizers to support campaigns through legal advocacy.”<sup>321</sup> My interviewees complicated this impulse to fully consign law to the realm of the status quo. Responding to my invitation to talk more about the ethics of lawyering for a specific client, one interviewee identified the processes of case selection as an avenue through which individual lawyers and lawyering organizations could embody a deportation abolition ethic;

I think another piece of it, though, is case selection, right? We were making the decision to take on cases with folks who had, quote, unquote, serious convictions, right. We were already deciding in that case selection, we are not just here for folks who have quote, unquote, easy, easy cases, for folks who already kind of their narratives already speak to kind of deserving victim. Right. And so I think there is more agency there and the upstream decisions that you might make in terms of who you represent. But, I still think in general, like once you've committed to representing somebody there's a reason that that's a somewhat sacred relationship.<sup>322</sup>

Carrying forward the interviews' theme of a lawyer's sacred responsibility to a client, perhaps an abolitionist ethic can be enacted in the choice to represent clients who have less access to traditional narratives of respectability, likeability, and compassion. Perhaps the attempt to convey a more complex description of these subjects' livelihoods marks an ambitious attempt to trouble the categorizations of good and bad. Responding to my question about how redemption narratives emerge and trouble her anti-deportation work, another interviewee offered,

We were already focusing on a group of people who all had criminal convictions, none of them would be considered an ideal named plaintiff, if you're looking for people with the cleanest profiles, but within that group, we were choosing named plaintiffs who did have like clean redemption stories. Yes, they made a mistake, but for the past 15 years, they've been reporting to ICE and haven't picked up new arrests. And I feel like we, I actually feel like that was important to winning over the judge in the case. We got a Republican appointed judge, but he was actually really moved by the stories of some of these plaintiffs.

This reflection also demonstrates the importance of categorization and the importance of lawyers' chosen points of emphasis. This lawyer and the organization for which she works

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<sup>321</sup> Hlass, 1606.

<sup>322</sup> Anon. Interviewee 1.

decided that they wanted to focus on Southeast Asian refugee deportation because it addresses a multitude of structural violences, including but not limited to incarceration and migration. However, once that commitment was made, she felt that she needed to use narratives of sympathy and redemption when choosing the named plaintiffs who would act as the representatives of the broader class of clients. This also highlights that legal practice cannot be understood as entirely reformatory or radical, but that different moments and aspects of the legal process can and should serve different purposes to balance the urgent needs of clients and longer projects of prison-industrial complex abolition and decolonization. If the chosen substantive legal issue, such as Southeast Asian anti-deportation work, is something that presents certain legal or sociopolitical complications, perhaps other decisions such as the naming of the plaintiffs can serve to ameliorate those concerns. The interviewee's admission that the judge was "moved by the stories of some of these plaintiffs" also reveals that the courtroom is not an arena free from the effects of emotions. Instead, creative lawyers committed to both their clients and to abolitionist desires can use emotionality to balance the demands of their various investments.

This interviewee continued

But then, when it came to the judge certifying the class, which is adopting a definition of who's within the class, he did not want to include anybody who had really reoffended. So anyone who didn't have the perfect redemption story, like they, stopped reporting to ICE or they were went to prison again. I remember him saying at the hearing, I have no sympathy for those people. So yeah, I mean, that was like a pretty direct illustration of what happens. And it was very much inadvertent, you know, we're already we already have the cards stacked against us in so many ways with this group of people that we're trying to represent. And so within that, let's just try to paint the most empathetic picture possible. So yeah, I think it's, it's really, it's really tough. Because how do you emphasize what is so compelling about your client's story without implying that, people don't who don't share those attributes are less deserving?<sup>323</sup>

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<sup>323</sup> Ho, Anon. Interviewee 2.

The differences between the two judges also highlight the inherent limitations of the law. Instead of being a site of purported objectivity and consistency, the law is an arena in which stories carry sociopolitical value that deeply affect Southeast Asian refugee deportees' livelihoods. Analyzing the sociopolitical value of refugee storytelling, Mai-Linh Hong writes that for refugees, "Their stories are their currency in specific juridical processes – e.g., narrating their plights to legal specifications when seeking asylum – and, more broadly, in a global affective economy in which they must perform vulnerability and gratitude to obtain aid and protection. This article begins with the premise that all politics – and, therefore, all refugee politics – are story driven, and all refugee storytelling is political."<sup>324</sup> Together, these reflections reveal that lawyers can enact abolitionist ethics in the selection of the case and class. Once they have committed to certain clients, the demands of lawyering mean that attorneys must frame their clients' stories in ways that build the strongest cases for waivers, post-conviction relief, or pardons to protect clients from deportation.

Another major theme that emerged in my interviews with anti-deportation attorneys was the ethical necessity of centering what is important to their Southeast Asian refugee deportee clients. One of my interviewees brought up the rhetoric of family in Southeast Asian refugee anti-deportation work unprompted. I then asked them to what they thought of the possibilities and limitations of this narrative of family to which they responded, "It's true that a lot of people were close to their families, right, and I think that there's an important piece there to hold, like, I'm not imposing our own, like, do I think we should abolish the centrality that we placed on the nuclear family? Yes, personally, I do. And also, if I'm supporting this person, and for them, being able to see their kid every day is a big part of the reason they don't want to get deported,

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<sup>324</sup> Hong, "Navigating the Global Refugee Regime: Law, Myth, Story." 34-35



who am I to not center that and what is so important about keeping them home?”<sup>325</sup> This interviewee also highlights the power dynamic between the lawyer and their client. Given that these lawyers are Southeast Asian refugee deportees’ legal voice, there is an inherent power imbalance that the interviewee is not only aware of, but also is attempting to mitigate. The interviewee’s emphasis on what matters to their clients reflects the important distinction between speaking for and amplifying a clients’ desires. I later asked this interviewee if they thought it was possible for legal practitioners to chip away at the state-sanctioned script of nuclear family to think more expansively about kinship. The interviewee responded

It's hard because a lot of the clients I worked with were not interested in abolishing the nuclear family and could grasp okay, we're not going to talk about innocence. Because innocence is not a helpful concept, right? Like, we're not going to talk about you needing to repent in front of everyone in this way. But we are going to talk about your loved ones, and if those loved ones are part of the nuclear grammar, which again, is often the case... I think it's really important to center what their internal world, their internal value systems, at least on some level, right.<sup>326</sup>

This interviewee emphasizes the importance of centering what is relevantly important to the client and those most directly harmed by violent carceral and migration structures. Embedded in this reflection is also a consideration of positionality; the interviewee suggests that their job is to amplify and make visible to the legal system what the client wants to say, not to prescribe how they think the client should articulate their experiences. The interviewee’s distinction between narratives of innocence and those of family also reminds us that state attempts to institutionalize the structure of nuclear family does not and should not mean that nuclear families are not important for Southeast Asian refugees. Nor does this interviewee and thesis project suggest that Southeast Asian refugees should not use the language of family and loved ones. Instead, the state’s fixation on institutionalized nuclear family means that Southeast Asian refugees and their

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<sup>325</sup> Anon. Interviewee 1.

<sup>326</sup> Anon. Interviewee 1.

advocates must be aware of these hegemonic deployments when discussing Southeast Asian refugees' embodied experiences of nuclear and extended kin relationships. Responding to a question about the possibilities and limitations of the family narrative, another interviewee suggests, "We want that description of the facts and the story to resonate with the client. Like, if we're going to mail them the filing, and they're going to read it over, it should be something that is intelligible to them as like, this is like, my story is being accurately portrayed. Because I think there's something about the legal system that just, it's just very easy for the people who should be at the heart of these cases to be marginalized, even within their own cases."<sup>327</sup> These reflections make it clear that barring egregiously carceral invocations of family and/or redemption, the space and genre of legal advocacy for a specific client or class of clients is perhaps not the most appropriate venue to work through the thorniness of the institution of family because denying the importance of family members and loved ones to refugee deportees due to political misgivings is to subject them to another form of patronizing violence.

Abolition feminism recognizes that radical desires for an abolitionist world are not diametrically opposed to harm-reduction. Instead, abolition feminists Angela Davis, Gina Dent, Erica Meiners, and Beth Richie have argued that "vision and practice are not contradictory but are rather inseparable, the insistent prefiguration of the world we know we need."<sup>328</sup> These authors continue to say that "The productive tension of holding onto a radical, real, and deep vision while engaging in the messy daily practice is the feminist praxis: the work of everyday people to try, to build, to make."<sup>329</sup> The work to bridge the world we currently live in and the world we know we deserve reflects both the challenge and excitement of abolition feminism.

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<sup>327</sup> Ho, Anon. Interviewee 2.

<sup>328</sup> Davis et al., *Abolition. Feminism. Now.* 39

<sup>329</sup> Davis et al., *Abolition. Feminism. Now.* 41

Applying the sensibilities of abolition feminism to my conversations with anti-deportation lawyers allows me to realize that abolition is not focused exclusively on a juridical or policy outcome, but also is equally invested in relationship building. The lawyers' commitment to amplifying the stories, perspectives, and emotional worlds of their Southeast Asian refugee deportee clients shows how they practice their abolitionist commitments through their embodied ethics and modes of engagement with their clients and community members.

Another theme that emerged in the interviews was the many ways that their clients exist in expansive kin networks that include and extend beyond the nuclear families that are sanctioned by the state. The interviews emphasized that while the invocation of family in juridical deportation defense is certainly constrained by the demands of the legal system, these invocations are not always nuclear. When asked about how she thinks of and uses family as a shorthand that might refer to different relationships to her clients, an interviewee responded

I've definitely at least found that people see it as broader than the nuclear family. And I've had situations where I've been working with a client for months. And they always told me that they have a brother and three sisters. And then at some point, I found out that the third sister is actually like a cousin. But for whatever reason she grew up with them, so he just sees her as a sister. But then, when you're filling out specific immigration court forms, you have to actually identify the actual sister. So then you have to go back and clarify this whole situation. And the judge may or may not understand that this is just like a cultural difference, and not the client lying about how many sisters they have. But yeah, it's certainly broader than the nuclear family. And I think it can extend to people who are maybe like family friends, like I've definitely had clients refer to people as family. And then I found out that they're not actually related, but it's sort of you know, they're their families. Like, were very close to each other growing up. So, yeah, I think it's much it's a much looser notion than what, what's used in like white societies.<sup>330</sup>

The implicit contrast between white notions of family and her client's expanded conceptualization of family suggests that Southeast Asian refugee deportees and their clients understand the limitations of the state deployment of family and the incommensurability of that

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<sup>330</sup> Ho.

narrow narrative with the richness of their lives. This self-identifying abolitionist lawyer also shows that it is possible to convey the concentric and overlapping nuclear, biological, and extended kin networks that give meaning to her clients' lives. These reflections demonstrate that alternative constructions of kinship need not seek to replace nuclear family with another relational structure, but can instead proliferate the conceptualization of ways Southeast Asian refugees relate to each other. The brief mention of the judge not understanding the cultural difference suggests that these more capacious understandings of family are not reduced by the lawyers but rather translated into ways that can be understood by a legal system that preferentially recognizes certain kinship formations over others. When asked about the narratives that have accompanied Southeast Asian refugee anti-deportation social campaigns, the same interviewee acknowledges that

there's so many ways in the immigration law, where these traditional family relationships are prized over any other type of relationship. It's at the very core of the whole system, the way, quote, unquote, legal immigration works. And even beyond that, there's certain waivers of deportation that are available only if you have certain family relationships. And then with certain of the prosecutorial discretion, memos that, like Biden and Obama had put out where they're like, they're basically instructing ICE officers to, you know, exercise discretion and not go after certain people. They very heavily emphasized family, like nuclear family relationships. I just feel that ends up having a lot of weight in the advocacy in a way that isn't particularly inclusive.<sup>331</sup>

The remark about the exclusivity of the state's emphasis on nuclear family relationships reminds us that many Southeast Asian refugees have relationships that extend beyond the nuclear family while others might not have the specific relationships that give them access to that narrative of nuclearity. However, given the judicial relief that remains legally tethered to the language of nuclear families, perhaps the language of family should not be forsaken, but rather should be expanded and proliferated to better honor Southeast Asian refugee deportees' experiences.

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<sup>331</sup> Ho.

I asked this lawyer if she thought there is space or flexibility within the law to emphasize her clients' expansive kinship formations. She responded

We're happy to use the more expansive notion because that's just more true to the client's own understanding. I think it's only in certain legal contexts, where you have to be really precise, where you have to draw those distinctions. And I think even then, there's still a way to take the time to explain, how the client actually sees their family and explain the strength of their relationship with this other person, even though you have to acknowledge because of the legal setting, that they're not actually nuclear family... Because often when you are representing someone who has young children, when they tell their own story, that's something that they would emphasize. And it is like, one of the strongest reasons for why they're willing to stick it out in immigration jail and fight it out.<sup>332</sup>

Thus, while the state and the law do preference certain relational forms, it is still possible for attorneys to center what is important to their clients alongside what the state expects from these subjects. The elevation of non-nuclear family or kin members to the status of family members also challenges what counts as family in the first place. Another interviewee suggested that the definition of family can also be expanded in the selection of who writes support letters for the refugee deportees. These legal choices can force the legal system to acknowledge relationalities beyond the nuclear family. When asked about how the law can facilitate an expansion of family into kinship, an interviewee responded

A lot of the most effective letters come from if a person has been volunteering at like a faith center for many years, and who are the people there who know that person through that context, or this person has been doing local advocacy work. Can local political leaders, can local nonprofit organizations speak to having worked with this person in that context? And so? Yeah, I do think there are ways and moments in which some of these other ways of understanding community kind of have more of a foothold, but it's definitely still something that needs to be and can be expanded.<sup>333</sup>

As someone who is interested in addressing both the urgent necessity of harm reduction and longer-term abolitionist and anti-colonial projects, I was interested in the emerging theme of

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<sup>332</sup> Ho.

<sup>333</sup> Anon. Interviewee 1.

critical and performative lawyering. I asked one of the interviewees if there was a sense of performance in the choice to mobilize around certain narratives such as the language of family, to which the interviewee responded

There was a lot of awareness that it was a performance, and it was absolutely strategic. In other partner groups that we were in coalition with, it might not have always been the case. Regardless, again, it was much a harm reduction approach of this person has this history. We know that a lot of the folks we were representing had just been released from CDCR. Right. In terms of what's cognizable to the state or the state actors, we know that because of the success of campaigns, like keep families together and no separation of families at the border and stuff. There was already kind of a groove to fit into that sort of logic, whereas saying we should just abolish borders, and it's obviously very relevant and was true to a lot of our underlying orientations. But that's the kind of thing you say, at a protest. That's the kind of thing you say to rally. That's not the kind of thing you say. I mean, I mean, we did say that rallies and protests, too, I guess that's true. But like, that's not the kind of thing you say to legislators, when you're trying to get a bill passed, or you're trying to get somebody pardoned, right for a conviction.<sup>334</sup>

The point this interviewee raises about the differences between speaking to the law and speaking at a rally will be taken up later in this chapter, but I want to briefly pause on this acknowledgement of critical performance. Reflecting on the necessary invocation of family in legal defense, the lawyers suggest that while the institution of the nuclear family may have been the target of state disciplining and engineering, the social definition of family is imprecise enough to allow for a useful slippage. Because the process of asking for a pardon or a vacatur legally positions refugee deportees as submissive to the state's legal system, the invocation of family is perhaps a non-choice for deportees and their advocates given that this is one of the few mitigating factors available to them. Monisha Das Gupta has argued that criminalized immigrant men of color are already always "outside of the racially marked familial arrangements that are deemed deserving of substantive national membership and rights."<sup>335</sup> Thus, the usage of the rhetoric of family allows the legal system to project its expectations of nuclearity onto refugee

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<sup>334</sup> Anon. Interviewee 1.

<sup>335</sup> Gupta, "DON'T DEPORT OUR DADDIES," 104.

deportees while minoritarian subjects and communities who have more expansive conceptualizations of family and kinship can read those relationalities onto the invocation of family. Because the social definition of family is less stringently defined than the legally and historically cultivated definition of the nuclear family, the use of family in formal deportation defense presents an opportunity for what Édouard Glissant has described as opacity and errantry.

Detailing the history and futurities of the Antilles, Glissant argues that colonization and colonizers demand transparency and knowability from the colonized in order to reductively simplify their otherness.<sup>336</sup> Within this context, insisting on opacity and irreducibility can honor the complexities of differences within and between minoritarian subjects. Glissant writes, “Agree not merely to the right to difference but, carrying this further, agree also to the right to opacity that is not enclosure within an impenetrable autarchy but subsistence within an irreducible singularity. Opacities can coexist and converge, weaving fabrics.”<sup>337</sup> Applying this theorization to the practice of Southeast Asian refugee deportation defense, family enacts a certain opacity because the legal system may posture itself as fully mastering and metabolizing minoritarian kinship formations, but refugee deportees’ lived realities beyond the nuclear family and legal advocates’ knowingly critical deployment of the family narrative resists complete epistemological reduction. Glissant continues, “Whether this consists of spreading overarching general ideas or hanging on to the concrete, the law of facts, the precision of details, or sacrificing some apparently less important thing in the name of efficacy, the thought of opacity saves me from unequivocal courses and irreversible choices.”<sup>338</sup> If we deliberately consider the usage of family in legal deportation defense as an illustration of opacity, then the practicalities of

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<sup>336</sup> Glissant and Wing, *Poetics of Relation*.

<sup>337</sup> Glissant and Wing, 190.

<sup>338</sup> Glissant and Wing, 192.

urgent lawyering become less incompatible with longer-term political concerns of the anti-Blackness imbued in institutionalized nuclear family structure. Although this thesis is interested in the articulations of family as they relate to Southeast Asian refugee deportation defense, perhaps this approach to legal opacity and translucence allows us to imagine other ways that legal advocates can work within and push the confines of the law to create kinder realities and more liberating futures.

In *Poetics of Relation*, Glissant also discusses errantry and identities that are formed in relation to others. Errantry gestures to not only the existence of other beings and perspectives, but also an acknowledgment that there are many realms of influence that are always in flux.

Glissant writes,

Errant, he challenges and discards the universal-this generalizing edict that summarized the world as something obvious and transparent, claiming for it one presupposed sense and one destiny. He plunges into the opacities of that part of the world to which he has access. Generalization is totalitarian: from the world it chooses one side of the reports, one set of ideas, which it sets apart from others and tries to impose by exporting as a model. The thinking of errantry conceives of totality but willingly renounces any claims to sum it up or to possess it.<sup>339</sup>

The legal system operates through an insistence on logic, rationality, and objectivity, despite its many internal contradictions, fictions, and impossibilities.<sup>340</sup> Responding to my question about the major challenges and difficulties of deportation, an interviewee responded, “The law, the actual law that they're applying is terrible to begin with were, yeah, extremely harsh penalties. And then there's some immigration judges who just go rogue, the whole, the whole idea that somebody who is in immigration, detention, or even not in detention, but just like, in poverty,

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<sup>339</sup> Glissant and Wing, 20–21.

<sup>340</sup> Wang, “‘Of the Law, but Not Its Spirit’: Immigration Marriage Fraud as Legal Fiction and Violence Against Asian Immigrant Women”; Wang, “Unsettling Innocence.”



and isn't given a lawyer, the idea that they could mount a case is kind of ludicrous most of the time. So yeah, the whole system is pretty awful."<sup>341</sup> This lawyer continued

But I think I found very quickly that immigration court is a complete farce. It's just, yeah, it's hard. I get frustrated, even just thinking about experiences that I've had in immigration court where you can put on the best case, but if the immigration judge you have doesn't feel like they need to even comply with the terrible law that exists. Like, at the end of the day, if your client is the one in immigration detention, they may not have the stamina to appeal this, like clearly wrong decision that the immigration judge made. So yeah, there's just so many layers and layers of problems where the most like a lot of immigration judges come from backgrounds as prosecutors like within the ICE system.<sup>342</sup>

The legal system is full of what Lee Ann Wang has described as legal fictions, and yet it will likely not entertain a discussion of its own inconsistencies because it operates under the guise of objectivity and truth.<sup>343</sup> This interviewee's usage of "wrong" to describe a judge's decision hints at both the moral ambiguity and legal inaccuracy of judicial decisions, thereby revealing the embedded errantry in the legal system. However, if Southeast Asian refugee deportees and their legal advocates consider the potential flexibility of errantry, they can perhaps reassemble the exclusive and punitive narratives which perpetuate notions of un/deserving victims that are imposed upon subjects who are seeking clemency from the law.

Even if creative lawyering and carceral abolitionist lawyering can expand the traditional contours of legal advocacy, the interviewees also strongly expressed the need for other forms of change and movement beyond the law. The theme of modes of resistance that operate in concert with legal advocacy will lead me into the following section about kin-coherence. I asked one of my interviewees how they balance abolition and harm-reduction and how they decide what is a non-reformist reform. They responded

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<sup>341</sup> Ho, Anon. Interviewee 2.

<sup>342</sup> Ho, 2.

<sup>343</sup> Wang, "'Of the Law, but Not Its Spirit': Immigration Marriage Fraud as Legal Fiction and Violence Against Asian Immigrant Women."

Being really clear, in my nine to 5 PM, I am doing something that is about harm reduction. Am I doing something that's about harm reduction but also carries downstream potentially harmful or reformist elements? Am I okay with that? ... You are going to have to be in a lane. That is just the nature of legal work. And I'm not saying it's right. And I'm not saying it's great. Yeah, I think being really clear about, okay, in this context, this is how I'm kind of approaching these questions. And if I were, if I'm in a different context, if I'm in my grassroots organizing spaces, I can approach this question differently. Am I going to be fully able to hold all the answers to all those questions? No, of course not. But I think it helps to remember that there are like different vantage points, depending on, how you're coming into the work in that moment.<sup>344</sup>

As an incoming law student, I found this reminder of the limitations of not only the law, but of any “lane” or form of advocacy and resistance quite timely. I also posed this question to a more experienced attorney, and I asked her how she decides what approach feels right for her at any moment given the state’s potential co-optation of strategies of resistance. She responded

I think part of what I've come to realize over the years that almost everything that you can accomplish through the existing legal system is like somewhat reformist in nature. There's just no space within the confines of the law, I think to advocate for kind of like explicitly abolitionist goals. And so I think everything that we're doing is some flavor of reducing harm, like mitigating harm, like Band Aid solutions. And I think it's sort of like chipping away, chipping away at the system, while knowing that there's just a limit to what you can do within the law. So I think I've gotten more realistic about that. And I think I feel like the best we can do is to approach the work with an abolitionist framework in mind, even though even knowing that your day to day work is not going to directly lead itself toward that objective.<sup>345</sup>

She later continued

I think what has kept me is just this realization that putting all your eggs in one basket of the law is not going to be effective, and it's actually getting less promising as time goes on. And so I think I've really come around to the idea that the legal work has to be done in conjunction with trying to build power in the communities that we serve, and admittedly like not being an organizer, I don't have the answers to what that looks like. But I just know that that's the type of work that I want to support.<sup>346</sup>

The description of law as fundamentally about harm-reduction is not necessarily new, and has been raised by many Critical Legal Studies and Critical Race Theory scholars, but the lawyers’

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<sup>344</sup> Anon. Interviewee 1.

<sup>345</sup> Ho, Anon. Interviewee 2.

<sup>346</sup> Ho, 2.

clear commitments to their clients and their creative engagement with the law show why we cannot abandon the realm of law but that those who work within this arena must be aware of the limits of each approach. Another interviewee also noted the necessity of combining formal legal advocacy with other forms of community empowerment and organizing. When I asked about the possibilities of building coalitions in and through legal advocacy, an interviewee remarked,

As I was doing this work, I was also supporting folks at VietRise, who are really trying to kind of educate elders, community members about the importance of understanding that their struggles are connected to other Southeast Asian and other immigrants struggles. You know, I think that wasn't my role. And it shouldn't be my role. I'm not a member of the community. I'm not plugged into the community that way, I was a lawyer supporting in the legal context. But I think knowing that that work was happening, made it made it feel more sustainable for me to be kind of like, quote, unquote, staying in my lane. And I think it's really important that we have folks who are doing this sort of education work, this kind of capacity building work. And so yeah, I think they're all part of an ecosystem in that way. You know, and nonprofits where there isn't really that policy arm and or that policy arm isn't really doing something so closely linked to whatever your underlying like nine to five or primary type of work is, I think it becomes much more difficult.<sup>347</sup>

Ultimately, the lawyers I interviewed acknowledged that while legal advocacy is important, it is fundamentally structured by demands of the law and an ethical responsibility to the client. One interviewee observed, “On some level, we decided to make an investment in being system players or system actors, because like we are, we are embedded in this?”<sup>348</sup> A more senior attorney remarked that “I had much more of a like lawyer as hero mentality to it. That's something that I, I never would have admitted that. But I think when you do get a lot of legal training, and you have this tool to solve problems, you just tend to think that, well, you have to convince yourself that your tool is effective, and that you're making a difference to continue doing the work. But I think I found very quickly that immigration court is a complete farce.”<sup>349</sup> These lawyers' proximity to and familiarity with the violences of the law allowed them to

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<sup>347</sup> Ho, 1.

<sup>348</sup> Anon. Interviewee 1, 1.

<sup>349</sup> Ho, Anon. Interviewee 2.

articulate that while harm reduction is undeniably important, it is equally necessary to remember that legal advocacy is necessary, but not sufficient for those committed to greater liberation and justice. The lawyers I spoke to explicitly mentioned the power and relative flexibility afforded in rallies that are not possible within the realm of the law. One interviewee pronounced,

there are a lot of rallies where you go, and you see people who like, were cellmates, back on the inside, and they're showing up for each other. And even though and they often will speak at rallies and cheer.... He's a great blah, blah, blah, blah, blah, right. Oftentimes, we would have these rallies and it wouldn't just be, you know, partner kids. It would be the cousins and the grandparents and you know, all the folks who would show out and show up for this, you know, loved one. And I think even just the visuals of that, our way of communicating there are other people here who are part of this fabric who care about, who will feel the loss of like not having this person here.<sup>350</sup>

In addition to the differences brought on by the forums of a rally versus a courtroom, I think the lawyers' reflections on the ethical responsibility to zealously defend the client also points to the need to facilitate and maintain sociopolitical discourse beyond an individual client's narrative. In the next section, I suggest that a public and explicit turn to demanding kinship can perhaps allow for articulations of realized and emerging relationalities that are severed and made illegible in the genre of law.

### **Disidentifying “Family” and Demanding (K)in-coherence: Rejecting Gratitude to Foster Affective Commons**

Examining how Families for Freedom, an organization in New York, highlights the fathering work done by criminalized immigrant men of color who are vulnerable to deportation, Monisha Das Gupta argues that “the stories of FFF members break out of the normative framework that values nuclear, law-abiding, self-sufficient, well-to-do U.S. citizen families, noncriminal migrants over criminal, and nonviolent crimes over violent ones,” thereby

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<sup>350</sup> Anon. Interviewee 1, 1.

embodying an abolitionist ethic.<sup>351</sup> Pertinent to this conversation is also José Esteban Muñoz's theorization of disidentification, defined as a "survival strategies the minority subject practices in order to negotiate a phobic majoritarian public sphere that continuously elides or punishes the existence of subjects who do not conform to their phantasm of normative citizenship."<sup>352</sup> Disidentification is a process by which marginalized subjects can both attend to their urgent needs while simultaneously holding space and possibility for another mode of engagement with the state, and more importantly, with each other, through the creation of "counterpublics that contest the hegemonic supremacy of the majoritarian public sphere ...[to] offer the minoritarian subject a space to situate itself in history and thus seize social agency."<sup>353</sup> Thus, Gupta's ethnographic work with FFF highlights that criminalized immigrant men of color's material realities mean that their family networks already disidentify the heteronormative and economically self-sufficient institution of nuclear families. Muñoz also says, however, that sometimes, "disidentification is not always an adequate strategy of resistance or survival for all minority subjects. At times, resistance needs to be pronounced and direct."<sup>354</sup> Glissant also writes that opacity is "also the force that drives every community: the thing that would bring us together forever and make us permanently distinctive. Widespread consent to specific opacities is the most straightforward equivalent of nonbarbarism. We clamor for the right to opacity for everyone."<sup>355</sup> Perhaps demanding kinship provides an opportunity for a more explicit disidentification of the nuclear family, which in turn makes available to Southeast Asian refugee

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<sup>351</sup> Gupta, "DON'T DEPORT OUR DADDIES," 104.

<sup>352</sup> Muñoz, *Disidentifications: Queers of Color and the Performance of Politics*, 4.

<sup>353</sup> Muñoz, 1.

<sup>354</sup> Muñoz, 4.

<sup>355</sup> Glissant and Wing, *Poetics of Relation*, 194.

deportees a more flexible opacity through which they can connect to others with different but resonant colonized and racialized histories.

### **Queer(ing) Family and Kinship**

Gayle Rubin influentially articulated kinship as a “system of categories and statuses that often contradict actual genetic relationships” and Kath Weston further described queer chosen families as structures that “do not directly oppose genealogical modes of reckoning kinship. Instead, they undercut procreation’s status as a master term imagined to provide the template for all possible kinship relations.”<sup>356</sup> Inspired by Gupta’s identification of the ways low income migrant families of color already trouble and queer the traditional assumptions of the nuclear family, I suggest that explicitly bringing together Deportation Studies, Gender and Queer Studies, and abolitionist feminism allows us to examine how kinship may provide a more inhabitable and non-hegemonic positionality for minoritarian subjects to preserve the possibility of being together in different ways. In their recent introduction to *Queer Kinship: Race, Sex, Belonging, Form*, Tyler Bradway and Elizabeth Freeman suggest that “kinship theory weaves critique with imagination to dream belonging otherwise. Indeed, queer theory rewrites kinship as a bodily practice rather than a cultural substrate, composed through ephemeral encounters such as sex, friendship, and activism, pointing beyond heteronormative organizations of intimacy, care, desire, and even reproduction. Here, kinship names a radical and open-ended field of relational experimentation.”<sup>357</sup> The editors and contributing authors of this collection are clear to say that turning to kinship is not an automatic disavowal of the violences of family. Judith Butler particularly critiques kinship as a form that still desires social coherency through the state’s

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<sup>356</sup> Reiter., *Toward an Anthropology of Women*, 169; Weston, *Families We Choose : Lesbians, Gays, Kinship*, 137.

<sup>357</sup> Bradway and Freeman, *Queer Kinship : Race, Sex, Belonging, Form*, 2.

legitimization of certain relationships.<sup>358</sup> However, for the purposes of Southeast Asian refugee deportee activism and praxis, the invocation of family is still useful because it asks “what counts as a family in the first place.”<sup>359</sup> Bradway and Freeman articulate kincoherence as a process that “fuses the mutually constituting and complicating forces, desires, practices, relations, institutions, and forms that render kinship a horizon of violence and possibility...Kincoherence traces, theorizes, and engages kinship’s fraught and overdetermined nature: our desire to forget kinship and the apparent impossibility of doing so, queer kinship’s creative experimentation with relationality, and its ongoing imbrication with entrenched idioms of ancestry, descent, and family.”<sup>360</sup> Applying this formulation to Southeast Asian refugee anti-deportation work, the heuristic of kin-coherence simultaneously emphasizes not only the liberatory potentials of incoherence offered by the expansion of nuclear family to the more opaque framework of kinship, but also the need to keep kin networks coherent and intact through the ending of deportations.

Bradway and Freeman also use kin-aesthetics, described as, “containing not only kin but also kinetics and aesthetics, concerns itself with how processes of figuration, whether they take place as social practice or in imaginative texts, de-form and re-form the categories and genres by which we experience our relationships,” to articulate the continued importance of attending to kinship theory in Queer and Gender studies.<sup>361</sup> For the purposes of Southeast Asian refugee anti-deportation advocacy, the heuristic of kin-coherence is useful as it both gestures to the ways in which kinship provides more opacity and incoherence compared to the structure of family and it simultaneously articulates to the importance of united wholeness for these communities. Of

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<sup>358</sup> Bradway and Freeman, 25–47.

<sup>359</sup> Bradway and Freeman, 292.

<sup>360</sup> Bradway and Freeman, 3.

<sup>361</sup> Bradway and Freeman, 4.

course, simply replacing the language of family with the language of kinship does not automatically rid this invocation of its thorniness, but turning to kinship “certainly queers the notion of what’s going on in terms of affiliation, belonging, residence, relatedness, kinship, and family in a place like the US. And does that help open a space for activism, for reimagining all the things we need to reimagine in the face of climate change, white supremacy, the rise of fascism, and extreme inequality?”<sup>362</sup>

### **Connecting Interracially through Disrupted Kinship**

Having engaged with queer critiques of family and kinship, I now turn to how various racialized communities have contended with the limitations and possibilities of family and kinship. Writing about the usage of *la familia* in Chicana/o/x politics, Richard Rodríguez has argued that “a wholesale dismissal of family or nationalism despite their heteropatriarchal attachments” may not be advisable or even possible for queer racialized subjects and reminds us that turning to kinship does not forgo the importance of biological family.<sup>363</sup> Intellectually, the rejection of family is also imprecise because as Kath Weston has argued,

calls to abolish ‘the family’ assume that family exists as some unified form...If you’re queer, it’s obviously difficult to rest easy with the continuous invocation of one hegemonic family form that traffics in heterosexuality, whiteness, class “respectability,” etc. But if you then go on to counterpose “chosen family” as some alternative form of family, it becomes all too easy to map that so-called form back onto a group of people which is imagined as being bounded and readily denominated.<sup>364</sup>

One of the lawyers I interviewed also expressed a reluctance to “jettison” family, not only because it was one of the few narratives available to Southeast Asian refugees that has sociopolitical value, but also because

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<sup>362</sup> Bradway and Freeman, 294.

<sup>363</sup> Rodríguez, *Next of Kin: The Family in Chicano/a Cultural Politics*, 17.

<sup>364</sup> Bradway and Freeman, *Queer Kinship: Race, Sex, Belonging, Form*, 297.



I do think it's important, when we talk about people getting deported, like we talked about the social fabric they come from, we talk about the communities they come from, and maybe those family those families, quote, unquote, as it were, aren't their mom, their dad or whatever? Right, and the heteronormative nuclear sense, but I don't think family is the thing we jettison, if that makes sense, I think maybe the understanding of that family is what needs to be, like, opened, or expanded. And so, and I'm just speaking for myself, my own assessment, but like, I think that that is probably also a tension there, right? I think we're often in a lot of spaces where these movement rhetorics are talking to each other. And as we continue to talk about abolition, and a la, Gilmore, building out life affirming institutions, I think there's a huge conversation happening now around, Okay, what does it mean to actually be in communion with each other?<sup>365</sup>

This interviewee continued “How do we talk to our kids about building community and being in generative conflict and like community building with each other in that way? It really speaks to just like, what are the infrastructures for how we build a sense of like, you know, rootedness and belonging.”<sup>366</sup> Weston clarifies that her critique is not of the form of family, but rather that

the problem lies with institutions that insist on addressing needs via kinship. Why can you not lay claim to certain resources and privileges unless you can show that you're in a marriage or that you have legally adopted the person you've raised for fifteen years? Rather than blaming an abstraction called “the family” for that, you could instead critique the demand that kinship must mediate access to resources and entitlements. Call it “distributive injustice.”<sup>367</sup>

While this thesis has aimed to trace how the state's process of institutionalizing sanctioned families through restrictive immigration and resettlement procedures and divisive welfare rhetoric has violently triangulated differentially racialized populations, it is also important to clarify that this is not a critique of Southeast Asian refugees' self-articulated families and/or kinship networks. Rather, it is a critique of how the state has forced Southeast Asian refugees to adhere to legible family structures to protect themselves from certain state violences.

International and domestic economic restructuring combined with explicit xenophobia have worked to encroach upon and further disrupt minority communities and their family and kinship

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<sup>365</sup> Anon. Interviewee 1.

<sup>366</sup> Anon. Interviewee 1, 1.

<sup>367</sup> Bradway and Freeman, *Queer Kinship: Race, Sex, Belonging, Form*, 298.

structures. Bradway and Freeman write that the tension between the increased rhetorical focus on family despite the economic and political disruption of family relations “underpins the formation of the white supremacist state as it destroys the kinship ties of migrants and Black, Indigenous, and people of color (BIPOC) and confers citizenship on only white heteronormative organizations of belonging.”<sup>368</sup>

Operating through an analysis of state-sanctioned attempts to destroy BIPOC families perhaps allows those invested in Southeast Asian refugee anti-deportation efforts to not eschew related projects such as carceral abolition. One of the interviewees remarked,

I think the inverse of understanding family in this way that is anti Black is talking about separation of families as something that happens as part of anti-Blackness and saying family has not been something that Black communities in the US have been able to access because of the history of family separation, during slavery, during all of the periods that have followed right, during what Child Protective Services effectively does. And that doesn't mean that family has to be an anti-Black concept necessarily... Everyone cares about separation of families, and we're talking about presumably non-black bodies. Let's talk about CPS. Like, let's talk about separation of families in this context. You care about families, Black families being separated. And so I think maybe another thing is the reframe doesn't have to necessarily be around jettisoning the family, as it were. I mean, do I think like, personally, do I think we should move toward that? Yes. But like, I don't know if that's generalizable?<sup>369</sup>

This reframing of family separation as something that affects a multitude of groups, including but not limited to, Southeast refugee deportees, migrants at the US-Mexico border, indigenous families negotiating the violences of residential schools, and Black families disciplined by Child Protective Services suggests that the rhetorical framework of family separation can foster interracial solidarities. Analyzing the role of Black enslaved women in the slave community, Angela Davis has written that “those who lived under a common roof were often unrelated through blood...The strong personal bonds between immediate family members which

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<sup>368</sup> Bradway and Freeman, 8.

<sup>369</sup> Anon. Interviewee 1.

oftentimes persisted despite coerced separation bore witness to the remarkable capacity of black people for resisting the disorder so violently imposed on their lives.”<sup>370</sup> Dorothy Roberts expands, “the slaves’ communal bonds left a legacy that continues to shape the meaning of family in the Black community today. This flexible family structure has proven to be an adaptive strategy for surviving racial injustice.”<sup>371</sup> The deportation of Southeast Asian refugees makes visible the ways in which these deportees are not afforded privacy and protection from the state, but are rather also targets of state violence, which can perhaps facilitate an understanding of how other groups have also been harmed by structural violence. Applying Vinh Nguyen’s naming of refugeetude—both an extended temporality of unsettledness and un-belonging beyond formal resettlement and a propensity to engage in a mode of relationality with others who have negotiated “past, present, and future forms of displacement” –to Southeast Asian refugee deportees clarifies that these subjects have also had to maintain and build relationships and communal bonds despite physical and carceral separation.<sup>372</sup> Southeast Asian refugee deportees, like other BIPOC communities, have had to uphold flexible family structures because of material and economic precarity and incarceration. Perhaps it is through centering the connective experiences of navigating the violences of separation that Southeast Asian refugee anti-deportation advocacy can offer a strong foundation to substantive and ethical interracial dialogue and co-conspiratorship.

### **Methods of Resistance: Demanding “Something More”**

Writing about the empowering effects of the historical move of demanding wages for housework, Kathi Weeks analyzes the practice of demanding as both a perspective and a

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<sup>370</sup> Davis, “Reflections on the Black Woman’s Role in the Community of Slaves,” 83.

<sup>371</sup> Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*, 54.

<sup>372</sup> Nguyen, “Refugeetude When Does a Refugee Stop Being a Refugee?,” 111.

provocation. Weeks writes that demanding invites an analysis of what supplies the demand's warrant and rationale."<sup>373</sup> Applying this to Southeast Asian refugee anti-deportation advocacy, demanding that deportees' kinship be respected highlights that their kin networks have continually been the target of state interference and also emphasizes the falsity of the narrative of American benevolence. Demanding is also a process that can cultivate community power that opposes hegemonic power. Weeks suggests that the demand for wages for housework was never politically feasible, but it was important nonetheless because it provoked "collective power to pursue something different, something more."<sup>374</sup> Understanding demanding as an avenue to evoke belligerence and power makes clear the differences between rights-based appeals and more antagonistic demands. Weeks argue that while "needs have an idea of objective biological needs" and rights are closely tied to juridical needs, "demands register the subjective dimensions of assertions."<sup>375</sup> While "needs and rights can be imputed to subjects or advanced on their behalf, demands are asserted by them."<sup>376</sup> Thus, making space for refugee deportees to assert not only their needs but also their desires encourages marginalized communities to consider not only what entitlements have been prescribed by the law, but also to encourage the cultivation of their wants, possibly including the desire to be and connect with others in radically different ways. Taking seriously Critical Refugee Studies' call to center refugees' voices and knowledge production, demanding that kinship be allowed to flourish highlights the "personal investment and passionate attachment, and presence of desiring subject behind the demand" and allows them

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<sup>373</sup> Weeks, *The Problem with Work : Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries*, 130.

<sup>374</sup> Weeks, 134.

<sup>375</sup> Weeks, 134.

<sup>376</sup> Weeks, 134.

to enter into a “field of conflict and relations of antagonism that the language of needs, rights, and claims circumvent, forestall, or deny.”<sup>377</sup>

Thu-Huong Nguyen-Vo and Grace Kyungwon Hong write that “once we are able to see the gap between the ‘master code’ representation of the world and the ‘social reality’ out there, reterritorialization has already happened,” thereby reminding us that while there are important affective and linguistic differences between asking and demanding, both processes rely on making oneself or a group visible, legible, and knowable to hegemonic power.<sup>378</sup> Thus, demanding still relies on the representation and acknowledgement that also fundamentally structure petitions and/or asks for clemency or pardons. Similarly, Weeks instructs, “demands that function as perspectives, and especially those that serve as provocations, will always be ephemeral achievements: bound by circumstances, they build on the energies and resistances of specific moments.”<sup>379</sup> Thus, a turn to demanding kinship does not immediately free us from the ethical conundrums of using the narrative of family because kinship is, as Butler argues, “always defined in relation to these defining and constraining powers, and any effort to disembed a study of kinship from social, legal, and economic powers and institutions usually ends in obfuscation or idealization.”<sup>380</sup> However, given what Mimi Thi Nguyen has traced as the burden and debt of freedom that “preclude the subject of freedom from being able to escape a colonial order of things,” perhaps taking up a demand of Southeast Asian refugee deportee kinship rejects the respectability politics that rationalize and justify structural harms and instead cultivates alternative modes of dis/engagement with the state to better connect with others.<sup>381</sup> It is perhaps

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<sup>377</sup> Espiritu, “Toward a Critical Refugee Study: The Vietnamese Refugee Subject in US Scholarship”; Weeks, *The Problem with Work : Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries*, 134, 135.

<sup>378</sup> Nguyen-Vo and Hong, “The Grammar of Failure,” 159.

<sup>379</sup> Weeks, *The Problem with Work : Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries*, 136.

<sup>380</sup> Bradway and Freeman, *Queer Kinship : Race, Sex, Belonging, Form*, 26.

<sup>381</sup> Nguyen, *The Gift of Freedom*, 5.

through a analysis and resistance of the ways the legal system confines Southeast Asian refugees deportees into narratives of nuclear family to obfuscate their more capacious and less tidy networks of relationality that we can “reconceive debt not as the duration of gratitude, or the demand for repayment, but instead as a troubling reminder of unfinished histories that continue to cross us.”<sup>382</sup> This recognition and reconceptualization of ongoing debt does not mean we are destined to carry forward this gratitude, but rather its ongoingness suggests that through shedding this gratitude by demanding kinship, we can also configure other ways of being.

Weeks writes that demands are not about the satisfaction of a desire, but rather about the cultivation of desires and wants over needs or rights. Demanding is imbued with a form of power that might at first be imagined but is then acquired and embodied through the process of cultivating and articulating the demand. The antagonism and belligerence inherent in the act of demanding can provide the foundations for Eric Stanley’s suggestion of building effective commons through negative relationality.<sup>383</sup>

Building on Lauren Berlant’s writing of the affective commons, Stanley suggests that “negative affect, or bad feelings, produce psychic bonds and collective energies in the practice of queer worlding.”<sup>384</sup> Working through Indigenous critiques of the romanticization of abstracted commons that obfuscate settler-colonialism, Stanley argues that “if the political is constituted as the domain of settler-sovereignty — the world of the human — then centering the affective commons might help chart a politics after the political, or a way to survive the unsurvivable present, and remain beyond the end of the world.”<sup>385</sup> Although demands still seek legibility and recognition from hegemonic power, the power and political unthinkability afforded to demands

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<sup>382</sup> Nguyen, 32.

<sup>383</sup> Stanley, “The Affective Commons: Gay Shame, Queer Hate, and Other Collective Feelings,” 491.

<sup>384</sup> Stanley, 491.

<sup>385</sup> Stanley, 492.

allow them to address both urgent reforms and “revolutionary aspirations.”<sup>386</sup> Reflecting on the possibility and perhaps importance of demands’ political implausibility, Weeks writes, “Where the demand fails to pass muster with a model of political calculation sutured to the present may be where it can succeed in sparking the political imagination of, and desire for, a different future.”<sup>387</sup> Perhaps it is through the possibilities that are brought forth through the act of demanding kinship that Southeast Asian refugee deportees can acknowledge and articulate how American violence has harmed them and how it has violated other racialized and colonized groups in distinct but connected ways. Weeks suggests that “A demand encourages critical reflection on the present ordering of things: what are the problems the demand seeks to address, and what is the rationale for the solution it puts forward? As a provocation, a demand points toward the future...As a mode of provocation, the collective practice of demanding should be understood as a constitutive event, the performative force of which inevitably exceeds the scope of the specific reform.”<sup>388</sup> Demanding’s emphasis on futurity also attends to how different groups have been triangulated to preserve and work toward the possibility of overcoming these separations. While any strategy risks co-optation, the possibilities engendered by demands are worth exploring, because they makes possible what Stanley describes as

the coming together of singularities and exceptions, toward a queer future, and against what disciplines us to love our oppressors while awaiting a freedom that never comes. This communing through affect gathers a nonidentity forged in joyful negation, a motley assemblage of outsiders, freaks, and queers, those disposed of and made disposable by latest capitalism. The affective commons, through the provocation of Gay Shame, builds not toward a reincorporation of the social but toward the total destruction of a world constituted through the vertically distributed violence of modernity. Under the banner of the affective commons, revolutionary love might set us free, but perhaps hate, too, grows freedom.<sup>389</sup>

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<sup>386</sup> Weeks, *The Problem with Work : Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries*, 229.

<sup>387</sup> Weeks, 146.

<sup>388</sup> Weeks, 145.

<sup>389</sup> Stanley, “The Affective Commons: Gay Shame, Queer Hate, and Other Collective Feelings,” 503.

Clearly, demanding fosters a sense of powerful opposition that aligns with what James Holston has termed insurgent citizenship, or a mode of existing within a nation-state that “confront the entrenched regimes of citizen inequality” that announce a positionality of being *in* but not *of* a violent nation-state.<sup>390</sup> This is perhaps particularly important for Asian Americans as expectations of nuclear and economically normative Asian American families are central to the model minority narrative which Dylan Rodríguez critiques as “both the condition of possibility and embodied site of reproduction” of violent white hegemony.<sup>391</sup> Thus, through cultivating and announcing a desire to be with and amongst racialized and colonized others, Southeast Asian refugee deportees can also challenge the centrality of citizenship and imaginatively practice other ways of being beyond the grammars and reach of the state. A White House report from 1987 clearly states “democratic capitalism through its devotion to human freedom, its creation of wealth, and its demand for personal responsibility—made the modern family possible. And the modern family ... made the free enterprise system possible. Some contend that the consumer ethic of capitalism undermines family values, but it is more true that neither the modern family nor the free enterprise system would long survive without the other.”<sup>392</sup> Politicians took this to suggest that the modern nuclear family must be recuperated and enforced to preserve capitalism, but for those of us who are interested in thinking through and enacting other forms of relating and belonging with ourselves and others, the contesting of state deployments of nuclear family and its attendant expectations through non-legal demands of more expansive and interdependent kinship networks provides a more flexible, empowering, ethical, inhabitable, and sustainable positionality of possibilities.

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<sup>390</sup> Holston, “Insurgent Citizenship in an Era of Global Urban Peripheries,” 245.

<sup>391</sup> Rodríguez, “Asian-American Studies in the Age of the Prison Industrial Complex,” 251.

<sup>392</sup> *The Family: Preserving America's Future: A Report to the President from the White House Working Group on the Family.*, 13.



## **Coda: Being Beautiful Together**

On September 1, 2018 the *Washington Post* published an article by Simon Denyer entitled “Thousands of Vietnamese, including offspring of U.S. troops, could be deported under Trump policy.”<sup>393</sup> The article details the life of Robert Huynh, a Black Amerasian. In 1984, Huynh and his mother, half-brother, and half-sisters moved to Louisville, Kentucky –my hometown. Because of criminal convictions and his lack of citizenship, Huynh was vulnerable to deportation, especially after the Trump administration decided to renege on a 2008 bi-lateral agreement that deemed migrants who resettled prior to 1995 as safe from deportation. The article invokes ideas of redemption as Huynh “acknowledges that he made mistakes but says he accepted his punishments and tried to build a life here.”<sup>394</sup> Family is also emphasized as Huynh says that he wants to stay in the United States because he wants ““to be here when [his mother] passes away,”” and that his paternal ““aunties really love [him].””<sup>395</sup> While Huynh now lives in Texas near his paternal aunts, it is also mentioned that his son and grandsons are still in Kentucky. Huynh states, ““I don’t have anybody in Vietnam. My life is here in the United States.””<sup>396</sup> I present Huynh and examine this article not to criticize this invocation of family. To say that family and kin relationships are somehow not important to deportees or to insist they not centrally vocalize these important connections when talking about their possible deportations is to enact further violence against them. Instead, I want to consider what a critical engagement with this article reveals and what possibilities of (k)in-coherence it illuminates.

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<sup>393</sup> Denyer, “Thousands of Vietnamese, Including Offspring of U.S. Troops, Could Be Deported under Trump Policy.”

<sup>394</sup> Denyer.

<sup>395</sup> Denyer.

<sup>396</sup> Denyer.

Given that the article starts with an image of Huynh and his paternal aunts, there is an immediate invocation of race. Although the article fails to explicitly address Huynh's biological father's racialization, the image of Huynh and the bodily presence of his Black aunts forces readers to reckon with the entanglements of race and national belonging. Huynh's existence serves as a reminder of the racialized and racist elements of the drafting process that conscripted disproportionately minoritarian bodies for a "white man's war" through the devaluation of racialized lives.<sup>397</sup> Huynh's Black body, which is perhaps presented in contradistinction with his ethnic Vietnamese surname, both reminds us that racial categorizations fail to encapsulate the complexities of peoples' lived realities and emphasizes the need of a relational Ethnic Studies approach. Huynh's experience of criminalization, incarceration, and the pending threat of deportation as a Black *and* Asian person reveals the need to deeply honor and center the imbrications of migrant and racial violence to foster greater liberation.

The article's casual mention of Huynh's lack of citizenship despite his American biological father also emphasizes the limits of the imagination of America as a benevolent actor that (re)unites families. Read critically, this article can clearly show the ways in which American policy and social norms have and continue to intrude upon and disrupt nuclear families and other kinship formations. Huynh was never able to meet his father, not only because he passed away when Huynh was only four and still living in Vietnam, but also because demands and flows of militarism had already separated Huynh's biological parents. The article also mentions another 1.5 generation migrant from Vietnam, Tung Nguyen, whose family "adopted an Amerasian daughter, and the whole family was allowed to immigrate under the Amerasian Homecoming

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<sup>397</sup> Phillips Boehm, *War! What Is It Good For?: Black Freedom Struggles and the U.S. Military from World War II to Iraq*.

Act.”<sup>398</sup> While this emphasizes how structural determinations such as the AHA have always had a hand in contouring the shape of kinship formations, it also reveals the ways in which subaltern subjects create and maintain their own relationships –affective, economic, and transactional– within and beyond the state’s intention to achieve their own goals. Also at risk of deportation, Nguyen reports “‘I don’t have a child of my own because I can’t live with the fact that any day, they can come and take me,’ he said. ‘This is my life; this is my home.’”<sup>399</sup> Understanding this admission as a critique of the state’s cultivation of economically self-reliant and heteronormative (re)productive families further demonstrates that historically and contemporarily, the United States is perhaps better understood as a selective disrupter of racialized kinship formations and a conditional supporter of white nuclear families.

For people like Huynh and Nguyen who are forced to interact with the legal system and its demands, the invocation of family, non-violence, and redemption are understandable as these notions are explicitly identified as protective factors that mitigate against deportation. Furthermore, the invocation of family and loved ones are often times not simple reproductions of state deployments of the nuclear family, but are authentically and legitimately important to Southeast Asian refugee deportee subjects. Taking seriously the simultaneous need for harm reduction and non-reformist reforms, articulated by Dan Berger, Mariame Kaba, and David Stein as, “those measures that reduce the power of an oppressive system while illuminating the system’s inability to solve the crises it creates,” I have suggested that more explicit sociopolitical disidentificatory expansion of nuclear family outside of the realm of law can defamiliarize the state’s institutionalization of this relational form and its corresponding expectations of economic

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<sup>398</sup> Denyer, “Thousands of Vietnamese, Including Offspring of U.S. Troops, Could Be Deported under Trump Policy.”

<sup>399</sup> Denyer.

and sexual behavior.<sup>400</sup> Especially when considering the experiences of people like Huynh and Nguyen, it is understandable that as Muñoz sympathetically reflected, at times, “queers of color and other minority subjects need to follow a conformist path if they hope to survive in a hostile public sphere.”<sup>401</sup> As this thesis has traced, the state has applied rhetoric of nuclear family to Southeast Asian refugees during their resettlement to, racialization within, and removal from the United States. At the same time, refugee subjects have negotiated, disregarded, and employed this discourse for their own personal and political desires. Refugee deportees’ material realities mean that deportees and their advocates are already troubling the assumptions of small, heteronormative, and conjugal nuclear families that are entirely economically independent. It is with this appreciation of the multiplicities of Southeast Asian refugee deportee kinship formations that I now return to the moment of Thy Chea’s reunion in the Boston Logan Airport three years ago. I now understand that my discomfort did not stem from Chea’s articulated love for his wife or children. Nor did it come from the way that Bethany Li, his lawyer, used language of loved ones or families to mobilize support for Chea’s return. Instead, the discomfort comes from the way that the media’s coverage of the reunion and their exclusive focus on Chea’s nuclear family erased the many other relationships that were present not only in the airport lobby, but also within the broader Southeast Asian refugee diaspora. This thesis has shown that Southeast Asian refugee organizations, diasporic Vietnamese authors and their characters, deportation defense lawyers, refugee deportees like Huynh, Nguyen, and Chea, and even hegemonic state policies and media narratives attest to the multiplicity of familial and kin networks that operate in ways that cannot be simplified to the state’s narrative of sexually and economically proper nuclear families. Indeed, while Southeast Asian refugees may exist within

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<sup>400</sup> Berger, Kaba, and Stein, “What Abolitionists Do.”

<sup>401</sup> Muñoz, *Disidentifications : Queers of Color and the Performance of Politics*, 5.

important nuclear families, their lived realities and practices of community and social formation examined in this thesis suggest that expanding beyond the state's limited narrative of nuclear families to a more capacious and flexible framework of kinship allows Southeast Asian refugees to articulate their ways of being in modes that are not as easily co-opted and deployed by the state.

I have suggested that perhaps disidentifying and expanding the narrative of Southeast Asian refugee nuclear families into a more capacious kinship model provides Southeast Asian refugee deportees a critical distance from the state's violently anti-Black and anti-queer deployment of nuclear family so that their resistance can be more "pronounced and direct."<sup>402</sup> Perhaps articulating refugee deportees' demand to stay with loved kin makes more visible not only the structures that have necessitated such an insistence, but also emphasizes and builds refugee deportees' collective power and desires. An expansion and rearticulation of family into kinship not only is an opportunity to refuse the institutional violences of family, but also gestures at the possibility of unrealized relationalities yet unburied. This is also perhaps facilitated through a recognition of legal advocacy as only one constrained sliver of a broader range of sociopolitical tools at the disposal of refugee deportees and their advocates. People who are made vulnerable to deportation have already been affected by other structural violences which means that deportation defense, while necessary and important, cannot sufficiently provide restoration, justice, or liberation. Legal advocacy is confined by certain conventions and relies on specific slippages that occlude clients', lawyers', and communities' criticisms of state violence.

Alternatively, invoking kinship in political discourse that does not focus on a singular client or class of clients allows for an expansive queering of the institution of family to highlight

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<sup>402</sup> Muñoz, 5.

that personal and structural relationships have never been unchanging, but have been and continue to be under assembly. It is perhaps with this acknowledgement of the latency and potentiality of connections that we can imagine and reach for ways of being not through or despite the state, but simply to belong more ethically with each other. It is through this disciplined hope for the world and connections yet unrealized that we, who are, in the words of Ocean Vuong, “a direct product of the war in Vietnam” and those of us who carry other memories, histories, and ontologies can assertively remember that, “We were born from beauty. Let no one mistake us for the fruit of violence—but that violence, having passed through the fruit, failed to spoil it.”<sup>403</sup> Here’s to imagining and creating worlds full of ethical belonging where we and our kin – biological, political, and emerging– can be beautiful, together.

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<sup>403</sup> Vuong, *On Earth We're Briefly Gorgeous: A Novel*, np.

## References

- “About DHS | Homeland Security.” Accessed April 1, 2023. <https://www.dhs.gov/about-dhs>.
- Abrego, Leisy J., Mat Coleman, Daniel Martinez, Cecilia Menjivar, and Jeremy Slack. “Making Immigrants into Criminals: Legal Processes of Criminalization in the Post-IIRIRA Era,” 2017. <https://escholarship.org/uc/item/7509d5nw>.
- “An Act to Extend Eligibility for Refugee Status of Unmarried Sons and Daughters of Certain Vietnamese Refugees.” U.S. Government Printing Office, May 30, 2002. <https://www.govinfo.gov/app/details/PLAW-107publ185>.
- Anon. Interviewee 1. Interview by Catherine Ho, November 2, 2022.
- Anon. Interview 2. Interview by Catherine Ho, December 19, 2022.
- Anon. Interviewee 3. Interview by Catherine Ho, March 13, 2023.
- Antiterrorism and Effective Death Penalty Act of 1996 (1996).
- Arax, Mark. “County Unit Designed to Combat Welfare Fraud by Asian Refugees.” *Los Angeles Times (Pre-1997 Fulltext)*, December 16, 1987.
- . “Wages and Welfare : Refugees Called Victims and Perpetrators of Fraud.” *Los Angeles Times*, February 10, 1987. <https://www.latimes.com/archives/la-xpm-1987-02-10-mn-2294-story.html>.
- Beaton, Eilidh. “Against the Alienage Condition for Refugeehood.” *Law and Philosophy* 39, no. 2 (2020): 147–76.
- Bender, Felix. “Refugees: The Politically Oppressed.” *Philosophy & Social Criticism* 47, no. 5 (June 2020): 615–33. <https://doi.org/10.1177/0191453720931924>.
- Berger, Dan, Mariame Kaba, and David Stein. “What Abolitionists Do.” Accessed February 28, 2023. <https://jacobin.com/2017/08/prison-abolition-reform-mass-incarceration>.

- Besteman, Catherine. "Militarized Global Apartheid." *Current Anthropology* 60, no. S19 (2019): S26–38.
- Bon Tempo, Carl J. *Americans at the Gate: The United States and Refugees during the Cold War*. Politics and Society in Twentieth-Century America. Princeton: Princeton University Press, 2008.
- Bradway, Tyler, and Elizabeth Freeman, eds. *Queer Kinship : Race, Sex, Belonging, Form*. Theory Q. Durham: Duke University Press, 2022.
- Briggs, Laura. *How All Politics Became Reproductive Politics : From Welfare Reform to Foreclosure to Trump*. Reproductive Justice : A New Vision for the Twenty-First Century ; 2. Oakland, California: University of California Press, 2017.
- Brown, Leslie. "IMMIGRANT GETS 5-YEAR TERM FOR WELFARE FRAUD." *The News Tribune*, September 3, 1994. Access World News – Historical and Current.
- Cacho, Lisa Marie. *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*. Nation of Newcomers: Immigrant History as American History. New York: University Press, 2012.
- Chea, Jolie. "Agents of War: Cambodian Refugees and the Containment of Radical Opposition." Ph.D., University of Southern California. Accessed February 26, 2023. <https://www.proquest.com/docview/2158353467/abstract/33567EFF8A25437EPQ/1>.
- Chea, Jolie. 2023. "For All of Us, Not Just Some of Us: Thoughts on the Southeast Asian Anti-Deportation Movement." Paper presented at Association of Asian American Studies, Long Beach, April 6-8, 2023



- Clymer, Kenton. Review of *Review of A Great Place to Have a War: America in Laos and the Birth of the Military CIA*, by Joshua Kurlantzick. *Contemporary Southeast Asia* 39, no. 2 (2017): 406–8.
- Coates, Ta-Nehisi. “The Black Family in the Age of Mass Incarceration.” *The Atlantic*, September 14, 2015. <https://www.theatlantic.com/magazine/archive/2015/10/the-black-family-in-the-age-of-mass-incarceration/403246/>.
- Constante, Agnes. “Deportations of Southeast Asian Americans Stress Families and Finances, Advocates Say,” October 2, 2018. <https://www.nbcnews.com/news/asian-america/deportations-southeast-asian-americans-stress-families-finances-advocates-say-n914461>.
- Cortés, Carlos. “Illegal Immigration Reform and Immigrant Responsibility Act (1996).” In *Multicultural America: A Multimedia Encyclopedia*, 1136–37. Thousand Oaks: SAGE Publications, Inc., 2013. <https://doi.org/10.4135/9781452276274>.
- Cutts, Mark and Office of the United Nations High Commissioner for Refugees. *The State of the World’s Refugees, 2000: Fifty Years of Humanitarian Action*. Geneva : New York: UNHCR ; Oxford University Press, 2000.
- Das, Alina. *No Justice in the Shadows : How America Criminalizes Immigrants*. First edition. New York: Bold Type Books, 2020.
- Davis, Angela Y. *Are Prisons Obsolete?* Open Media Book. New York: Seven Stories Press, 2003.
- Davis, Angela Y. “Reflections on the Black Woman’s Role in the Community of Slaves.” *The Massachusetts Review*, Vol. 13, no. No. 1/2, (Winter - Spring 1972): 81–100.

- Davis, Angela Y, Gina Dent, Erica R Meiners, and Beth Richie. *Abolition. Feminism. Now.*, 2022. <http://public.eblib.com/choice/PublicFullRecord.aspx?p=6184191>.
- De Genova, Nicholas P. "Migrant 'Illegality' and Deportability in Everyday Life." *Annual Review of Anthropology* 31, no. 1 (2002): 419–47. <https://doi.org/10.1146/annurev.anthro.31.040402.085432>.
- Denyer, Simon. "Thousands of Vietnamese Face U.S. Deportation under Tough Trump Policies." *The Washington Post*. Accessed March 9, 2022. [https://www.washingtonpost.com/world/asia\\_pacific/thousands-of-vietnamese-including-offspring-of-us-troops-could-be-deported-under-tough-trump-policy/2018/08/30/8de80848-a6d0-11e8-b76b-d513a40042f6\\_story.html](https://www.washingtonpost.com/world/asia_pacific/thousands-of-vietnamese-including-offspring-of-us-troops-could-be-deported-under-tough-trump-policy/2018/08/30/8de80848-a6d0-11e8-b76b-d513a40042f6_story.html).
- Desilver, Drew. "U.S. Public Seldom Has Welcomed Refugees into Country." *Pew Research Center* (blog). Accessed February 8, 2023. <https://www.pewresearch.org/fact-tank/2015/11/19/u-s-public-seldom-has-welcomed-refugees-into-country/>.
- Do, Anh. "Vietnamese Americans Get over Divorce; Immigrants Shedding Old Taboo, with Their Kids' Encouragement." *Los Angeles Times*, October 19, 2017, sec. Main News; Part A; Metro Desk.
- ELIAS, THOMAS D. "WELFARE FRAUD RIFE AMONG REFUGEES - OFFICIALS CITE SOUTHEAST ASIAN IMMIGRANTS WHO DON'T REPORT INCOME." *Daily News of Los Angeles (CA)*, January 17, 1988. Access World News – Historical and Current.
- Elliot, Faith Robertson. "The Family: Private Arena or Adjunct of the State?" *Journal of Law and Society* 16, no. 4 (1989): 443–63. <https://doi.org/10.2307/1410330>.

- Engels, Friedrich, and Ernest Untermann. *The Origin of the Family, Private Property and the State*. Standard Socialist Series. Chicago: C. H. Kerr & company, 1902.  
<https://catalog.hathitrust.org/Record/002515628>.
- Espiritu, Yên Lê. *Body Counts: The Vietnam War and Militarized Refugees*. 1st ed. Berkeley: University of California Press, 2014. <https://doi.org/10.1525/j.ctt7zw04n>.
- Espiritu, Yen Le. “The ‘We-Win-Even-When-We-Lose’ Syndrome: U.S. Press Coverage of the Twenty-Fifth Anniversary of the ‘Fall of Saigon.’” *American Quarterly* 58, no. 2 (2006): 329–52. <https://doi.org/10.1353/aq.2006.0042>.
- Espiritu, Yên Lê. “Toward a Critical Refugee Study: The Vietnamese Refugee Subject in US Scholarship.” *Journal of Vietnamese Studies (Berkeley, Calif.)* 1, no. 1–2 (2006): 410–33. <https://doi.org/10.1525/vs.2006.1.1-2.410>.
- Federici, Silvia. *Caliban and the Witch : Women, the Body and Primitive Accumulation*. New York: Autonomedia, 2004.
- Foucault, Michel. *The History of Sexuality*. Translated by Robert Hurley. First American edition. New York: Pantheon Books, 1978.
- Fragomen, Austin T. “The Illegal Immigration Reform and Immigrant Responsibility Act of 1996: An Overview.” *The International Migration Review* 31, no. 2 (1997): 438–60. <https://doi.org/10.2307/2547227>.
- Frankum, Ronald Bruce. *Operation Passage to Freedom : The United States Navy in Vietnam, 1954-1955*. Modern Southeast Asia Series. Lubbock: Texas Tech University Press, 2007.
- Gandhi, Evyn Lê Espiritu. *Archipelago of Resettlement: Vietnamese Refugee Settlers and Decolonization across Guam and Israel-Palestine*. Oakland, California: University of California Press, 2022.

- Ganz, Marshall. *Why David Sometimes Wins : Leadership, Organization, and Strategy in the California Farm Worker Movement*. Oxford ; Oxford University Press, 2009.
- Geary, Daniel. *Beyond Civil Rights : The Moynihan Report and Its Legacy*. Politics and Culture in Modern America. Philadelphia: University of Pennsylvania Press, 2015.
- Gilmore, Ruth Wilson. *Golden Gulag Prisons, Surplus, Crisis, and Opposition in Globalizing California*. American Crossroads ; v.21. Berkeley: University of California Press, 2007.
- . “Mass Incarceration, Deportation, Stop and Frisk: The Urban Ecology of the Prison-Industrial Complex.” CUNY Graduate Center, May 6, 2014.
- Glissant, Édouard, and Betsy Wing. *Poetics of Relation*. Poetics of Relation. Ann Arbor [Michigan: The University of Michigan Press, 1997.
- Gonzalez-Barrera, Ana, and Jens Manuel Krogstad. “U.S. Deportations of Immigrants Reach Record High in 2013.” *Pew Research Center* (blog). Accessed April 1, 2023.  
<https://www.pewresearch.org/fact-tank/2014/10/02/u-s-deportations-of-immigrants-reach-record-high-in-2013/>.
- Gramlich, John. “Monthly Encounters with Migrants at U.S.-Mexico Border Remain near Record Highs.” *Pew Research Center* (blog). Accessed February 27, 2023.  
<https://www.pewresearch.org/fact-tank/2023/01/13/monthly-encounters-with-migrants-at-u-s-mexico-border-remain-near-record-highs/>.
- “Green Card for Family Preference Immigrants | USCIS,” January 10, 2022.  
<https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-family-preference-immigrants>.
- “Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of Prosecutorial Discretion,” n.d.

- Gupta, Monisha. “‘Don’t Deport Our Daddies’: Gendering State Deportation Practices and Immigrant Organizing.” *Gender & Society* 28, no. 1 (2014): 83–109.  
<https://doi.org/10.1177/0891243213508840>.
- Gustafson, Kaaryn S. *Cheating Welfare : Public Assistance and the Criminalization of Poverty*. New York: New York University Press, 2011.
- Gutiérrez, Ramón A. “Mexican Immigration to the United States.” Oxford Research Encyclopedia of American History, July 29, 2019.  
<https://doi.org/10.1093/acrefore/9780199329175.013.146>.
- Hein, Jeremy. *From Vietnam, Laos, and Cambodia : A Refugee Experience in the United States*. Twayne’s Immigrant Heritage of America Series. New York: Twayne Publishers, 1995.
- Hing, Bill Ong. “Deportation.” In *Keywords for Asian American Studies*, 4:44–49. New York, USA: New York University Press, 2020.
- . “Deporting Cambodian Refugees: Justice Denied?” *Crime and Delinquency* 51, no. 2 (2005): 265–90.
- . “Detention to Deportation - Rethinking the Removal of Cambodian Refugees Symposium: Immigration and Civil Rights After September 11: The Impact on California.” *U.C. Davis Law Review* 38, no. 3 (2005 2004): 891–972.
- Hlass, Laila L. “Lawyering from a Deportation Abolition Ethic.” *California Law Review* 110, no. 5 (2022): 1597–.
- Hong, Mai-Linh K. “Navigating the Global Refugee Regime: Law, Myth, Story.” *Amerasia Journal* 46, no. 1 (2020): 34–48. <https://doi.org/10.1080/00447471.2020.1776571>.

- Holston, James. "Insurgent Citizenship in an Era of Global Urban Peripheries." *City & Society* 21, no. 2 (2009): 245–67. <https://doi.org/10.1111/j.1548-744X.2009.01024.x>.
- Kibria, Nazli. *Family Tighrope : The Changing Lives of Vietnamese Americans*. Princeton, N.J.: Princeton University Press, 1993.
- Kim, Claire Jean. "The Racial Triangulation of Asian Americans." *Politics & Society* 27, no. 1 (March 1999): 105–38. <https://doi.org/10.1177/0032329299027001005>.
- Kim, Jodi. *Ends of Empire : Asian American Critique and the Cold War*. Critical American Studies Series. Minneapolis: University of Minnesota Press, 2010.
- Kumin, Judith. "Orderly Departure from Vietnam: Cold War Anomaly or Humanitarian Innovation?" *Refugee Survey Quarterly* 27, no. 1 (2008): 104–17. <https://doi.org/10.1093/rsq/hdn009>.
- Kurlantzick, Joshua. *A Great Place to Have a War : America in Laos and the Birth of a Military CIA*. First Simon&Schuster hardcover edition. New York ; Simon & Schuster, 2017.
- Kwon, Soo Ah. "Deporting Cambodian Refugees: Youth Activism, State Reform, and Imperial Statecraft." *Positions: Asia Critique* 20, no. 3 (August 1, 2012): 737–62. <https://doi.org/10.1215/10679847-1593519>.
- Le, Nam. *The Boat*. 1st ed. New York: Alfred A. Knopf, 2008.
- Lee, Catherine. "Family Reunification and the Limits of Immigration Reform: Impact and Legacy of the 1965 Immigration Act." *Sociological Forum* 30, no. S1 (2015): 528–48.
- Lee, Erika. *The Making of Asian America: A History*. First Simon&Schuster hardcover edition. New York: Simon & Schuster, 2015.
- Lee, Jennifer, and Min Zhou. "The Asian American Achievement Paradox," n.d., 21.

- Lowe, Lisa. *Immigrant Acts : On Asian American Cultural Politics*. Durham: Duke University Press, 1996.
- Loza, Mireya. *Defiant Braceros How Migrant Workers Fought for Racial, Sexual, and Political Freedom*. The David J. Weber Series in the New Borderlands History. Chapel Hill: The University of North Carolina Press, 2016.
- Macías-Rojas, Patrisia. “Immigration and the War on Crime: Law and Order Politics and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.” *Journal on Migration and Human Security* 6, no. 1 (2018): 1–25.
- Marx, Karl, and Friedrich Engels. *The Communist Manifesto*. Pluto Press, 2017.  
<https://doi.org/10.2307/j.ctt1k85dmc>.
- May, Elaine Tyler. *Homeward Bound: American Families in the Cold War Era*. Revised edition. New York: Basic Books, 2017.
- Memorandum of Subjects for Discussion at Meeting of President Eisenhower and Senator Kennedy on Thursday, January 19, 1961*, 1961.
- Menjívar, Cecilia, and Leisy J. Abrego. “Legal Violence: Immigration Law and the Lives of Central American Immigrants.” *American Journal of Sociology* 117, no. 5 (March 2012): 1380–1421. <https://doi.org/10.1086/663575>.
- Moynihan, Daniel. “The Negro Family: The Case for National Action,” 1965.
- Muñoz, José Esteban. *Disidentifications : Queers of Color and the Performance of Politics*. Cultural Studies of the Americas ; Volume 2. Minneapolis, MN: University of Minnesota Press, 1999.

- National Immigration Law Center. “Alert: Supreme Court Overturns Trump Administration’s Termination of DACA.” Accessed April 1, 2023. <https://www.nilc.org/issues/daca/alert-supreme-court-overturns-trump-administrations-termination-of-daca/>.
- Nguyen, Catherine Hong. “Welcome to the Family!: Hospitality, Kinship, and Mourning in Vietnamese Diasporic Literature.” UCLA, 2018. <https://escholarship.org/uc/item/5g8947vz>.
- Nguyễn, Linh Thủy. “‘Loving Couples and Families:’ Assimilation as Honorary Whiteness and the Making of the Vietnamese Refugee Family.” *Social Sciences* 10, no. 6 (June 2021): 209. <https://doi.org/10.3390/socsci10060209>.
- Nguyen, Ly Thuy. “Queer Dis/Inheritance and Refugee Futures.” *WSQ: Women’s Studies Quarterly* 48, no. 1–2 (2020): 218–35. <https://doi.org/10.1353/wsqr.2020.0026>.
- Nguyen, Mimi Thi. *The Gift of Freedom: War, Debt, and Other Refugee Passages*. Next Wave: New Directions in Women’s Studies. Durham: Duke University Press, Duke University Press Books, 2012.
- Nguyen, Vinh. “Refugeetude When Does a Refugee Stop Being a Refugee?” *Social Text* 37, no. 2 (2019): 109–31. <https://doi.org/10.1215/01642472-7371003>.
- Nguyen-Vo, Thu-Huong, and Grace Kyungwon Hong. “The Grammar of Failure: Dispossession, Mourning, and the Afterlife of Socialist Futurities.” *Social Identities* 24, no. 2 (March 2018): 155–72. <https://doi.org/10.1080/13504630.2017.1327142>.
- Norindr, Panivong. *Phantasmatic Indochina: French Colonial Ideology in Architecture, Film, and Literature*. Durham: Duke University Press, 1997. <https://muse.jhu.edu/book/69978>.
- Office, U. S. Government Accountability. “Refugee Program: The Orderly Departure Program From Vietnam.” Accessed March 8, 2022. <https://www.gao.gov/products/nsiad-90-137>.



Ong, Aihwa. *Buddha Is Hiding : Refugees, Citizenship, the New America*. 1st ed. Vol. 5. Acls Humanities E-Book. Berkeley: University of California Press, 2003.

Padilla v. Kentucky (2010).

Paik, A. Naomi. *Rightlessness: Testimony and Redress in U.S. Prison Camps since World War II*. Studies in United States Culture. Chapel Hill: The University of North Carolina Press, 2016.

Pate, SooJin. *From Orphan to Adoptee : U.S. Empire and Genealogies of Korean Adoption*. *From Orphan to Adoptee : U.S. Empire and Genealogies of Korean Adoption*. Minneapolis: University of Minnesota Press, 2014.

PBS NewsHour. “State Department Expands Definition of ‘close Family’ for Visa Applicants, Refugees,” July 17, 2017. <https://www.pbs.org/newshour/politics/state-department-expands-definition-close-family-visa-applicants-refugees>.

Phan, Aimee. *We Should Never Meet*. St. Martin’s Press, 2004.

Phillips Boehm, Kimberley L. *War! What Is It Good For?: Black Freedom Struggles and the U.S. Military from World War II to Iraq*. The John Hope Franklin Series in African American History and Culture. Chapel Hill: The University of North Carolina Press, 2014.

“Policies for the Apprehension, Detention, and Removal of Undocumented Immigrants,” n.d. POLITICO. “Grandparents Blocked by Trump Travel Ban Guidelines.” Accessed October 16, 2022. <https://www.politico.com/story/2017/06/29/trump-travel-ban-guidelines-family-visas-240093>.

Posocco, Silvia. “Harvesting Life, Mining Death: Adoption, Surrogacy and Forensics across Borders.” *Catalyst (San Diego, Calif.)* 8, no. 1 (2022): 1-.

- Quintana, Maria L. *Contracting Freedom : Race, Empire, and U. S. Guestworker Programs*. Politics and Culture in Modern America Ser. Philadelphia: University of Pennsylvania Press, 2022.
- Record, Pat. "New Life Strains Vietnamese." *The Daily Oklahoman*, February 28, 1983.
- Reddy, Chandan. "Asian Diasporas, Neoliberalism, and Family: Reviewing the Case for Homosexual Asylum in the Context of Family Rights." *Social Text* 23, no. 3–4 (2005): 101–19.
- Reed, Ann. "Freedom Flight: Vietnamese Family Escaped on Perilous Third Try." *Sacramento Bee*, August 16, 1981.
- Reiter., Rayna R. *Toward an Anthropology of Women*. New York: Monthly Review Press, 1975.
- Return To Sender (8 Min)*, 2012. <https://www.youtube.com/watch?v=4Bc9oWFvUQs>.
- Roberts, Dorothy E. *Killing the Black Body : Race, Reproduction, and the Meaning of Liberty*. First Vintage books edition. New York: Vintage Books, 1999.
- Rodríguez, Dylan. "Asian-American Studies in the Age of the Prison Industrial Complex: Departures and Re-Narrations." *Review of Education, Pedagogy, and Cultural Studies* 27, no. 3 (July 2005): 241–63. <https://doi.org/10.1080/10714410500228918>.
- Rodríguez, Richard T. *Next of Kin : The Family in Chicano/a Cultural Politics*. Latin America Otherwise : Languages, Empires, Nations. Durham, NC: Duke University Press, 2009.
- Rosas, Ana Elizabeth. *Abrazando El Espíritu : Bracero Families Confront the US-Mexico Border*. American Crossroads ; 40. Oakland, California: University of California Press, 2014.
- San Francisco Chronicle*. "Viet Wife Finds Ex-GI Married." May 6, 1975, 126 edition.

SEARAC. "Immigration." Accessed May 8, 2021.

<https://www.searac.org/programming/national-state-policy-advocacy/immigration/>.

Shah, Nayan. *Contagious Divides: Epidemics and Race in San Francisco's Chinatown*.

Berkeley, UNITED STATES: University of California Press, 2001.

<http://ebookcentral.proquest.com/lib/harvard-ebooks/detail.action?docID=6229471>.

"Situation Ukraine Refugee Situation." Accessed February 27, 2023.

<https://data.unhcr.org/en/situations/ukraine>.

Solis, Steph. "'It's an Incredible Victory': Return of Thy Chea, Cambodian Who Was Deported, Gives Attorney Hope for Others Fighting Immigration Cases." *masslive*, February 26, 2020. <https://www.masslive.com/politics/2020/02/its-an-incredible-victory-return-of-thy-chea-cambodian-who-was-deported-gives-attorney-hope-for-others-fighting-immigration-cases.html>.

Spillers, Hortense J. "Mama's Baby, Papa's Maybe: An American Grammar Book." *Diacritics* 17, no. 2 (1987): 65–81. <https://doi.org/10.2307/464747>.

Stanley, Eric. "The Affective Commons: Gay Shame, Queer Hate, and Other Collective Feelings." *GLQ* 24, no. 4 (2018): 489–508.

Takaki, Ronald T. *Strangers at the Gates Again: Asian American Immigration after 1965*. 1. printing. The Asian American Experience. New York: Chelsea House, 1995.

Tang, Eric. *Unsettled: Cambodian Refugees in the New York City Hyperghetto*. Asian American History and Culture. Philadelphia, Pennsylvania: Temple University Press, 2015.

"The American Family Today." *Pew Research Center's Social & Demographic Trends Project* (blog), December 17, 2015. <https://www.pewresearch.org/social-trends/2015/12/17/1-the-american-family-today/>.

*The Family : Preserving America's Future : A Report to the President from the White House Working Group on the Family.* Washington, D.C.] (400 Maryland Ave., S.W., Washington 20202): United States Dept. of Education, Office of the Under Secretary, 1987.

The Seattle Times. "The Sacrifice and Gratitude of Vietnam's Refugees," May 18, 2015.

<https://www.seattletimes.com/opinion/the-sacrifice-and-gratitude-of-vietnams-refugees/>.

Thomas, Sabrina. *Scars of War: The Politics of Paternity and Responsibility for the Amerasians of Vietnam.* Borderlands and Transcultural Studies. Lincoln: University of Nebraska Press, 2021.

Trinh, Yen. "The Impact of New Policies Adopted After September 11 on Lawful Permanent Residents Facing Deportation Under the AEDPA and IIRIRA and the Hope of Relief Under the Family Reunification Act." *Georgia Journal of International & Comparative Law* 33, no. 2 (2005): 543.

Um, Khatharya. "The 'Vietnam War': What's in a Name?" *Amerasia Journal* 31, no. 2 (2005): 134–39.

United States. *Orderly Departure Program and U.S. Policy Regarding Vietnamese Boat People: Hearing before the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary, House of Representatives, One Hundred First Congress, First Session, June 28, 1989.* Washington: U.S. G.P.O. : For sale by the Supt. of Docs., Congressional Sales Office, U.S. G.P.O., 1990.

<https://catalog.hathitrust.org/Record/008516791>.

- UPI. "A Vietnamese Refugee Mother of Seven Who Has Been... - UPI Archives." Accessed February 20, 2023. <https://www.upi.com/Archives/1981/06/26/A-Vietnamese-refugee-mother-of-seven-who-has-been/8322362376000/>.
- Vang, Ma. *History on the Run : Secrecy, Fugitivity, and Hmong Refugee Epistemologies*. Durham: Duke University Press, 2021.
- Varzally, Allison. *Children of Reunion: Vietnamese Adoptions and the Politics of Family Migrations*. Chapel Hill: University of North Carolina Press, 2017.
- Vong, Sam. "'Compassion Gave Us a Special Superpower': Vietnamese Women Leaders, Reeducation Camps, and the Politics of Family Reunification, 1977–1991." *Journal of Women's History* 30, no. 3 (Fall 2018): 107–37.  
<http://dx.doi.org/10.1353/jowh.2018.0032>.
- Vuong, Ocean. *On Earth We're Briefly Gorgeous: A Novel*. New York, Random Houses, 2019.
- Wang, Jackie. *Carceral Capitalism*. *Carceral Capitalism*. Semiotext(e) Intervention Series ; 21. South Pasadena, CA: Semiotexte, 2018.
- Wang, Lee Ann S. 2013. "'Of the Law, but Not Its Spirit': Immigration Marriage Fraud as Legal Fiction and Violence Against Asian Immigrant Women." *UC Irvine Law Review* , 3(4). Retrieved from <https://escholarship.org/uc/item/9b04k792>
- Wang, Lee Ann S. "Unsettling Innocence: Rewriting The Law's Invention of Immigrant Woman as Cooperator and Criminal Enforcer." S&F Online. Accessed March 19, 2021.  
<http://sfonline.barnard.edu/navigating-neoliberalism-in-the-academy-nonprofits-and-beyond/lee-ann-wang-unsettling-innocence-rewriting-the-laws-invention-of-immigrant-woman-as-cooperator-and-criminal-enforcer/>.

- Weeks, Kathi. *The Problem with Work : Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries*. A John Hope Franklin Center Book. Durham: Duke University Press, 2011.
- Wolgin, Philip E. “Re-Forming the Gates: Postwar Immigration Policy in the United States Through the Hart-Celler Act of 1965.” In *Wanted and Welcome? Policies for Highly Skilled Immigrants in Comparative Perspective*, edited by Triadafilos Triadafilopoulos, 61–81. *Immigrants and Minorities, Politics and Policy*. New York, NY: Springer, 2013. [https://doi.org/10.1007/978-1-4614-0082-0\\_4](https://doi.org/10.1007/978-1-4614-0082-0_4).
- Wu, Ellen D. *The Color of Success: Asian Americans and the Origins of the Model Minority*. Princeton University Press, 2013. <https://doi.org/10.1515/9781400848874>.
- Zhou, Min, and Carl L. Bankston. “Social Capital and the Adaptation of the Second Generation: The Case of Vietnamese Youth in New Orleans.” *International Migration Review* 28, no. 4 (December 1994): 821–45. <https://doi.org/10.1177/019791839402800409>.