

UCLA

UCLA Electronic Theses and Dissertations

Title

Refusing The Documentation Regime: Joy, Futurity, & Freedom of Movement in Queer Migrant Visual Cultures

Permalink

<https://escholarship.org/uc/item/3304b9np>

Author

Simons, Rosanna L

Publication Date

2023

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA

Los Angeles

Refusing The Documentation Regime: Joy, Futurity, & Freedom of Movement in Queer Migrant
Visual Cultures

A dissertation submitted in partial satisfaction
of the requirements for the degree Doctor of Philosophy
in Chicana and Chicano Studies

by

Rosanna Lynne Simons

2023

© Copyright by

Rosanna Lynne Simons

2023

ABSTRACT OF THE DISSERTATION

Refusing The Documentation Regime: Joy, Futurity, & Freedom of Movement in Queer Migrant

Visual Cultures

by

Rosanna Lynne Simons

Doctor of Philosophy in Chicana and Chicano Studies

University of California, Los Angeles, 2023

Professor Maylei S. Blackwell, Chair

In this dissertation, I engage works of performance, video, and sculpture by five U.S.-based migrant artists from Central America and Mexico: Yosimar Reyes (Mexico), Julio Salgado (Mexico), Alan Pelaez Lopez (Oaxaca), Alma Leiva (Honduras), and Beatriz Cortez (El Salvador). Drawing on five years of qualitative fieldwork including interviews with the artists, participation in migrant justice actions and organizing spaces, and community-engaged performance collaborations, I employ discourse analysis and deep visual, sonic, and textual analysis to interpret these creative works against a backdrop of U.S. immigration politics and queer interventions into the migrant justice movement. Ample scholarship since the dawn of the War on Terror has centered on two sites of explicit state violence against racialized migrants: detention and deportation. I organize my analysis around a third and interrelated axis of state power: documentation. Building from scholarship in Latinx migration studies, queer of color performance and dance, governmentality, and Indigenous studies, I formulate here a theory of surveillance I term the *documentation regime*. I define the *documentation regime* as a system of

administrative governance that surveils racialized migrants in past, present, and future temporalities, in order to restrict, predict, and produce migrant movements within and across U.S. territory. In addition to operationalizing state surveillance, the documentation regime also activates the watchful gazes of non-state entities: journalists, academics, non-profits, lawyers, artists, media producers, and citizens. I employ my documentation regime framework to analyze the distinct ways that racialized migrants are targeted for state- and non-state surveillance in the settler colonial United States — and the ways migrant artists perform queer subversions of the documentation regime. I chart four major technologies of the documentation regime, and each chapter examines one of the four: state-sponsored data collection through temporary immigration documents; state-issued IDs containing biometric data; transnational data sharing agreements; and state-sanctioned destruction of official databases. I identify three settler colonial logics that underwrite the documentation regime: visibility, choreography, and temporality. I argue that the artists in my study subvert the surveillance of the documentation regime in performances of queer mis/recognition, relationality, and futurity.

The dissertation of Rosanna Lynne Simons is approved.

Leisy Janet Abrego

Gaye T. Johnson

Anurima Banerji

Joshua J. Guzman

Maylei S. Blackwell, Committee Chair

University of California, Los Angeles

2023

TABLE OF CONTENTS

I.	Abstract	ii
II.	Table of Contents	v
III.	List of Figures	vi
IV.	Vita	vii
V.	Introduction	1
VI.	Chapter 1: Temporality of Deferral: National Love, Migrant Heartbreak, Queer Futures	36
VII.	Chapter 2: Into the Shadows, Out of View: Submission, Seduction, and the Citizen Gaze	70
VIII.	Chapter 3: Transnational Documentation Regime: Choreographed Migrations & Critical Hope	98
IX.	Chapter 4: Queer Migrant Futures: Joy Station & Nomadic Collectivity	127
X.	Conclusion	156
XI.	Bibliography	160

LIST OF FIGURES

Figure 1	<i>Serena a un Indocumentado</i> by Los Jornaleros screenshot	24
Figure 2	<i>Serena a un Indocumentado</i> by Los Jornaleros screenshot	25
Figure 3	<i>Serena a un Indocumentado</i> by Los Jornaleros screenshot	26
Figure 4	“Legalities of Being” Screenshot	36
Figure 5	“Legalities of Being” Screenshot of Abuelita’s Reality	42
Figure 6	“Legalities of Being” Screenshot of Vote 4 Me!	44
Figure 7	“Legalities of Being” Screenshot	50
Figure 8	“Legalities of Being” Screenshot of DREAM ACT NOW	61
Figure 9	“Legalities of Being” Screenshot of MEMORIES	68
Figure 10	“Legalities of Being” Screenshot of <i>Freedom</i>	69
Figure 11	“Legalities of Being” Screenshot of It was all a Dream	69
Figure 12	<i>Speak</i> , Screenshot by Author	85
Figure 13	<i>Speak</i> , Screenshot by Author	88
Figure 14	<i>Speak</i> , Screenshot by Author	95
Figure 15	Object of My Affection: San Pedro Nos Ve (2015) exhibited at the Museum of Art and Design in Miami, FL.	100
Figure 16	Still from <i>Conversaciones desde el otro lado</i>	105
Figure 17	Still from <i>Conversaciones desde el otro lado</i>	106
Figure 18	Freedom Tower permanent exhibition	120
Figure 19	<i>Trinidad/Joy Station</i> (2019) exhibited at the Craft Contemporary Museum	128
Figure 20	<i>Trinidad/Joy Station</i> (2019) exhibited at the Craft Contemporary Museum	128
Figure 21	Image by Jiang & Lindsay Insider / Getty Images	131
Figure 22	Photos taken by author outside the Homestead Temporary Shelter for Unaccompanied Minors, July 2019.	147
Figure 23	“Petate,” photo taken by the author at Cortez’s studio in Los Angeles, July 2019.	149

VITA

EDUCATION

New York University (NYU)

MA in Humanities and Social Thought

2012

Palm Beach Atlantic University

BA in English

2009

AWARDS & FELLOWSHIPS

Pitzer College Teaching & Learning Committee Grants (\$1,000)	fall 2022
Andrew W. Mellon Humanities without Walls Fellowship (\$4,500)	summer 2022
IUPLR/UIC Mellon Dissertation Fellowship (\$25,000)	2020-2021
Andrew W. Mellon Sawyer Seminar Dissertation Fellowship (\$20,000)	2020-2021
UCLA Dissertation Year Fellowship (\$20,000, <i>declined</i>)	2020-2021
National Women's Studies Association Graduate Scholarship (<i>honorable mention</i>)	fall 2019
UCLA University Fellowship (\$21,000 + tuition/fees)	2017-2018
UCLA Dean's Fund for Programs and Teaching Related to the 2016 Election (\$600)	spring 2017
UCLA Graduate Research Mentorship (\$21,000 + tuition/fees)	2015-2016
UCLA Graduate Summer Research Mentorship (\$6,000)	summer 2014
UCLA Dept. of Chicana/o Studies Award for Contribution to the Dept. (\$1,000)	summer 2014
UCLA University Fellowship (\$21,000 + tuition/fees)	2013-2014

TEACHING EXPERIENCE

Visiting Instructor

fall 2022

Pitzer College Gender & Feminist Studies
GFS 036-PZ, "Introduction to Queer Studies"

Pitzer College Gender & Feminist Studies
GFS 069-PZ "Decolonial Queers"

Pitzer College First Year Seminar
FS 021-PZ "Queer & Trans Migrations"

Teaching Fellow

UCLA Chicana/o & Central American Studies
CCAS 188-2 "Queer & Trans Migrations"

spring 2022

Visiting Instructor

Pitzer College Gender & Feminist Studies
GFS 036-PZ, "Introduction to Queer Studies"

spring 2022

Visiting Instructor

Pitzer College Gender & Feminist Studies
GFS 036-PZ, "Introduction to Queer Studies"

fall 2021

Teaching Fellow

UCLA Chicana/o & Central American Studies **summer 2021**
CCAS HNRS M143, “Latinx Immigration Policy & Politics”

UCLA Chicana/o & Central American Studies **winter 2020**
CCS 10A “Intro to Chicana/o Studies: History & Culture”

UCLA LGBTQ Studies Program **spring 2019**
LGBTQS 183 “Queer Femme Aesthetics, Sex, Politics”

UCLA Chicana/o & Central American Studies **winter 2019**
CCS 188 “Decolonial Queers: Unsettling Bodies & Lands”

Book Reviews

Simons, Rosanna. Review of *Undocumented Everyday: Migrant Lives and the Politics of Visibility*, by Rebecca M. Schreiber, *Aztlán: A Journal of Chicano Studies*. Spring 2020.

Translations

Garcia, Olga and Maylei Blackwell. “Introduction.” *Antología: Tatiana de la Tierra*. Translated by Rosanna Simons. Sincronía Casa Editorial. Forthcoming spring 2023.

Silva, Yamile. “From Unknown Land to Imperial Territory: The Conquest of Space in the Relación del Descubrimiento del Río Marañón by Geronimo de Ypori (circa 1630).” *Colonial Latin American Literature in Transition*. Eds. Rocío Quispe-Agnoli & Amber Brian. Cambridge University Press. Forthcoming fall 2022.

La playa espera por vos. By Wingston González. Translated by Rosanna Simons. Directed by Alice Motard. Performance by Juan Maldonado and Wingston González. September 2017, Musée d’Art Contemporain, Bordeaux, France.

González, Wingston. “Portrait of Madonna, saints, and barn” (“Retrato con Madona, santos y granero”) “Parklife” (“Vida de parque”), and (Write to the church of philadelphia (In front of the statue of Columbus in Livingston) (“Escribi a la iglesia de filadelfia (De frente a la estatua de Colon en Livingston”). Translated by Rosanna Simons. *Palabras: Dispatches from the Festival de la Palabra*. 2013.

Editorial

Simons, Rosanna, Isabel Durón, Rafael Solórzano, Kaelyn Rodríguez, Alana de Hinojosa, and Gaby Rodriguez-Gomez, Eds. “Tierra Sagrada.” *bozalta: arts, activism, scholarship*. Vol 3. www.bozalta.org. Spring 2018.

Simons, Rosanna, Isabel Durón, Rafael Solórzano, Kaelyn Rodríguez, Alana de Hinojosa, and Joseph Rios, Eds. “#bozalta4blacklives.” *bozalta: arts, activism, scholarship*. Vol 2. www.bozalta.org. Spring 2016

Introduction

The Documentation Regime: Visibility, Temporality, Choreography

In fall 2014, I joined a small audience outside the Metropolitan Detention Center (MDC) in downtown Los Angeles, a federal prison that jails over 700 citizens and migrants with pending trials or short sentences. The MDC sits on unceded Tongva territory within Yaagna, the site of a powerful Indigenous community and trading center that was targeted for conversion and enslavement by Spanish missionaries in the late eighteenth century and elimination by Anglo settlers in the mid nineteenth century (Lytle Hernandez 2017; Morris et al 2016). Situated amongst contemporary high-traffic tourist destinations such as Chinatown, Little Tokyo, Union Station, and the Broad Museum, the MDC “hides in plain sight” on the LA skyline.¹ A year after its opening in 1988, *Los Angeles Times* reporter Kim Murphy observed that with its unique design featuring plate glass windows, balconies, and atriums,² the structure “had more the look of a downtown office building than a prison.”³ I moved to Los Angeles from the East Coast in 2012, and during my first two years in LA I’d never even noticed the massive prison downtown or had reason to locate it on a map — a privilege of white citizenship, to be sure.

And then there I was in 2014, hand-in-hand with my queer love, at one of the first Chant Down the Walls (CDTW) performance events. We had seen a flier earlier that day and decided to stop in downtown on our long commute home. CDTW was a series of concerts that took place outside immigration detention centers across the United States between 2014-2016, beginning with seven consecutive Monday evening performances at the MDC produced by Claudia

¹ “Concerts Highlighting Urgency for Deportation Relief Continue Outside LA Detention Center with a Son Jarocho Performance.” *NDLON.com*. October 17, 2014. <https://ndlon.org/son-concert/>

² *Federal Bureau of Prisons* bop.gov

³ “U.S. Opens a High-Rise Prison in Civic Center.” *The Los Angeles Times*. January 3, 1989. http://articles.latimes.com/1989-01-03/local/me-145_1_federal-prison

Bautista, Regional Campaign Coordinator of the National Day Laborer Organizing Network (NDLON). According to Bautista (2017), the aim of CDTW organizers was to,

Bring attention to the injustices ingrained in the prison industrial complex and the mass deportation machine; challenge the good (“deserving”) vs. bad (“undeserving”) immigrant narrative propagated by mainstream culture; and utilize the interplay of space and sound to communicate a message of hope to those incarcerated through a medium able to penetrate the walls that people can’t.⁴

Los Jornaleros del Norte, a music group known as “the house band” of the migrant justice movement, were a constant presence at all seven concerts in downtown LA, with guest appearances by internationally known Spanish-language artists Ana Tijoux, La Santa Cecilia, Los Cadetes de Linares, El Gavachillo, Hermanos Hererrra, Voz del Rancho, Mare Advertencia Lirika, and Son del Centro. Each week, their performances “pierced the walls of the jail” and transformed those locked inside and those gathered outside “into a common audience.”⁵

The fall sun was setting earlier each day, and when we arrived in downtown around six it was already dark. Los Jornaleros were playing on a portable stage facing the MDC, framed by booming speakers and spot lit by streetlamps. As they sang, they looked up at the sinister cement structure, serenading shadowy figures confined behind inhumanely narrow windows. We, the audience outside, shifted our gazes between the musicians and the fragmented silhouettes above us. Though unidentifiable through those cruel tinted slits, we felt them with us, listening with us. Some outside prayed aloud, tears streaming. Others held bright balloons and signs with messages of hope for loved ones. After Los Jornaleros’ song, lights began to flash on and off from within

⁴ Claudia Bautista 2017, https://humanities2219.rssing.com/chan-63698018/all_p5.html

⁵ NDLON Staff. “Groundbreaking New Music Video Highlights Injustice Faced by Immigrants and Marks Launch of New ‘Concert Tour’ for Jailed Migrants.” *NDLON.com*. March 19, 2015 <https://ndlon.org/groundbreaking-new-music-video-highlights-injustice-faced-by-immigrants-and-marks-launch-of-new-concert-tour-for-jailed-migrants/>

the prison, a sign of life, of presence, of recognition. On the ground, we took out our phones, turned on our flashlights, and flickered back as we chanted together, “We see you, We see you.”

This moment in 2014 — of migrant artists and activists exposing the systems and structures that hide their loved ones in plain sight in downtown Los Angeles; of shining lights through the darkness to see and be seen by those confined within the MDC; of a weekly coming together and coming undone as a common audience inside and outside the prison; and sharing fleeting feelings of connection, joy, and hope for the future — is at the heart of this dissertation. I begin this story at CDTW for a few reasons. One, witnessing CDTW catalyzed my alignment with LA-based migrant justice organizing. But more importantly, CDTW in 2014 responded to a key turning point in the broader migrant justice movement in the U.S. And those first seven CDTW concerts were an important site where through music and performance, the mainstream movement’s goals of official documentation and citizenship, and the political strategy of visibility to obtain them, could be questioned. In turn, other possibilities for protection, freedom of movement, and joy were felt weekly.

In this introduction, CDTW will guide us through the overarching political context, theoretical framework, methods, and arguments of the dissertation. Then, in the chapters to come, I will engage works of performance, video, and sculpture by five U.S.-based migrant artists from Central America and Mexico: Yosimar Reyes (Mexico), Julio Salgado (Mexico), Alan Pelaez Lopez (Oaxaca), Alma Leiva (Honduras), and Beatriz Cortez (El Salvador). Drawing on five years of qualitative fieldwork including interviews with the artists, participation in migrant justice actions and organizing spaces, and community-engaged performance collaborations, I employ discourse analysis and deep visual, sonic, and textual analysis to

interpret these creative works against a backdrop of U.S. immigration politics and queer interventions into the migrant justice movement.

Ample scholarship since the dawn of the War on Terror has centered on two sites of explicit state violence against racialized migrants: detention and deportation. I organize my analysis around a third and interrelated axis of state power: documentation. Building from scholarship in Latinx migration studies, queer of color performance and dance, governmentality, and Indigenous studies, I formulate here a theory of surveillance I term the *documentation regime*. I define the *documentation regime* as a system of administrative governance that surveils racialized migrants in past, present, and future temporalities, in order to restrict, predict, and produce migrant movements within and across U.S. territory. In addition to operationalizing state surveillance, the documentation regime also activates the watchful gazes of non-state entities: journalists, academics, non-profits, lawyers, artists, media producers, and citizens. I employ my documentation regime framework to analyze the distinct ways that racialized migrants are targeted for state- and non-state surveillance in the settler colonial United States — and the ways migrant artists perform queer subversions of the documentation regime.

In this dissertation, I chart four major technologies of the documentation regime, and each chapter examines one of the four: state-sponsored data collection through temporary immigration documents; state-issued IDs containing biometric data; transnational data sharing agreements; and state-sanctioned destruction of official databases. I identify three settler colonial logics that underwrite the documentation regime: visibility, choreography, and temporality. In each chapter, I interpret works of performance, video, and sculpture in relation to these technologies and logics. I argue that the artists in my study subvert the surveillance of the documentation regime in performances of queer mis/recognition, relationality, and futurity. As

Alan Pelaez Lopez, who you'll meet in Chapter Two, says, "The work of undocumented and formerly undocumented artists needs to be prioritized, because they have developed worlds in which to exist that don't require *papers* or *citizenship*" (Pelaez Lopez 2017). Together we will follow migrant artists into other worlds, into futures free from surveillance. Before we go further into my theory of the documentation regime, I first want to set the scene leading up to CDTW in 2014.

Context

The broad context of this study spans two decades of contemporary U.S. immigration politics starting in 2001, with my analysis focused on the years 2012-2022. This ten-year focus covers three presidential administrations: Barack Obama's two terms as Deporter-in-Chief; Donald Trump's four-year reign of terror; and the Biden-Harris's ambivalent continuation of a number of Trump's cruelest policies.⁶ My focus on 2012-2022 is bookended by the beginning and end of Obama's Deferred Action for Childhood Arrivals (DACA), the administrative program around which I first began to theorize the *documentation regime*. In Chapter One, I'll detail the complex legal trajectory of DACA and its impacts on queer migrant artists. In Chapter Two, I trace the origins of the *documentation regime* to European invasion, settler colonialism, and chattel slavery in the United States. In Chapters Three and Four, I investigate the international operations of the *documentation regime* in Central America and analyze two administrative programs implemented during the Trump Administration that especially affected Central American migrants: international data-sharing agreements and the destruction of official databases documenting family separations.

2001-2011

⁶ Robles, Justo. "Title 42 Migration Restrictions Have Ended, but Biden's New Policy Is Tougher." *The Guardian*. March 13, 2023. <https://www.theguardian.com/us-news/2023/may/13/title-42-migration-biden-new-policy-tougher>

Let's begin in 2001, with the introduction in the U.S. Senate of the Development, Relief, and Education for Alien Minors (DREAM) Act, a bipartisan bill that would have granted conditional permanent residency for a select group of undocumented youth.⁷ Just months before September 11, 2001 (9/11), when the global “War on Terror” would vastly expand the United States’ powers to target racialized migrants for surveillance, detention, and deportation, the DREAM Act’s first of many failures to pass in Congress began to reshape public discourse about which migrants in the U.S. deserve a pathway to citizenship. As Bautista, our CDTW producer, explains, DREAM Act activism and “that whole push for comprehensive immigration reform” throughout the 2000s created divisions between ideas of “good” and “bad” immigrants.”⁸ The good-versus-bad immigrant narrative criminalized some migrants while idealizing others — like the DREAM Act-eligible youth called DREAMers — as more deserving of protection from deportation. Bautista recalls how CDTW worked to challenge this persistent narrative:

I remember at one of the first [CDTW events], the media really latched onto the idea that at that specific jail, [the MDC], it wasn't just immigrants. It's more like a processing center, and so a lot of the people that were there actually had felonies or were there for violent crimes... But we decided to continue because that was part of the messaging... it's not just for those “good” immigrants. We're talking about everyone, including those people that have felonies. Because we know the criminal justice system in the U.S. is not there. At the end of the day, it's these separations of what it means to be a good immigrant versus [bad] that have been damaging.⁹

As the good-versus-bad immigrant narrative gained prominence in public discourse and political organizing strategies, state power in the post-9/11 U.S. reconfigured as a “national security state...with a new focus on migration control and anti-terrorism” (Gonzales 2013, 2).

⁷ “DREAM ACT 2017 Summary and Answers to Frequently Asked Questions.” National Immigration Law Center (NILC). Nov 28 2017 <https://www.nilc.org/issues/immigration-reform-and-executive-actions/dream-act-2017-summary-and-faq/>

⁸ Claudia Bautista, interviewed by Rosanna Simons. Los Angeles. September 3, 2019. In-person.

⁹ *ibid.*

The events of 9/11 resulted in the foundation of the Department of Homeland Security (DHS) in 2001 and Immigration and Customs Enforcement (ICE) in 2003, “prompt[ing] a massive growth in immigration enforcement” and an “overhaul of the administrative systems that govern identification” in ways that specifically target racialized migrants (Spade 2011, 55). Dean Spade describes this overhaul as the “rise of the administration,” a formation under which “various agencies now compare their entire data sets and seek out mismatched information” (2011, 150). The matrix of data collection programs that comprise the rise of the administration are at the center of my theory of the documentation regime, and we will return to them in a moment.

The year 2005 saw the passage of the extreme anti-migrant bill H.R. 4437 in the House of Representatives. Alongside the explicit xenophobia of 4437, administrative power continued to consolidate. On the international stage, the U.S. further entrenched centuries of neocolonialism in Central America with the Central America Free Trade Agreement (CAFTA), modeled after its 1995 predecessor in Mexico, the North America Free Trade agreement (NAFTA). Like NAFTA before it, CAFTA caused economic and political destabilization in the region.¹⁰ As a result, unauthorized migration to the U.S. from Honduras, Guatemala, and El Salvador surged. In a few years, the Obama Administration would orchestrate a military coup in Honduras that eventually led to what the President called a humanitarian crisis of unaccompanied child migrants at the Southern border. Back in the U.S. in 2006, the largest migrant justice demonstrations in U.S. history protested H.R. 4437 and demanded comprehensive immigration reform.¹¹ In some ways,

¹⁰ Lilliston, Ben. “Climate Change, CAFTA, and Forced Migration.” *Institute for Agriculture and Trade Policy*. May 16, 2019. <https://www.iatp.org/blog/201908/climate-change-cafta-and-forced-migration>

¹¹ Watanabe, Teresa and Hector Becerra. “500,000 Pack Streets to Protest Immigration Bills.” *Los Angeles Times*. March 26, 2006. <http://articles.latimes.com/2006/mar/26/local/me-immig26>

the messaging of the marches amplified the good-versus-bad immigrant narrative and the divisions resulting from it.

After failing to pass in Congress throughout the 2000s, hopes for the DREAM Act and comprehensive immigration reform renewed in 2009, when President Barak Obama took office and proclaimed his support for the legislation. Though he had campaigned on promises of immigration reform, Obama was setting records for higher numbers of deportations than any president before him, earning him the title “Deporter In Chief.” Meanwhile, in the realm of U.S. migrant justice activism, undocumented queer and trans migrants “[took] center stage in leading activist and artistic movements,” relentlessly demanding a moratorium on deportations (Chavez & Luibhéid 2020, 4). The undocumented youth movement adapted strategies from historical LGBTQ organizing around the cultural schema of “coming out,” as in “coming out of the shadows,” a play on the dominant shadow metaphor in immigration discourse (Enriqueza and Saguy 2016, 107).¹² The Immigrant Youth Justice League (IYJL), a Chicago-based undocumented youth organization, produced the first National Coming Out of the Shadows Day event, and countless YouTube and Facebook videos circulated of undocumented youth “coming out of the shadows” by publicly declaring themselves “undocumented and unafraid.” To this declaration, some added, “queer and unashamed.” High-profile journalist Jose Antonio Vargas “came out” as undocumented in 2011 and graced the cover of *Time* magazine with a collective of undocumented people, including illustrator Julio Salgado who you’ll meet in Chapter One.

¹² The schema of ‘coming out’ – with its preexisting meanings about disclosing one’s identity despite being fearful – allowed the immigrant youth movement to address undocumented youths’ fears about publicly sharing their immigration status... In adapting this cultural schema to the needs of this new movement context, national leaders increased the resonance of ‘coming out’ by pairing it with the schema of immigrants living in ‘the shadows.’ California leaders practiced additional cultural innovation by using ‘coming out’ to refer specifically to public and risky forms of disclosure and using other language to identify safer or more private forms of disclosure... Movement leaders and lesbian, gay, bisexual, transgender and queer (LGBTQ) individuals are more likely than others to speak of coming out as undocumented (Enriqueza and Saguy 2016, 107).

Undocumented migrants, and especially the idealized DREAMers, were undoubtedly gaining visibility as a political force and operationalizing visibility politics as a strategy for legal recognition.

And then, despite this visibility, and new concessions on border militarization and increased funding to ICE and Customs and Border Patrol, the DREAM Act yet again failed to pass in 2010 and 2011.

2012-2022

Obama held the power of executive action to halt his mass deportation machine, but throughout the first three years of his presidency he'd stalled taking action to relieve migrant communities from the terror of ICE. Instead, the President claimed it was "up to Congress" to protect migrants. Finally, in response to intensifying grassroots pressure and in the lead-up to the presidential election, Obama signed in June 2012 the administrative memorandum¹³¹⁴ that laid the groundwork for what we now know as DACA: for certain youth not in removal proceedings who pass a background check, "USCIS should establish a clear and efficient process for exercising prosecutorial discretion...by deferring action against individuals who meet the above

¹³ Napolitano, Janet. "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the U.S. as Children." U.S. Department of Homeland Security. June 15, 2012.
<https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>

¹⁴ Addressed to the acting commissioner of U.S. Customs and Border Protection (CBP) and the directors of U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE), Napolitano's memorandum instructed the Department of Homeland Security (DHS) to evaluate on a case-by-case basis "certain young people" who are encountered by USCIS, CBP, or ICE or who are "in removal proceedings but not yet subject to a final removal order," according to the following criteria: "came to the United States under the age of sixteen"; "has continuously resided in the United States for a least five years preceding the date of this memorandum and is present in the United States on the date of this memorandum"; "is currently in school, has graduated from high school, has obtained a general education development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States"; "has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety"; and "is not above the age of thirty" (Napolitano 2012, 2).

criteria and are at least fifteen years old, for a period of two years, subject to renewal”

(Napolitano 2012, 3). When the comprehensive immigration reform Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744) also failed, despite bipartisan support in the Senate, to pass in the House of Representatives in 2013, grassroots organizers again heightened pressure on Obama to put a stop to the violences of detention and deportation. Simultaneously, the crisis of unaccompanied Central American minors arriving at the Southern was approaching its peaked.

2014

And that circles us to back to CDTW in 2014. For seven weeks, migrant artists and activists came together outside the MDC to demand more than DACA, performing for an audience of criminalized, and therefore ineligible for deferred action, migrants inside the prison. In November 2014, Obama reluctantly decided to issue another executive order, as he had done in 2012. He would implement an expansion of the two-year DACA program into a three-year DACA+, as well as initiate a new program called Deferred Action for Parents of Americans (DAPA). Those who met the conditions of the new DAPA program or of DACA+ would be eligible to apply to live and work in the U.S. for a temporary, potentially renewable three-year period. Neither program would bring applicants closer to permanent residency or citizenship, neither would grant legal status. Despite Obama’s promises that priority enforcement strategies would make “felons, not families” the targets of his deportation machine, “numerous DREAMers [would come to be] detained, subjected to deportation proceedings, and then deported” (Chavez, Karma 2013, 100). To this day, the majority of people deported from the U.S. either “have no criminal record,” have “records related to traffic offenses, low-level drug, or reentry after

previous deportation,” or are people who “sought humanitarian protection but were denied” (Luibhéid 2020, 32).

The seventh CDTW took place on the night of Obama’s DACA+/DAPA announcement, and event coordinators had arranged to project the President’s speech on a big screen. Afterwards, coordinators and audience members voiced their initial responses to the announcement. As Bautista remembers,

It was mixed reactions because people were mad, you know, about how [Deferred Action] was so limited, and how so many people were left out, and thinking about the fact that it was undocumented youth that pushed for DACA, yet their parents were the ones that were excluded.¹⁵

After the announcement, Bautista and her collaborators “didn’t do CDTW for a while, because it was kind of like, where do we go from here?”¹⁶

2015-2022

Moving quickly now, DACA+ and DAPA were suspended in legal challenges into 2015. As the 2016 election neared, it became clear that DACA+/DAPA would not be implemented during Obama’s presidency, if ever. Trump was elected President after a campaign of extreme anti-migrant rhetoric specifically against Mexican and Central American migrants. Almost immediately following his inauguration in January 2017, the Trump Administration “issued an executive order aimed at increasing the number of detentions and deportations,” stating on the DHS website that it would “not exempt classes or categories of removal aliens from potential enforcement” (Valdivia 2020, 128). The order was in direct opposition to Obama’s prosecutorial discretion [footnote]. By June, immigration-related arrests increased by almost 40 percent and

¹⁵ Claudia Bautista, interviewed by Rosanna Simons, September 3, 2019.

¹⁶ *ibid.*

included DACA beneficiaries (Valdivia 2020, 129). During 2017, the Trump Administration also began in secret its horrifying “Zero Tolerance” policy of family separation. The administrative aftermath of Zero Tolerance continues today, and as of early 2022, over 1,000 children remained separated from their families (Barrios 2023). We will witness this scene in Chapter Four. DACA remained in legal limbo for the duration of Trump’s presidency and for the first two years of the Biden Administration, and was finally ruled to be unlawful in the Fifth Circuit Court of Appeals in October 2022. We’ve arrived in the present.

The Documentation Regime

To make sense of these dynamics between visibility politics, documentation, detention, and deportation, I want to elaborate here my theory of the documentation regime. The term *documentation regime* gestures to Nicholas De Genova’s (2010) conception of the deportation regime. De Genova theorizes the practice of deportation in the post-9/11 world order as a “pervasive convention of routine statecraft” and therefore “a virtually global *regime*” (2010, 34). Peutz and De Genova posit that deportation, “as an exceedingly normalized and standardized technique of state power,” actually conceals “the historically particular political and *administrative* processes by which deportability...is produced and imposed” (2010, 6, emphasis mine). Here, I’m interested in the particular administrative processes — documentations — that impose detainability and deportability. Indeed, the state violences of detention and deportation require “proper identification (with documentary evidence)” of the targeted individual (Chavez 2013, 13). I therefore theorize the documentation regime as an ever-evolving arrangement of interlocking and overlapping administrative processes that identify certain racialized migrants as detainable, deportable, and ultimately, deserving of premature death. Importantly, the

documentation regime's dual structure of state and non-state violence means that unofficial forms of surveillance uphold and amplify state power.

Later I will go into more depth about the way I've been theorizing the documentation regime around ideas of visibility, temporality, and choreography. First, I want to say that the scope of this dissertation does not reach every site of the documentation regime. There are many possibilities for further exploration, especially since anti-migrant policies, surveillance technologies, and formations of resistance against them have significantly evolved since I began this research. Like Simone Browne says of her theory of racializing surveillance, "this is not the entire story of surveillance...but it is the part that often escapes notice" (2015, 8). Browne refers to her intervention into surveillance studies to expose Transatlantic slavery as the "antecedent to contemporary surveillance technologies and practices" (Browne 2015, 12). Building from Browne's work on the origins of surveillance in anti-blackness, my theory of the documentation regime is meant to tell the story of another realm of racializing surveillance — the contemporary documentation regime that surveils Black, Brown, and Indigenous migrants from Central America and Mexico.

Scholars of migration have addressed the particular political, social, and legal processes by which detainability and deportability are produced. For example, the convergence of laws that determine certain racialized migrants as "illegal" and produce the category of illegality, an abject status reinforced in public discourse. Cecilia Menjívar and Leisy J. Abrego (2012) call this "increasingly fragmented and arbitrary" intertwining of immigration law and criminal law *legal violence*. The term legal violence "captures the suffering that...is made possible through the implementation of the body of laws that delimit and shape [migrants'] lives on a routine basis" (Menjívar and Abrego 2012, 1385). The legal violence framework is especially useful

here because it reveals the “central role of law” in both facilitating and legitimizing “structural and symbolic forms of violence” against migrants. In the legal violence framework, the law both produces violence and legitimizes this violence as “normal” and “socially acceptable” because “it is the law” (Abrego and Lakhani 2015, 268). As we move forward, we will come to understand law as written a form of surveillance, a means of documentation. Additionally, racialized migrants who are “legally vulnerable and criminalized,” including migrants with liminal legal statuses such as DACA, are not only targeted for legal violence and excluded from legal protections. Rather, as Lisa Cacho argues, criminalized populations “*form the foundations of the U.S. legal system,*” as they are “imagined to be the reason why a punitive (in)justice system exists” in the first place (Cacho 2012, 5). The short and long-term consequences of legal violence ultimately thwart certain migrants’ “incorporation into the host society.” Finally, legal violence is facilitated by a “vast technological infrastructure and state bureaucracy” (Menjívar and Abrego 2012, 1391). This state bureaucracy and its relationship to migrants’ incorporation into the settler colonial U.S. is central to my theory of the documentation regime.

In critical trans studies, Dean Spade has theorized administrative violence in the post-9/11 U.S. — a timeframe he calls “an age of cooptation and incorporation” (Spade 2011,14-15). Here incorporation takes on a different connotation than it does in the legal violence framework. If the law itself legitimizes legal violence in the legal violence framework, Spade adds that legal reforms “risk refining the system...by eliminating its most obvious contradictions” (Spade 2011, 92). In other words, the desire for official recognition in the form of immigration documents, and the desire for citizenship via comprehensive immigration reform, are at risk of incorporation into the documentation regime. Efforts to obtain legal recognition are coopted by the state and incorporated into the documentation regime, legitimizing criminalization and justifying increased

surveillance. If we develop strategies that adhere to the documentation regime's logics of visibility, choreography, and temporality, these strategies can become coopted and incorporated to not only maintain but expand the state's power to exact violence against racialized migrants. Spade cautions that if we "narrow our vision in ways that...limit our imaginations to what a U.S. legal system, created to establish and maintain slavery and colonialism, can provide," we risk "perpetuat[ing] rather than deeply transform[ing] the arrangements that concern us" (2011, 128). With its strategy of visibility to obtain legal recognition, the mainstream migrant justice movement is especially susceptible to cooptation and incorporation. In Chapter One, I will expand upon these ideas, and interpret how "undocumentedness" and tenuous legal status produce "ways of being, seeing, and existing" (Guterman 2014, 9) that allow for visions of transformation that are resistant to cooptation and incorporation. I'll define undocumentedness in a moment.

Spade says administrative violence is structured around a matrix of state-sponsored data collection programs that "rely on [racialized] gender surveillance and forced classification" (Spade 2011, 157). These classifications directly determine life chances, in that they "sort the population into those whose lives are cultivated and those whose are abandoned, imprisoned, or extinguished" (Spade 2011, 137). DACA and DAPA in Chapter One are clear examples of state-sponsored data collection targeted at racialized migrants, and I organize each of my subsequent chapters around three additional programs. For Spade, data collection projects have historically been "key moments of expanding the reach of the government and defining who are members of the 'us' of the nation and who are the 'outsiders'" (Spade 2011, 141-42). While Spade's focus is how the "us" of the nation excludes transgender people, he considers undocumented migrants to be "the primary targets of this new use of government data" (2011,151). Invoking Menjívar and

Abrego's (2012) legal violence framework and Spade's theory of administrative violence, I'm thinking about the documentation regime as a site of legal administrative violence. Of course, we must remember that in addition to state-sponsored data collection and governing through memos and guidance documents, the documentation regime also operates via normalized non-state surveillance.

Recently, some migration scholars have shifted frameworks centered on illegality to theorize what Gad Guterman terms *undocumentedness*, a noun that “stress[es] how the labels that immigration law creates...engender particular conditions.” The noun “describes circumstances under which people must live” (Guterman 2014, 2), namely, the circumstance of living in the U.S. without legal immigration documents. Eithne Luibhéid explains that “undocumented” is a relatively “recent term/status,” and is used to describe “not a ‘type’ of person, but rather, a person who has been *made* undocumented through relations of power, knowledge, and struggle” (Luibhéid 2020, 25). Increasing scholarship has analyzed the political strategies of the undocumented youth movement during the 2010s to obtain official recognition in the form of documentation and citizenship. As scholarship has rapidly proliferated about “the undocumented” during the last decade, and undocumented people have figured more and more prominently in politics and popular media, obtaining documented status has largely come to hold a positive signification — moving from undocumented to documented status signifies strategic successes of DREAMers and other sectors of the migrant justice movement.

The 2020 publication of *We Are Not Dreamers: Undocumented Scholars Theorize Undocumented Life in the United States* (eds Abrego and Negrón-Gonzales) marks a key turning point in the field. This seminal text is the first edited volume to publish research exclusively by undocumented and formerly undocumented scholars writing about their own experiences and the

complexity of benefits, risks, and compromises involved in seeking legal presence, official recognition, and citizenship. Obtaining immigration documents inarguably has material, physical, and psychological benefits. However, the word “documentation” in my documentation regime framework signals that the violence of the detention and deportation regimes is inseparable from legal administrative violence in the form of state-sponsored data collection and immigration documents. Unlike the spectacular violence of detention and deportation, however, the layered and interlocking administrative processes that comprise the documentation regime are more difficult to identify and expose as violence.

De Genova’s deportation regime encompasses deportation as a technique of state power on a global scale, and deportation from one nation-state to another does require “the agreement and cooperation of the individual’s country of origin” (Peutz and De Genova 2010, 13). I elaborate my theory of the documentation regime within the context of immigration law and politics in the settler colonial United States, with a regional focus on how the documentation regime surveils and choreographs migrations between Central America, Mexico, and the U.S. Like Bautista says,

It’s important to have that international lens because...you can’t talk about [immigration] without understanding the fact that the U.S. is pushing Mexico to also militarize their border, and now they’re also pushing Guatemala and El Salvador...It’s an issue of understanding how migration happens.¹⁷

Migration scholars and activists have thoroughly researched data sharing agreements between agencies within the U.S. For example, data sharing agreements between local police forces and Immigration and Customs Enforcement, such as in the infamous 287(g) program. I contribute to this U.S.-based analysis by examining how the documentation regime enables international data

¹⁷ Claudia Bautista, interviewed by Rosanna Simons. Los Angeles. September 3, 2019. In-person.

sharing outside the settler colonial United States, between the U.S., Mexico, and Central America.

Connecting this international lens with a critique of U.S. settler colonialism rooted in Indigenous studies frameworks is crucial to theorizing the documentation regime. Audra Simpson explains that contemporary nation-states “take themselves to be settled, to be secure, to be stable in their history and their purpose” (Simpson 2014, 185). And for Joseph Nevins, the presence of unauthorized migrants within any national territory “directly challenges the legitimacy of nation-statism” (Nevins 2010, 215). My chapters examine how migrant artists call nation-statism into question. The failure of the nation-state to control migration from Central America and Mexico into the U.S. exposes U.S. settler sovereignty as fragile and illegitimate, as vulnerable to subversion. Migrants moving across borders without official recognition or legal authorization from the state threaten to unsettle the incomplete project of settlement (Simpson 2014). The act of unauthorized migration itself exposes the failings of administrative governance to secure U.S. settler borders, destabilizing settler history and futurity. An international lens combined with a critique of U.S. settler colonialism locates the origins of the documentation regime in European invasion, colonization, enslavement in the land that was renamed the United States, followed by centuries of U.S. neocolonialism in Central America and Mexico.

Visibility, Choreography, Temporality

My ideas about the documentation regime’s logics of visibility, choreography, and temporality emerge from works of live performance, video, and sculpture by migrant artists. Now I will invoke queer of color performance and critical dance scholars to theorize these logics and interpret how Reyes, Salgado, Pelaez Lopez, Leiva, and Cortez perform queer subversions of the documentation regime to create worlds free from surveillance. As we saw above, queer and

trans artists and activists have been at the forefront of the migrant justice movement during the last decade. Likewise, scholars of queer and trans migrations have pushed the boundaries of the field to account for the intersections of gender, sexuality, race, parental status, legal status, etc. that determine which migrants are considered deserving of safety and citizenship, and which become targeted for documentation, detention, deportation, and death. However, of the five artists you will meet in the coming chapters, only some center gender, sexuality, and queer identity in their work and biographies. And as I analyze videos and sculptures, theories of performance and dance¹⁸ may not seem the obvious frame of reference.

But beyond a gender and/or sexual identity, queerness here is also an analytic rubric and an oppositional politic. Within queer and trans migration studies, queer as an analytic address “questions of power, intersectionality, normalization, dispossession, and transformation,” and “historicizes the material and ideological work performed by all identity categories” (Chavez & Luibhéid 2020, 7). In queer of color performance theory, queerness as a politic takes on a temporal significance, as “the rejection of a here and now and an insistence on [the]...concrete possibility for another world” (Muñoz 2009, 1). Thus, queerness, oppositional politics, and performance are always entwined. And performance includes not only live theater and dance, but is essentially any “presentation or ‘reactualization’ of symbolic systems through both living and mediated bodies” (McKenzie 2001, 8). In this dissertation about documentation and surveillance, I will center my performance analysis on mediated, or more specifically mediatized, bodies in works of video, and on the absence of bodies in works of sculpture.

Iconic queer of color performance scholar Jose Muñoz defined queerness as “not simply a being but a doing,” a performative force “for and toward the future.” For Muñoz, queerness is

¹⁸ Traditionally defined as exclusively live (McKenzie 2001).

also a feeling, it's "that thing that lets us feel that this world is not enough, that indeed something is missing" (2009, 1). Building from Muñoz, Ramon Rivera-Servera, says the work of performance studies scholars is "to identify and define the enfleshments and experiences produced in laboring together in the shared time-space of performance" (2012, 18). Analyzing mediatized and absent bodies in video and sculpture, however, allows us to think about how from the impossibility of physical co-presence, migrant artists perform shared time-space in queer ways. This element of embodiment makes performance not only a theoretical framework and "an object of analysis," but also an epistemology, "a way of knowing" (Taylor 2003, xvi). For me, queerness is like performance in that it is also an embodied way of knowing. I'm a queer scholar, so my methods and theories are queer. I'm a performer, so my ideas and writing will always emerge from embodied experience and the queer feelings these experiences elicit.

Critical dance theorist, André Lepecki theorizes the "choreographic dynamics of social movements and social change" both "on the stage" and "in the streets" (2006,11). For me, critical dance theory has opened possibilities to think about the choreographic dynamics of governance, about state surveillance and documentation of migrant movements as choreography. Therefore, my engagement with queer of color performance and critical dance theory is not intended to position artists within a shared identity category of queerness or their artworks under a single definition of performance. Rather, queer of color performance and critical dance – with their attention to the interconnectivity of discourse, law, and the body – offer a paradigm for theorizing settler colonial logics of visibility, choreography, and temporality, and for understanding movement in its multiple significations.

Also building from Muñoz, Juana Maria Rodriguez describes queer of color performance critique as "a methodological practice that shuttles between the interpretive poles of law and

performance,” between “the rigid confines of the law and its material implications, and the imaginative potential of the performative and its psychic impact” (2014, 22). This dissertation interprets law and performance to address legal administrative violence and its material impacts on migrants living without permanent legal status, or in a state of undocumentedness. But like Rodriguez says of the potential of the performative, the documentation regime’s legal administrative violence also has psychic impacts, affective effects. Its administrative operations in the form of “immigration documents, employment forms, birth certificates, tax forms, [and] drivers’ licenses” produce abject feelings for undocumented migrants (Gonzales and Chavez 2012, 255). Additionally, I argue that non-state entities of the documentation regime — journalists, scholars, non-profits, lawyers, media producers, artists, curators — reinforce the abjection of nonlegal status.¹⁹ Lauren Berlant writes about “affectively structured citizens” and argues that citizenship is the “primary way in which the state’s power is made real and personal, affective in its capacity (1997, 16). Here, though, the state’s power is made real and personal, material and psychic, sometimes through criminalization and the impossibility of citizenship, and other times through liminal legal status and the conditional possibility of citizenship in an ever-deferred future. And as we will see in Chapter One, the resulting affects facilitate cooptation and incorporation.

Thus a consideration of affect is key to understanding how state power operationalizes the documentation regime to restrict, predict, and produce migrant movements. And queer of color performance and critical dance provide essential frameworks for addressing these questions of affect and effect. In the coming chapters, I theorize affects of national love, submission,

¹⁹ Cecilia Menjívar and Abrego, “Legal Violence: Immigration Law and the Lives of Central American Immigrants,” *American Journal of Sociology* 117:5, 1380-1421, 1391, <https://doi.org/10.1086/663575>

hopelessness, and trauma. Rivera-Servera says that queer performance “elicit[s] the kinds of affective forces required to instantiate political change” (2012, 32) and facilitates “moments and movements of critically engaged, affectively rich, and politically promising interconnection” (2012, 40). In video and sculpture, the artists here embody heartbreak, anger, critical hope, and joy, affects that transform the material and psychic impacts of surveillance. No matter how temporary, the feelings elicited in queer performance remind us that “other ways of being in the world, and ultimately new worlds” are possible (Muñoz 2009, 1). As we move through each chapter, we will experience a multitude of queer worlds in the past, present, and future.

In summary, the artists in this dissertation not only expose the workings of the documentation regime, but also perform queer strategies to subvert surveillance. To counter the settler colonial logic of visibility and official recognition, they perform queer recognitions and misrecognitions. To refuse the individuation of the documentation regime’s choreography, they perform queer relationality and what sculptor Beatriz Cortez, whose work we’ll engage in Chapter Four, calls “nomadic collectivity.” As an adaptation to the documentation regime’s temporality of deferral, they perform anticipation and queer futurity. As an antidote to the documentation regime’s affects of national love, submission, hopelessness, and trauma, the artists embody heartbreak, anger, critical hope, and joy. Despite the documentation regime’s power to restrict, predict, and produce migrant movements, the artists in this study envision and enact worlds of protection and freedom of movement — beyond the state’s view.

Where Were We?

I want to connect these realms of theory to elaborate on the documentation regime’s settler colonial logics of visibility, choreography, and temporality. To do so, let’s return to the physical world for a moment, back to downtown Los Angeles, outside the Metropolitan

Detention Center. If you remember, we were here with Bautista on the night of Obama's DACA+/DAPA announcement, at the final CDTW concert of 2014. After the band La Santa Cecilia performed, CDTW producers projected the streaming announcement on a large screen. Then audience members shared their reactions on the mic, reactions that included critiques of how the struggle for DACA and the DREAM Act resulted in cooptation and incorporation. When the event was over, Los Jornaleros del Norte and La Santa Cecilia stayed on site to film a music video for their song "Serenata a un Indocumentado."²⁰ Directed by acclaimed film maker Alex Rivera, the video depicts La Santa Cecilia and Los Jornaleros standing on a street corner facing the Metropolitan Detention Center and playing their song. Significantly, the serenade is not meant for a specific individual, but is addressed to "un indocumentado," an unidentified undocumented person. We're not going to watch the entire piece together.²¹ For now, we'll look at three stills that will frame our conversation around visibility, choreography, and temporality.

The video opens on the mid-section of the MDC, two levels of balconies. The unsteadiness of the frame has the intimate feeling of a handheld camera. White text in Spanish and English layered over this visual introduces the song: "Across the United States, immigrants are locked up, in prisons like this one...Through tiny windows, they get one last glimpse...Of the country from which they'll be deported." Like the refrain I described from my first CDTW, "We See You, We See You," the visuals, lyrics, and sonics of the video communicate ideas about seeing and being seen, despite the impossibility of recognizing, identifying, or knowing who we are seeing.

²⁰ Los Jornaleros del Norte, "Serenata a un Indocumentado" YouTube, Directed by Alex Rivera. May 16, 2015. Music Video, 4:38. https://www.youtube.com/watch?v=IeEOcFsw6_A

²¹ I recommend viewing on YouTube: https://www.youtube.com/watch?v=IeEOcFsw6_A



Figure 1 “Serenata a un Indocumentado” by Los Jornaleros screenshot

The camera pans to our vocalist, we are looking at her looking at the MDC. Her eyes express heartbreak as she sings. Her lyrics are in Spanish, with subtitles in English. She begins,

Look out the window
I brought you a serenade
Although you are imprisoned
someone who loves you is singing.”

The English version, “Look out the window,” translates the original phrase in Spanish, “Asómate a la ventana,” literally “Lean out the window.”²² This merging of “look out” and “lean out” (as in, “come physically closer to me”) is significant for my ideas about visibility, choreography, and temporality. Just as the song’s title does not identify whom the performance is for, this lyric does not identify the singer or her relationship to the person she is singing to, only that she is “someone who loves you.”

In another angle, we as viewers are behind the band, looking up at the MDC from a position low to the ground. Our vocalist sings about how “unjust laws seek to separate us and criminalize us for being undocumented,” as the band member in the far right of the frame

²² Los Joranaleros del Norte, “Serenata a un Indocumentado by Los Jornaleros” YouTube, Directed by Alex Rivera. May 16, 2015. Music Video, 4:38. https://www.youtube.com/watch?v=IeEOcFsw6_A

reaches up and waves to someone inside. We can't see whether this someone is waving back.

The final lyrics of the song are,

“Wherever you go I will follow,

even if they deport you...

because without you, ya pa' qué?,”²³

or “what is it all for?” While the band plays, silent black and white videos of faces speaking are projected onto one of the jail's walls. The song ends with the band turning towards and walking past us, with more text as the outro. The text informs viewers that the video was filmed on the night of Obama's 2014 Deferred Action announcement, and that the faces projected onto the wall are day laborers who did not qualify. If you'll stay with me a little longer, we can go deeper into the documentation regime's settler colonial logics of visibility, choreography, and temporality.



Figure 2 “Serena a un Indocumentado” by Los Jornaleros screenshot

²³ ibid

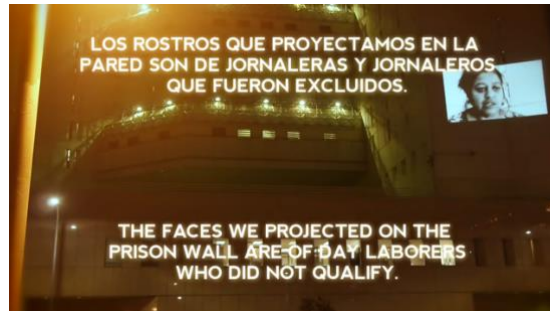


Figure 3 “Serena a un Indocumentado” by Los Jornaleros screenshot

Visibility

To subvert the settler colonial logic of visibility, the artists in my study perform queer recognitions and misrecognitions. When I say logic of visibility, I’m thinking about visibility in several ways. One, language about visibility saturates public discourse about immigration — language about being invisible and existing “in the shadows,” conversations about the hypervisibility of racialized migrants from Central America and Mexico, and reporting on the spectacular violence of workplace raids. I’m also thinking about visibility in the sense of the visibility politics of DREAM Act and DACA activism, exemplified in the “coming out of the shadows” initiative. Visibility is connected to recognition as a political goal, such as becoming visible to the state by obtaining official recognition in the form of immigration documents. Of course, visibility is also about surveillance — being seen as in being identified.

Performance scholar Peggy Phelan’s (2004) critique of presence and visibility helps us discern how visibility and recognition relate to the migrant justice movement. Phelan (2004) argues that a misunderstanding of “the relationship between visibility, power, identity, and liberation” on the part of both “progressives dedicated to visibility politics” as well their conservative opponents, has led to a “dangerous complicity” between the two groups. In other words, a progressive dedication to visibility politics is easily coopted and incorporated towards the expansion of the documentation regime. “Visibility is a trap,” Phelan claims (2004). “It

summons surveillance and the law; it provokes voyeurism, fetishism, the colonialist/imperial appetite for possession” (Phelan 2004, 6). In Chapter Two, we will look more closely at these ideas of voyeurism and fetishism. Despite her critique of visibility politics, Phelan does not propose invisibility as an alternative. She explains, “the binary between the power of visibility and the impotency of invisibility is falsifying. There is no real power in remaining unmarked; and there are serious limitations to visual representation as a political goal” (Phelan 2004, 6). Instead, Phelan asks whether it might “be possible to construct a way of knowing that does not take surveillance of the object, visible or otherwise, as its chief aim” (2004, 1-2). In the chapters to come, we will see how migrant artists disrupt the falsifying binary between visibility and invisibility that Phelan critiques. Rather than analyzing acts of “coming out of the shadows,” and into visibility, we will analyze the shadows as a place of neither visibility nor invisibility. At the same time, the works of performance, video, and sculpture in this dissertation also trouble Phelan’s (2004) claim that there is no real power in remaining “unmarked.”

Another sense of visibility is visibility as recognition, as in becoming visible to and seeking recognition from the state, an assertion that official recognition equals protection. The artists here also trouble the binary between official recognition as protection and being unrecognized as a lack of rights. For Simpson, recognition is “to be seen by another *as one wants to be seen*,” and political recognition means “to appear politically and in formal and official forms, to have rights that protect you from harm, that provide you access to resources, or that protect certain resources” (Simpson 2014, 23). However, as Glen Coulthard says of contemporary settler colonialism, “colonial powers will only recognize the collective rights and identities of Indigenous peoples insofar as this recognition does not throw into question the background legal, political, and economic framework of the colonial relationship itself” (2014,

41). Interpreting Franz Fanon, Coulthard writes, “recognition is not posited as a source of freedom and dignity for the colonized, but rather as a field of power through which colonial relations are produced and maintained” (2014, 16). Coulthard calls this relationship *the colonial politics of recognition*.

We are definitely not conflating political recognition for people who are Indigenous to the land occupied by the U.S., and political recognition for Black, Brown, and Indigenous migrants entering the U.S without authorization from Central America and Mexico. Rather, Simpson and Coulthard push us to think about how the documentation regime’s logic of visibility is rooted in settler colonialism, and how investing in visibility and official recognition ultimately work to legitimize settler sovereignty. If visibility and official recognition are not felicitous goals for the migrant justice movement, what do the objectives become? Simpson states that “there is a political alternative to ‘recognition.’...This alternative is ‘refusal.’” She argues that refusal “raises the question of legitimacy for those who are usually in the position of recognizing: What is their authority to do so? Where does it come from?” (Simpson 2014, 11). As we talked about earlier, the act of unsanctioned migration itself across colonial borders throws the legitimacy of settler statism into question. Remember how Guterman says that experiencing undocumentedness “forges ways of being, seeing, and existing?” (2014, 9). Through the documentation regime framework, we will interpret how the artists in this study neither petition nor refuse official recognition. Instead, we will read their works as queer performances of mis/recognition.

Juana Maria Rodriguez brings complexity to these ideas of official recognition when she writes that recognition is “not just a site of power,” but “an intimate, social and political gesture, a practice of engagement,” simultaneously “never complete,” and “always in the moment”

(2014, 48). Thinking of recognition as a gesture — a physical movement — and as always in the moment but also never complete and thus always in the future, brings us to the documentation regime's logics of choreography and temporality. Instead of official recognition and "legal remedies," (which in the U.S. were founded upon white supremacy, capitalism, heteropatriarchy, slavery, genocide, and xenophobia), Rodríguez proposes the queer gesture, "an ongoing process of communicating a desire for relationality"; the queer gesture is a "political tool that functions beyond the juridical," to "herald those political and personal intentions to reduce harm, ameliorate violence, heal trauma, and change the social conditions that create hierarchies of human value" (2014, 48). While we're thinking about the queer gesture as a physical movement as a desire for relationality, a desire against the "laws that seek to separate us," as La Santa Cecilia says, let's move into the documentation regime's logic of choreography.

Choreography

To subvert the documentation regime's choreography, the artists perform queer relationality. With the term choreography, I again cite Lepecki, who explains the etymology of the term: "choreography is the proper name given by a Jesuit priest judge to the technology of 'writing down movements' lest one forgets them" (2006, 52). Coined in 1589, choreography is "a peculiar invention of early modernity," and "a technology that creates a body disciplined to move according to the commands of writing" (Lepecki 2006, 6). Choreography's dynamic between dance and the written word "produced qualitatively unsuspected and charged relationalities between the subject who moves and the subject who writes" (Lepecki 2006, 7). Here we are thinking about the commands of writing as the documentation regime, and the purpose of writing down movements "lest one forgets them," connecting choreography to temporality — an anticipation of forgetting. The choreography of the documentation regime

disciplines migrant movements through the commands of administrative governance. According to Michel Foucault, state surveillance “centers on the body, produces *individualizing* effects, and manipulates the body as a source of forces that have to be rendered both useful and docile” (1995, 104, emphasis mine). Describing choreography as an interpellation, Lepecki argues that it “demands submitting body and desire to disciplining regimes...all for the perfect fulfillment of a transcendental and preordained set of steps, postures, and gestures that nevertheless must *appear ‘spontaneous’*” (2006, 9, emphasis mine). The idea that choreographed movements must appear spontaneous is especially significant for understanding the documentation regime’s logic of choreography, in that the United States interpellates (with military interventions and occupations, with coerced “free” trade agreements) migrants into its territory, and choreographs the routes that migrants must take to arrive. However, in order for the state to deny long-term official recognition and protections to migrants, and to justify its targeting of migrant bodies, these migrations must *appear spontaneous* – their choreographed nature must remain concealed from the collective consciousness of the nation-state.

Lepecki guides us towards dance and performance as embodiments that are especially powerful for undermining the documentation regime’s choreography: in spite of choreography’s power to interpellate individual bodies and direct their movements, it also “reveals itself as always diluted by each body’s tremors, involuntary acts, morphology, imbalances, and techniques” (2006, 63). I propose that in addition to involuntary acts, purposeful performances of queer mis/recognition, relationality, and futurity also undermine this interpellation. Thus, there is always the utopian potentiality that choreography’s interpellation can be refused and reworked against the commands of writing (legal administrative violence) and towards freedom of movement. For Lepecki, understanding bodies as relational is a crucial part of subverting

choreography. While the documentation regime attempts to individuate to facilitate identification, relationality makes individuation and identification impossible. Lepecki describes the relational body in physiological terms: “its borders, edges, or contours are ‘osmotic’ and...have the remarkable power of incorporating and expelling outside and inside in an ongoing interchange” (2006, 43). Rejecting the individuation of the body is essential within the migrant movement, because “displacement of the notion of the individual is the ultimate exhaustion of modernity’s mode of choreographing the dance of subjectivity. Without individuation, there is no possibility of assigning subjectivity within the economies of law, naming, and signification...dismantling of modernity’s idiotic [individual] body and its replacement by a relational body renews choreography as practice for political potentiality” (Lepecki 2006, 44).

Bodies that are relational to other bodies undermine and possess the potential to undo the documentation regime’s choreography. Referencing Paul Schilder’s theory of “body-image,” Lepecki also demonstrates the body’s relationship to temporality:

One’s body-image extends itself to any place any particle of one’s body has reached across space and time. Wherever one has left a particle of one’s body...there one finds the limits of one’s body-image. Wherever one has left an imprint of one’s body (including linguistic ones, affective ones, sensorial ones) there is a limit of one’s body-image...a body that is always late to its arrival and always ahead of its departure, a body that is never quite there in the context of its appearing (2006, 50-51).

Bodies that are relational and that move together and apart in a shared purpose, refuse the choreography of the documentation regime.

Temporality

As an adaptation to what I call the documentation regime’s *temporality of deferral*, the artists perform anticipation and queer futurity. I theorize the documentation regime’s temporality as a temporality like this: the documentation regime surveils racialized migrants in past, present, and future temporalities. It surveils (makes visible to the state) and documents bodies that have

already moved; thus, its temporality is retroactive, as it documents the presence of migrants who have either already crossed the border without authorization, or who have fallen out of legal status since arrival. Some activists of the migrant movement have equated retroactive visibility with increased protections from state violence. As we saw above, however, increased visibility yields increased vulnerability to surveillance. The documentation regime's temporality is also presentist, specifically when it grants temporary official recognition to migrants without any guarantee of more permanent protections; the migrant movement has sometimes adapted to the state's presentism, operating from the point of view that short-term official recognition for limited segments of the undocumented population is better than no official recognition within the foreseeable future. The migrant movement's presentism has been studied extensively. Here, I focus on the documentation regime's future temporality, its *temporality of deferral*. In programs such as DACA, legal status is always deferred, with conditional renewal every two years.

To understand the temporality of deferral, I look to Muñoz's theorization of queer temporalities. He says, "I think of queerness as a temporal arrangement in which the past is a field of possibility in which subjects can act in the present in the service of a new futurity" (Muñoz 2009, 16). Muñoz theorized disidentification and disidentificatory performance, which "possess extremely special temporalities in that they exist in both *the future and the present*" (*Disidentifications* 1999, 197). Disidentificatory performance creates "worlds of transformative politics and possibilities" and "engenders worlds of ideological potentiality that alter the present and map out a future" (*Disidentifications* 1999, 195).

Muñoz wrote about how queer temporalities hold potential for seeing and being seen as a relational "we" that cannot be individuated. "We," says Muñoz, "does not speak to a merely identitarian logic but instead to a logic of futurity. The 'we' speaks to a 'we' that is 'not yet

conscious,' the future society that is being invoked and addressed at the same moment" (2009, 20). This "we" is always already "not yet conscious," because this "we" requires a continuous, active participation in making the society of "we" more relational and collective as it becomes less limited by predetermined identities.

Continuing Muñoz's theory of "we," Juana Maria Rodríguez defines "we" as, a rhetorical gesture of future possibilities, an invitation to sit together in the emotion-laden spaces of meaning making and mystery. Rather than define itself through the exclusion of its others, this 'we' is continually coming together and coming undone, a precarious bond that performs its own disarticulation of desire and discontent. (2014, 1)

As we move through the dissertation, we will witness how migrant artists and activists come together and come undone in performances of queer mis/recognition, relationality, and futurity.

Conclusion

Are you still there? We're coming to a close. In this introduction, I outlined my theory of the documentation regime and identified its logics, technologies, and affects. In summary, the artists in this dissertation not only expose the workings of the documentation regime, but also perform queer strategies to subvert surveillance. To counter the settler colonial logic of visibility, they perform queer recognitions and misrecognitions. To refuse the individuation of the documentation regime's choreography, they perform queer relationality. As an adaptation to the documentation regime's temporality of deferral, they perform anticipation and queer futurity. The logics of visibility, choreography, and temporality are instrumentalized by four technologies: state-sponsored data collection through temporary immigration documents; state-issued IDs containing biometric data; transnational data sharing agreements; and state-sanctioned destruction of official databases. The documentation regime produces affects of national love, submission, hopelessness, and trauma. As an antidote to the documentation regime's affects the artists embody heartbreak, anger, critical hope, and joy. Despite the documentation regime's

power to restrict, predict, and produce migrant movements, the artists in this study envision and enact queer worlds of protection and freedom of movement.

Chapter Overviews

In the coming chapters, I analyze how the documentation regime's logics, technologies, and affects manifest in select policies and programs. In Chapter One, I detail the complex legal trajectory of DACA. In Chapter Two, I trace the origins of the *documentation regime* to European invasion, settler colonialism, and chattel slavery in the United States. In Chapters Three and Four, I investigate the international operations of the *documentation regime* in Central America and analyze two administrative programs implemented during the Trump Administration that especially affected Central American migrants: international data-sharing agreements and the destruction of official databases documenting family separations.

In Chapters One and Two, I center undocumented and formerly undocumented queer artists and activists whose works expose how the documentation regime's logics and technologies coopt migrant affect to incorporate mainstream immigrant rights movements for the expansion of state surveillance capacities. In Chapter One, I interpret "The Legalities of Being" by Yosimar Reyes and Julio Salgado, to analyze the documentation regime's technology of state-sponsored data collection programs. In Chapter Two, I interpret Pelaez Lopez's "Speak" and *Intergalactic Travels* to investigate the historical origins and contemporary effects of another technology of the documentation regime: state-issued IDs. In affective performances of heartbreak and anger, Pelaez Lopez and Reyes and Salgado enact queer recognition, futurity, and relationality to subvert the documentation regime and conjure futures beyond papers, beyond citizenship, beyond borders, and beyond the present. The artists also expose how the documentation regime not only operates via state power, but also activates the watchful gazes of

non-state entities: journalists, academics, artists, documentarians, and citizen-led non-profits. These varying actors are unified by a defining characteristic: their obsession with accounts of traumatic border crossings and visions of migrant suffering. Most importantly, the artists come to see through the eyes of their elders and ancestors the reality that official immigration documents will not protect them from detention and deportation, that citizenship will not grant them freedom of movement, and that legal inclusion will not transform trauma into joy.

The artists in Chapters Three and Four of the dissertation do not necessarily center queer gender and sexual identity in their work. While Chapters One and Two allowed us to see the past and present through elders and ancestors, the artists in Chapters Three and Four envision queer migrant futures through the eyes of children and youth. Moving from the national to the transnational, Part II explores the ways in which the documentation regime operates to choreograph movements across settler borders and into and out of its U.S. territory. Chapter Three interprets Alma Leiva's video work, *Conversaciones desde el otro lado*, and connections between U.S. neocolonialism in Honduras and the 2014 "crisis" of unaccompanied Honduran minors arriving at the U.S.-Mexico border. In Chapter Four, we look to Beatriz Cortez's *Joy Station* in relationship to the Trump Administration's Zero Tolerance Policy to envision futures free from surveillance.

Each of the artists you will meet in the coming pages performs aesthetic and affective subversions against the documentation regime's logics of visibility, choreography, and temporality. In turn, each envisions and enacts protection, freedom of movement, and joy, conjuring queer migrant futures free from surveillance.

Conclusion

Are you still there? We're coming to a close. In this introduction, I outlined my theory of the documentation regime and identified its logics, technologies, and affects. In summary, the artists in this dissertation not only expose the workings of the documentation regime, but also perform queer strategies to subvert surveillance. To counter the settler colonial logic of visibility, they perform queer recognitions and misrecognitions. To refuse the individuation of the documentation regime's choreography, they perform queer relationality. As an adaptation to the documentation regime's temporality of deferral, they perform anticipation and queer futurity. The logics of visibility, choreography, and temporality are instrumentalized by four technologies: state-sponsored data collection through temporary immigration documents; state-issued IDs containing biometric data; transnational data sharing agreements; and state-sanctioned destruction of official databases. The documentation regime produces affects of national love, submission, hopelessness, and trauma. As an antidote to the documentation regime's affects the artists embody heartbreak, anger, critical hope, and joy. Despite the documentation regime's power to restrict, predict, and produce migrant movements, the artists in this study envision and enact queer worlds of protection and freedom of movement.

Chapter One

Temporality of Deferral: National Love, Migrant Heartbreak, Queer Futures

There is a trend of folks writing about us, documenting us, wanting to hear us, wanting for us to come out of the shadows, wanting for us to feel empowered and for some reason I cannot seem to get passed the fact that we are still not addressing our emotional wellbeing, not as undocumented people but as migrants, displaced people, folks whose hearts have been broken by America's lies.

—Yosimar Reyes, *The Legalities of Being*, 2012

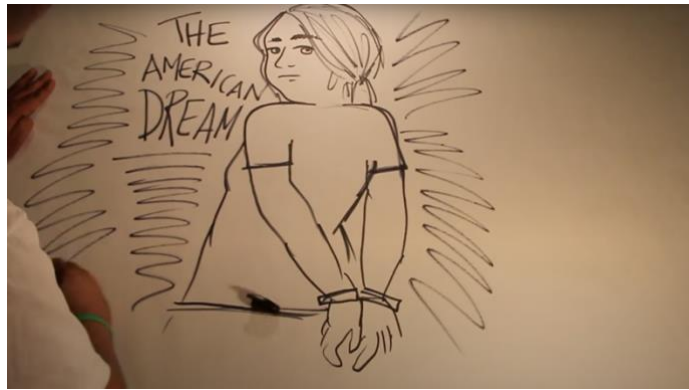


Figure 4 “Legalities of Being” Screenshot of The American Dream

Introduction

I’m writing to you from Unceded Tongva Territory, also known as Los Angeles. It’s June 2020, three months into LA County’s Covid-19 stay-at-home order, during which the Trump Administration has intensified its ongoing vilification of and violence against racialized migrants. There’s a tightness in my throat, a racing in my heart, a longing in my dreams. Any day now, the Supreme Court could finally determine the fate of the Obama Administration’s 2012 Deferred Action for Childhood Arrivals program (DACA). Since 2012, DACA has provided temporary, conditional terms of protection from the threat of deportation to over 800,000 undocumented youth. DACA also granted recipients a social security number and permission to work legally for a two-year, potentially renewable period. In the years leading up to and following the 2012 executive action, queer migrant artists and activists have called into

question the objectives and outcomes of the program. In turn, these artists and activists have conjured other pathways to queer futures of protection, freedom of movement, and joy.

In this chapter, I trace the tumultuous trajectory of DACA from 2010-2022 to develop my theories of the documentation regime's logics of visibility, temporality and choreography. To investigate the temporary and conditional "protection" offered by DACA, I turn to *The Legalities of Being*, a video performance of spoken word poetry and illustration by undocumented queer artists Yosimar Reyes and Julio Salgado. My interpretation of *Legalities* alongside analysis of state and popular discourse exposes that while DACA did afford life-changing benefits to hundreds of thousands of undocumented youths and their families, the program also strengthened state surveillance apparatuses through mass data collection.

Some of DACA's measured benefits for recipients include "better economic opportunities through formal employment and access to bank accounts and credit cards," as well as "greater chances of obtaining higher education, signing up for health insurance, and getting civically involved in local communities" (Abrego 2018, 195). Of course, greater economic and educational opportunities also benefit the state, and each year DACA recipients and households pay \$5.7 billion in federal taxes, \$3.1 billion in state and local taxes, and \$40 billion in payroll taxes into Social Security and Medicare (Cha 2020). The issuance of official state IDs granted some DACA recipients the "security to move around and explore, making them feel free, and able to live life on a grander scale" (Abrego 2018, 200). DACA not only benefitted undocumented youth, but also their families and loved ones. With an ID, DACAmented youth could travel nationally to visit relatives. If approved for advanced parole, they could travel across settler colonial borders to reconnect with distant loved ones. For so many undocumented youths, the possibility of seeing grandparents, aunts, uncles, cousins, and others again was only a dream

before DACA. New educational and economic opportunities not only resulted in material benefits, but had an affective impact as well. These new opportunities “gave recipients and their families renewed *optimism* about their place in U.S. society” (Abrego 2018, 200, emphasis mine). When undocumented parents witnessed their children benefit from DACA, many felt “justified in their migration journey,” a “greater sense of belonging,” and a newfound support for migrant justice activism (Abrego 2018, 200-204).

I aim to be an accomplice¹ to queer migrant justice, but as a person with white citizenship privilege, I am of course not authorized to determine whether DACA’s negative impacts outweighed the positive or vice versa. Instead, I am invested in a future without surveillance and settler colonial borders. I am invested in freedom of movement, and in looking to queer migrant artists to imagine what freedom of movement means. My work in this chapter is twofold: first, to understand how DACA’s ten-year trajectory and still-unknown fate has advanced state surveillance. And second, to interpret how two queer migrant artists, both with years of high-profile leadership in the undocumented youth movement, have responded to DACA and its aftermath. I find that under the guise of official recognition from the settler colonial U.S., DACA functioned to coopt the discourse of the undocumented youth movement’s decade-long effort to obtain a path to citizenship through the DREAM Act. Ultimately, DACA undermined long-term organizing efforts for permanent protection, expanded state surveillance, and increased ineligible migrants’ risk of detention, deportation, and death. Analyzing *Legalities* in relation to the documentation regime’s logics of visibility, choreography, and temporality, I interpret how Reyes and Salgado express the complex feelings of seeking legal status, reveal the documentation regime’s affective imprint of national love, and embody heartbreak in an act of

¹ Indigenous Action, “Accomplices Not Allies,” 2014, 1-12, <https://www.indigenouaction.org/accomplices-not-allies-abolishing-the-ally-industrial-complex/>

resistance to surveillance. From the affective position of heartbreak, Reyes and Salgado perform freedom of movement beyond this lifetime and into the spirit realm. In doing so, the artists refuse the documentation regime's deadly choreography and open a portal to futures of freedom beyond documentation.

Since Obama's initial announcement of the program in 2012 — to his failed attempt in 2014 to expand DACA into DACA+ and create the Deferred Action for Parents of Americans program (DAPA); to the Trump Administration's 2017 rescission of Deferred Action; and the many legal challenges in-between and afterwards — the DACA program itself has hovered in a perpetual state of deferral, and held recipients in years of uncertainty and confusion. As I write, news breaks that the Supreme Court has ruled 5-4 against the Trump Administration's rescission of DACA. The ruling against Trump's stacked Supreme Court was unexpected and offered a brief moment of relief for DACA holders. As Chief Justice Roberts cautioned, however, the ruling would not restrict the Trump Administration from making more attempts to terminate DACA.

The Legalities of Being

Let's pause, rewind, and begin again in 2012 with *The Legalities of Being*² by poet Yosimar Reyes and illustrator Julio Salgado. In his own words, Reyes is “part of a new generation of undocumented artists who are resisting narratives of fear and creating works that give people hope. Born in Guerrero, Mexico, and raised in Eastside San Jose, Reyes explores the themes of migration and sexuality in his work.”³ Salgado, in his own words, is “the co-founder of DreamersAdrift and the Migrant Storytelling Manager for The Center for Cultural Power. His

² Yosimar Reyes, “Legalities of Being,” *Dreamers Adrift*, illustration by Julio Salgado, October 12, 2012, 3:54, <https://www.youtube.com/watch?v=8eSpVOw3nBo>

³ Yosimar Reyes, “Bio.” 2021. <http://yosimarreyes.com/bio>

status as an undocumented, queer activist has fueled the contents of his visual art.”⁴ Much of Salgado’s work “depict[s] key individuals and moments of the DREAM Act and the migrant rights movement.”⁵ I first encountered *Legalities* on the DreamersAdrift website, where I viewed it from beginning to end as a digital performance. At that time, the DreamersAdrift collective described their mission:

A creative project ABOUT undocumented youth, BY undocumented youth, and FOR undocumented youth. We are trying to document the undocumented. We’re putting our life on display through videos, art, music, spoken word, prose and poetry. 4 Lives...4 College Grads...Representing 1 DREAM for countless others.⁶

Sonically, *Legalities* is a voice over poetry performance by Reyes. Visually, a time-lapsed recording of Salgado illustrating Reyes’s lyrics. Filmed and posted to the site by Jesus Iñiguez, also a co-founder of DreamersAdrift, the video features the hand of Salgado moving across a long stretch of butcher paper as he draws figures in thick, black marker. After one image is complete, the camera follows Salgado’s hand as it moves toward the right to a blank space on the paper, where he creates a new image. As Salgado draws nine separate images, time-lapse video allows his illustrations to synch to the poetic rhythm of Reyes’s voice. During the four-minute performance, Reyes and Salgado expose the effects and affects produced by the documentation regime, but we do not see the artists themselves. Reyes speaks out of the audience’s view, and the glimpses we see of Salgado are mostly his rapidly moving hands. Without making their own identities visible to viewers, Reyes’s voice and Salgado’s hand make appear figures that are recognizable as migrant bodies: Salgado draws iconic symbols of the

⁴ Julio Salgado. “I Exist!” 2023. <https://www.juliosalgadoart.com/>

⁵ *ibid.*

⁶ This quote was retrieved from the “About Us” page on the Dreamers Adrift collective’s website in 2014. The website no longer exists; however, some content from the original site is now archived by The Center for Cultural Power at the web address <http://archive.culturestrike.org/tag/dreamers-adrift/>

undocumented youth movement such as graduation caps and gowns, ICE arrests, and spectacles of border militarization. In other panels, he writes text that assigns identity labels to the figures, such as “I AM UNDOCUMENTED.” As illustrations, however, the figures Salgado illustrates are not identifiable, knowable, or namable as individuals by the documentation regime. At the end of the performance, Salgado rolls up the stretch of paper, each image shown again in reverse. *The Legalities of Being* moved me deeply and has guided the course of this entire project.

My desire here is to emphasize Reyes’s and Salgado’s lyrics and images — imaginings — as the primary sources of theories and ideas in this chapter. So, allow me to play the video’s opening lines: “My grandmother has never used the word ‘undocumented’ to describe her existence. In fact, growing up she never taught me about limitations.”⁷ The performance begins and ends with lyrical and visual representations of Reyes’s grandmother, his Abuelita, who migrated to the U.S. from México and raised Reyes in East San Jose, California. Reyes’s lyrics cite Abuelita as his source of knowledge and understanding, while Salgado draws her holding a sign that reads “REALITY.” Abuelita looks directly into the viewer’s eyes, her facial expression is stoic. Frowning slightly, the single lines above each eye and on either side of her mouth convey age and experience. Though she never taught Reyes about limitations, it is through Abuelita’s eyes that Reyes begins to understand reality — the limits of documentation.

⁷ *ibid*



Figure 5 “Legalities of Being” Screenshot of Abuelita’s Reality

Reyes continues,

Most of the folks on my block share this similar experience, so there was no dialogue around our status in this country. We all knew where to get fake micas or any other documents needed to work in this country. I never felt alone or depressed. Even in high school, there was a common understanding that this was simply a REALITY and not our identity. We were more than the lack of a social security number.

During his childhood, Reyes shared with his neighbors in East San Jose the experience of living without documents. He recalls his *feelings* — he did not grieve his status, because he participated in a mutual recognition within his community that identity is not determined by whether or not a person has official immigration documents.

Dreams Deferred

We learned in the Introduction that after failing to pass in Congress throughout the early 2000s, hopes for the DREAM Act renewed in 2009, when Obama took office and proclaimed his support. He had campaigned on immigration reform promises, and by 2010 his administration had slowed the “visible spectacle of apprehending migrants using workplace raids” for which the George W. Bush Administration was notorious (Chavez 2016, 82). However, Obama was earning the title “Deporter In Chief,”⁸ setting records for higher numbers of deportations than

⁸ “Obama Leaves Office As ‘Deporter in Chief,’” *Latino USA* for NPR
<https://www.npr.org/2017/01/20/510799842/obama-leaves-office-as-deporter-in-chief>

any president before him. Then, the DREAM Act yet again failed to pass in 2010 and 2011. Meanwhile, the Undocumented Youth Movement adapted strategies from historical LGBTQ organizing around the cultural schema of “coming out.” YouTube videos circulated of undocumented youth participating in National Coming Out of the Shadows⁹ events, publicly declaring themselves “undocumented and unafraid.” Because Obama’s presidential campaign had promised immigration reform, an unprecedented Latinx voter turnout had been a decisive factor in his 2008 victory. However, throughout the first three years of his presidency, Obama stalled taking action to alleviate migrant communities of the violence of Immigration and Customs Enforcement (ICE). Despite having power through executive action to halt his mass deportation machine, the President claimed it was “up to Congress” to protect migrants. In response to intensifying grassroots pressure, President Obama finally signed in June 2012 then Secretary of State Janet Napolitano’s memorandum¹⁰, “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children.” The administrative memorandum laid the groundwork for what we now know as DACA: for certain youth not in

⁹ The Immigrant Youth Justice League (IYJL), a Chicago-based undocumented immigrant youth organization, held the first public ‘coming out of the shadows’ event in March 2010, as part of an effort to expand the movement and the number of undocumented youth participating (IYJL, 2013). The schema of ‘coming out’ – with its preexisting meanings about disclosing one’s identity despite being fearful – allowed the immigrant youth movement to address undocumented youths’ fears about publicly sharing their immigration status (Saguy).

¹⁰ Janet Napolitano, “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children” Washington DC, <https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>. Addressed to the acting commissioner of U.S. Customs and Border Protection (CBP) and the directors of U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE), Napolitano’s memorandum instructed the Department of Homeland Security (DHS) to evaluate on a case-by-case basis “certain young people” who are encountered by USCIS, CBP, or ICE or who are “in removal proceedings but not yet subject to a final removal order,” according to the following criteria: “came to the United States under the age of sixteen”; “has continuously resided in the United States for a least five years preceding the date of this memorandum and is present in the United States on the date of this memorandum”; “is currently in school, has graduated from high school, has obtained a general education development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States”; “has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety”; and “is not above the age of thirty.”

removal proceedings who pass a background check, “USCIS should establish a clear and efficient process for exercising prosecutorial discretion...by deferring action against individuals who meet the above criteria and are at least 15 years old, for a period of two years, subject to renewal.”¹¹ Those approved for DACA could apply with USCIS to determine eligibility for work authorization. When Obama finally announced DACA in his 2012 “Address to the Nation on Immigration,” he expressed frustration at the years-long standstill over the DREAM Act and comprehensive immigration reform. “[The DREAM Act] says that if your parents brought you here as a child, if you’ve been here for five years, and you’re willing to go to college or serve in our military, you can one day earn your citizenship. And I have said ... to Congress...send me the DREAM Act, put it on my desk, and I will sign it right away.”¹² In the year following Napolitano’s memorandum, over 400,000 applications were approved, but deferred action remained a temporary and even divisive program.



Figure 6 “Legalities of Being” Screenshot of Vote 4 Me!

¹¹ Janet Napolitano, “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children” Washington DC, <https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>

¹² Obama, Barak. 2012. “Remarks by the President on Immigration.” Rose Garden, June 15, 2012. <https://obamawhitehouse.archives.gov/the-press-office/2012/06/15/remarks-president-immigration>

Salgado illustrates this scene with a rushed depiction of Obama wearing a blank smile and holding a sign in the same position that Abuelita held hers. While Abuelita's sign read "REALITY," Obama's exclaims, "VOTE 4 ME!" Salgado draws Abuelita behind Obama's left shoulder, her stoic expression remains. Before moving onto the next image, Salgado draws rapid zig zagging lines that spotlight Obama and overshadow Abuelita. It is clear that Obama's promises are not meant for her.

Language That Is Stagnant

In retrospect, Reyes sees 2010-2012 as pivotal years for bringing visibility to the migrant justice movement (Reyes 2020). High-profile journalist, filmmaker, and co-founder of the project *Define American* Jose Antonio Vargas "came out" as undocumented in 2011 and graced the cover of *Time* magazine with a diverse collective of undocumented people including Salgado. "Now we had all this language to talk about ourselves, we had a number, eleven million undocumented people," Reyes recalls (2020). "Back in the early 90s there was no language to talk about undocumented people, we kind of existed in this realm of just being. Being undocumented was just a matter of fact, it wasn't anything to be studied" (Reyes 2020). Here Reyes references how increased visibility during the 2010s for people existing in a state of undocumentedness and especially for the DREAMers, resulted in a trend of journalism and scholarship about undocumented youth. We will return here momentarily.

Reyes adds that Vargas, who was born in the Philippines, "disrupted idea that undocumented equals Mexican" (Reyes 2020). Vargas is known for leading a group of journalists and linguistic anthropologists in a campaign called "Drop the I-Word" (DTIW), sponsored by Race Forward: The Center for Racial Justice Innovation. According to Race Forward, the DTIW campaign,

Launched in September 2010 as anti-immigrant sentiment and hate crimes against communities of color had increased. Powered by immigrants and diverse communities across the country, Drop the I-Word has worked steadily through advocacy and coverage at Colorlines.com to present the dehumanizing and inaccurate aspects of the i-word, give space for immigrants to tell their stories, and to highlight the history behind the term ‘illegal’ and other dehumanizing language.¹³

DTIW’s objective was to transform “the language around immigration,” by means of “direct advocacy to eliminate the use of the word *illegal* by the mainstream press” (Dávila et al 2014, 147). Included in the DTIW campaign publications was a “Historical Background” fact sheet, which educated readers on the racist and political origins of the “i-word”. The “i-word,” the sheet states, “is not neutral.” Rather, “it is racially charged and has been promoted by restrictionist advocacy organizations like Numbers USA and the Federation for American Immigration Reform (FAIR), founded by eugenicist John Tanton.”¹⁴

Joseph Nevins describes the trajectory in official discourse of the term “illegal.” In the late 1970s, President Jimmy Carter mandated that the usage of the term “illegal alien” be replaced with “terms such as ‘undocumented worker’ or ‘undocumented alien.’” However, “[Immigration and Naturalization Services] began to prohibit the use of such terms,” and “growth in the use of the term ‘illegal’ continued” (2010, 140). By the early 1980s, “right wing groups and publishing houses” had begun actively circulating and promoting the use of the term, especially when referring to Mexican migrants (Nevins 2010, 144). And by the mid-80s, “as comprehensive immigration reform and amnesty preoccupied the US imaginary,” metaphors of migrants without authorization as a population existing in “the shadows” came to dominate public discourse around so-called “illegal” immigration (Chavez 2016, 89). By the time Obama

¹³ Dartmouth College. 2016. “Students Persuade Library of Congress to Drop the I-Word.” *Dartmouth*, March 29, 2016. <https://home.dartmouth.edu/news/2016/03/students-persuade-library-congress-drop-i-word>

¹⁴ “Drop the I Word: Historical Background and Legal Implications,” *Race Forward The Center for Racial Justice Innovation*. https://www.raceforward.org/sites/default/files/DTIW_HistoricalBackground.pdf

was elected, “state authorities...almost exclusively use[d] the term ‘illegal’ in public and official discussions,” a trend that was “replicated in public discourse as a whole” (Nevins 2010, 140-41).

Nevins argues that the state has been the primary culprit responsible for the category of “illegal” (2010, 150). By writing, passing, and enforcing laws, the state “produces subjects and identities which become ‘discursive facts’ that inform how people interact and perceive one another” (2010, 150); in doing so, the state exhibits its power “to construct not only political-juridical categories, but also ways of seeing” (2010, 150). These political-juridical categories work to normalize the visibilization of specific populations as targets for exploitation, imprisonment, and/or expulsion – justified solely on individuals’ lack of documented legal status – and are thus “tools of domination and social control” (Nevins 2010, 150). According to Walter Nicholls, this “stigma of ‘illegality...made it difficult for undocumented people to form into political groups as ‘undocumented immigrants’ and to make basic demands for basic rights on the basis of this particular political identity” (2013, 179). Implicit in Nicholls’s statement is an intuition that a political identity of “undocumented” instead of “illegal” would make it more possible for migrants to demand and receive basic rights and protections. Jennifer Merolla, Karthick Ramakrishnan, and Chris Haynes identify this “intuition behind the importance accorded to semantic differences between ‘illegal’ and ‘undocumented,’” namely that these terms “carry with them emotional affect and stereotypes, which in turn can mold impressions and sway public opinion” (Merolla, Ramakrishnan, and Haynes 2013, 793). For Reyes, however, the semantic situation is more complex:

When we say “I’m undocumented, unafraid,” I think it’s very important for us to really question what happens when we have “undocumented” enter a personal place. If you look at your body, there’s nothing undocumented about you. I always tell people that being undocumented is a conditioning, like poverty, it’s something you grew up with, it’s not innate. As opposed to my queerness, it’s in everything I do, it’s in my hair, how I smile, how I talk. But undocumented is really not that (Reyes 2020).

When asked about the objectives of DTIW, Vargas explained that while one aim of the campaign is to pass comprehensive immigration reform, “the end goal is also to be *seen* differently. Just because we pass immigration reform doesn’t mean that we treat people differently” (Katrowitz, emphasis mine).¹⁵ In the coming years, the Associated Press, *USA Today*, *LA Times*, *San Francisco Chronicle*, and various other news outlets dropped the i-word, affecting millions of readers daily.

Beyond the DTIW campaign, the Obama Administration and the Department of Homeland Security, politicians, activists, artists, and scholars deliberated and disagreed over how to label migrants living in the U.S. without legal status — “alien,” “illegal,” “unauthorized,” “DREAMer¹⁶,” “undocumented,” “undocuqueer¹⁷,” “DACAmended,” and later “DAPAmended.” A fixation on documents, documentation, and undocumentedness increasingly manifested in the political sphere, popular culture, and academia. Official and unofficial archives of information about “the undocumented” were rapidly augmenting. From the academy, scholars collected data and published their findings in articles and policy reports — as Reyes said above, “now we had a number.” Citizen-led non-profits invited undocumented youth activists to recount traumatic

¹⁵ Alex Kantrowitz, 2013, “Jose Antonio Vargas on Using Social Media to Change Perceptions and Policy,” *Media Shift*, May 20, 2013. <https://mediashift.org/2013/05/jose-antonio-vargas-on-using-social-media-to-change-narratives-culture-and-policy/>

¹⁶ Nicholls’s study follows “the remarkable transformation of dispersed undocumented youths into the powerful political group of the DREAMers” (7). The DREAMers formed around the passage of the Development, Relief, and Education for Alien Minors Act, first introduced in the U.S. Senate in August 2001. DREAMers built significant momentum, and employed performative tactics such as hunger strikes, sit-ins, staged graduations, and border crossings. Nicholls attributes the label DREAMers to “national immigrant rights associations” who “sought to exercise control over the DREAMers” (7).

¹⁷ Term attributed to Julio Salgado (Chavez 81); In 2011, Salgado began publishing his ‘I am Undocuqueer’ posters and encouraging undocuqueers to send him an email with a quotation explaining what it means to them to be both queer and undocumented along with a photo of themselves from the waist up (Chavez 101); Julio: I cannot take credit for creating the term. I do not remember where I heard it first. I saw it on Facebook, somebody commented [and used it]. But what I knew, undocumented and queer people had been behind many of the actions that led to the first civil disobedience in Tucson in 2010. They were open about being undocumented and queer. To have these youth ... saying “this is how we are, this is who we are” – it was historic. I could not not pay attention to it” (Seif).

experiences at fundraisers to win potential donors' hearts and pockets with tragic stories. Undocumented migrants were increasingly represented in popular media, appearing more and more as characters on mainstream TV series and as the subjects of documentaries. Queer migrant artists formed collectives and took agency over their own narratives, produced works, and curated exhibitions that represented their experiences in acts of "documenting the undocumented." Democratic politicians wanted selfies with DREAMers, and journalists incessantly demanded interviews, often framing undocumented migrants as abject but eternally hopeful, indefinitely invested in the attainment of U.S. citizenship. At the time, it felt like the phrase "documenting the undocumented" was written everywhere, coalescing the unprecedented production of data, information, and knowledge about a population existing "in the shadows," invisible, undocumented, and unknowable.

The Legalities of Being

It was in this context that Reyes and Salgado performed *Legalities*. I position the performance as part of the larger emergence of multi-disciplinary migrant artists dealing with ideas of "documenting the undocumented" in their work and emphasizing the necessity of agency and self-representation by undocumented artists in contrast to harmful and oversimplifying narratives. Dreamers Adrift was one collective at the forefront of this effort, and Reyes and Salgado continue to be highly influential artists. Responding to this national preoccupation with documentation and the battle over how migrants should be seen and labeled in public discourse, Reyes says,

I am beginning a conversation with myself about defining my being by laws that really can NEVER summarize my existence. I am thinking about integration and this going trend to be called AMERICAN. I am thinking about words like "DREAMer" and "Illegal," language that is stagnant, that in no way, shape or form speaks truth about the

complexities of being and the connections that we have as humans beyond borders and political systems.¹⁸

Salgado draws three bodies wearing graduation caps and gowns; their expressions are determined. Slightly in front of the two background figures, the center figure holds a sign, and the last marks Salgado draws on in this image form a bold “?” on the figure’s chest. The icon of the graduation cap has come to be a prominent symbol of the good/deserving immigrant narrative within the undocumented youth movement during the DREAM Act organizing of the 2000s and 2010s.



Figure 7 “Legalities of Being” Screenshot

Reyes continues, “...I am thinking about how damaging it is to label my spirit, my essence UNDOCUMENTED, taking something so minimal from the physical world and have it manifest in my body.” Reyes acknowledges “the importance of visibility and empowering folks to no longer feel ashamed or embarrassed by their status.” I imagine Reyes refers to efforts such as National Coming Out Day and the DTIW campaign. At the same time, he still finds himself,

Begging to question these myths I have learned...That ‘AMERICA’ will grant me freedom. That ‘AMERICA’ will grant me a proper education. That ‘AMERICA’ is a place of justice. When the REALITY is that I have never seen the fruit of all these promises.

¹⁸ Yosimar Reyes, “Legalities of Being,” *Dreamers Adrift*, illustration by Julio Salgado, October 12, 2012, 3:54, <https://www.youtube.com/watch?v=8eSpVOw3nBo>

Reyes's sonic amplification of the word "reality" emphasizes again that his understanding of reality through his Abuelita's eyes brings him to question whether official inclusion into the U.S. is realistic, whether it's desirable or even possible. Salgado's hand makes appear a figure with long hair who looks over their left shoulder at the viewer, hands cuffed behind their back. Next to the figure, Salgado writes "AMERICAN DREAM." In a moment, we will return to Reyes and Salgado's thoughts about promises and dreams. First, I want to elaborate on the documentation regime's logic of visibility with *Legalities* as our lens.

Out of the Shadows, Into the Law

When the comprehensive immigration reform bill, Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744) failed, despite bipartisan support in the Senate, to pass in the House of Representatives in 2013, grassroots organizers again pressured Obama to put a stop to deportations. In November 2014, President Obama expressed his frustration that Republican leaders in the House continued blocking the vote on S. 744. Because of the standstill, Obama reluctantly decided to again take action within his executive authority, as he had done in 2012. He would "help make our immigration system more fair and more just," by implementing an expansion of DACA into DACA+, as well as initiate a new Deferred Action program called Deferred Action for Parents of Americans (DAPA). In both the 2012 and 2014 announcements, Obama was careful to clarify what Deferred Action was *not*. In 2012 he said, "This is not a path to citizenship. It's not a permanent fix."¹⁹ And in 2014, "It does not grant citizenship, or the right to stay here permanently, or offer the same benefits that

¹⁹ Obama, Barak. 2012. "Remarks by the President on Immigration." Rose Garden, June 15, 2012. <https://obamawhitehouse.archives.gov/the-press-office/2012/06/15/remarks-president-immigration>

citizens receive – only Congress can do that. All we’re saying is we’re not going to deport you.”²⁰

According to the official website of the Department of Homeland Security (DHS), these actions would be implemented to “crack down on illegal immigration at the border, prioritize deporting felons not families, and require certain undocumented immigrants to pass a criminal background check and pay taxes in order to temporarily stay in the U.S. without fear of deportation.”²¹ Those who met the conditions of the new DAPA program or of the DACA+ program would be eligible to apply to live and work in the U.S. for a temporary, potentially renewable three-year period (an extension of the original DACA’s two-year period). The DHS estimated that as many as 4.9 million of the 11 million immigrants living in the US without legal status could qualify for DACA+ and DAPA. DAPA would only be available to the parents of U.S. citizens or lawful permanent residents who had continuously resided in the U.S. since January 1, 2010, and who were not considered deportation enforcement priorities. Like DACA, DAPA would not bring applicants closer to permanent residency or citizenship, and would not grant legal status. To seek permission for lawful presence in the U.S., deferred action applicants would be required to pass background checks and pay a fee of \$465 — \$380 for employment authorization and \$85 for biometrics.

In the weeks following the President’s announcement, initial retaliations from the Right included the Preventing Executive Overreach on Immigration Act, voted through the House of Representatives. On the other side of the congressional aisle, Democrats claimed victory as they

²⁰ Obama, Barak. 2014. “Remarks by the President in Address to the Nation on Immigration.” Washington DC, November 20, 2014. <https://obamawhitehouse.archives.gov/the-press-office/2014/11/20/remarks-President-address-nation-immigration>

²¹ “2014 Executive Action on Immigration,” <https://www.uscis.gov/archive/2014-executive-actions-on-immigration#:~:text=On%20November%2020%2C%202014%2C%20the,the%20U.S.%20without%20fear%20of>

predicted future Latinx votes. Meanwhile, migrant rights organizers and activists acknowledged the influence of grassroots pressure on the President's decision to exercise his executive power, but many hesitated to celebrate. In an op-ed piece “#Not1More Means Not One More,” Carlos Garcia of the Puente Movement described the challenges of organizing for an end to deportations and a beginning to real reform, when activist efforts and movement messages become coopted and incorporated into larger political agendas:

Trying to find the magic words that will convince Americans to accept immigrants and support reform, millions of dollars have been invested in communications consultants who have complicated our message so fully that today, many are thanking the President for providing relief to less than 40% of our community and once again using the border as a bargaining chip.²²

In anticipation of February and May 2015, when the DHS projected that it would begin accepting DACA+ and DAPA applications respectively, multiple organizations recommended that potential applicants begin preparing documents required for the application. The National Immigration Law Center (NILC) advised,

In order to prove that you have lived in the U.S. continuously since January 1, 2010, you should gather documents such as financial records (lease agreements, phone bills, credit card bills), medical records, and school records (diplomas, GED certificates, report cards, school transcripts). As a rule of thumb, consider gathering at least one document for each 12-month period since January 1, 2010, until the time you submit your request for deferred action.²³

To demonstrate eligibility for deferred action, applicants were required to provide evidence of their physical presence in the US for the previous five years. These instructions came after at least five years — though, for many, decades — of being undocumented, essentially maintaining

²² Carlos Garcia, 2014, “#Not- 1More Means Not One More,” *Puente Arizona*, November 22, 2014.

²³ National Immigration Law Center, “DREAM ACT 2017 Summary and Answers to Frequently Asked Questions.” *National Immigration Law Center*, November 28, 2017. <https://www.nilc.org/issues/immigration-reform-and-executive-actions/dream-act-2017summary-and-faq/>

an existence undetectable to the state. Ultimately, applicants voluntarily made their illegalized status visible to the state through official documentation, without any guarantee that this database would not later be used to target them for detention and/or deportation.

In his November 2014 speech, President Obama directly addressed migrants who met “the criteria” of DAPA and DACA+: “You can come out of the shadows and get right with the law.” Migrants without official documentation were directed to document themselves, to visibilize their existence, to make themselves identifiable, legible, and knowable to the state, in order to defer for three years the threat of deportation. Two days before February 18, 2015, when the DHS planned to begin accepting DACA+ applications, the implementation of both deferred action programs was itself deferred. A joint lawsuit filed by 26 states in an attempt to block the executive orders led to an injunction issued by Texas Judge Andrew Hanen of the U.S. District Court. The injunction placed a hold on deferred action (except for DACA renewals under the 2012 guidelines), until the Obama Administration’s appeal of the injunction could be resolved.

Despite mounting confusion, many migrant rights organizations continued to advise eligible applicants to prepare their materials — “as long as people start to register in the thousands and millions — that is something that no one can reverse.”²⁴ The statement is aligned with the logic of visibility — the more undocumented migrants to come out of the shadows and into the state’s view, the more likely promises for protection would be fulfilled. However, not everyone shared this confidence; along with confusion about what would happen with DACA+ and DAPA, organizers and applicants also expressed feelings of betrayal, as well as fear that registering would simply make “illegal” presences officially known. Adelina Nichols of the

²⁴ Naureen Khan, “Undocumented Immigrants Awaiting Deportation,” *Aljazeera*, February 17, 2015, <http://america.aljazeera.com/articles/2015/2/17/immigrant-families-awaiting-deportation-relief-dealt-another-delay.html>

Georgia Latino Alliance for Human Rights said, ““We feel tricked and manipulated.””²⁵ Nichols criticized the Obama Administration for not having anticipated the injunction and planned accordingly, and for leaving potential applicants confused and vulnerable. For Nichols, the risk was “from Obama and ICE themselves,”” an accusation justified by the continuation, in the months following Obama’s November address, of ICE’s pattern of deporting thousands of unauthorized migrants “who have no criminal record beyond their immigration violation and are not supposed to be a priority”²⁶

Throughout 2014-2015, DACA+ and DAPA-eligible migrants waited in uncertainty. Meanwhile, the DTIW campaign rekindled their efforts to shift language and identity labels in public discourse. In 2015 *Colorlines* published an article, “Let’s Drop the I-Word—Again,” observing that “the slur is making a comeback” (Rinku 2015).

During the month of July 2015 alone, the usage of the i-word among the top ten [media] outlets spiked to 41.5% — over 10% more than average among immigration-focused articles. Donald Trump and others have made the phrase, widely understood to be a racial slur two years ago, acceptable again. On the media front, *The Washington Post* still uses it, as does *The New York Times* and other influential news outlets.

In early 2016, DTIW made a huge stride: after deliberating for two years, the Library of Congress finally agreed to “change the way it catalogs holdings that refer to noncitizens who have entered the United States without authorization.” The petition had been filed in 2014, by a student group at Dartmouth College called Dartmouth Coalition for Immigration Reform, Equality, and DREAMers. The Library of Congress agreed to replace the heading “illegal aliens” with “noncitizens” and “unauthorized immigration.” During the petition process, the students

²⁵ Roberto Lovato, “Immigrant Families in Limbo and on Edge Ahead of Hearing,” *Foster US & Global Immigration Services*, <https://www.fosterglobal.com/blog/immigrant-families-in-limbo-and-on-edge-ahead-of-hearing/>

²⁶ *ibid.*

also persuaded the American Library Association to adopt a resolution to replace “illegal aliens” with “undocumented immigrants.”

But queer activists again intervened, and Dreamers Adrift posted a piece by Luis Nolasco and Yessica Gonzalez (2016) called “An Open Letter to Our ‘Allies’: Stop Telling Us What We Can and Can’t Identify As.” I think it’s important to quote the letter at length.

“No Human Being is illegal,” allies like to shout at the top of their lungs when we choose to reclaim our identities as “illegal”.

First and foremost, we are tired of being apologetic. We are reclaiming the use of the word similarly to the LGBTQ community reclaiming “queer” and “faggot.” We know and understand the history behind the words and agree that their function has been to oppress us as people of color and as immigrants.

...You see, we’ve always been illegal. Growing up, the first time we told our status, we weren’t undocumented. We were fucken illegal. We’ve been “coming out of the shadows” to the vecinas and the people in our communities. This is the word that has been accessible to us. And in identifying as “brown illegal queers,” we are saying fuck you to the status quo and other systems that have been used against us as individuals. We believe that if our aim is to reach liberation, we can’t get too caught up in words that have temporary value. Is it not true that our oppressors will just come up with new words to keep us down? But more importantly, what is the true difference between calling ourselves “undocumented” or “illegal”? ...

So...dear allies. Thanks for standing with us but don’t get it twisted. You don’t get to dictate the labels that we choose for ourselves (Nolasco and Gonzalez, 2016).

In June 2016, rather than make a decision on DACA+ and DACA, the Supreme Court reached a 4-4 vote on the injunction. DACA+ and DAPA were again deferred. After another four-month delay, the Supreme Court declined in October to rehear the case, and it became clear that the programs would not be implemented during Obama’s presidency, if ever. Leading up to the 2016 presidential election, xenophobic language and images became more visible than ever, and the struggle over how to see and what to call undocumented migrants only intensified. Okay. I’m taking a breath. I want to replay in slow motion, to take a closer look.

DACA Does Not Define Us

As queer migrant artists and activists predicted, the visibility created through DACA — the program that promised to offer temporary but renewable “protection from deportation” — in fact put DACA recipients, their families, and anyone undocumented residing in the same home at great risk. Trump attempted to rescind DACA less than a year into his presidency. In September 2017, Homeland Security Acting Secretary Elaine Duke announced that the Trump administration, would “wind down” DACA within six months, insisting that “no new initial requests or associated applications filed after today will be acted on.” Many who had applied for and/or received Deferred Action were left terrified of what would happen to the database that held all the documents they had submitted. The Black Alliance for Just Immigration (BAJI) responded to the rescission by calling for the deletion of the DACA database:

The DACA database is a registry of the names and addresses of millions of undocumented immigrants (800,000 DACA applicants and the millions of their family members and co-residents), and the fate of this existing registry is currently in the hands of forces that are openly hostile to immigrant communities. When U.S. Attorney General Jeff Sessions announced President Trump’s decision to rescind the DACA program, there was no guarantee given on what will happen with the information already collected. ...We know that ICE already has a pending request to access the DACA data. There has been a 25% increase in the revocation of DACA in the last three months. The DHS memo on the DACA rescission includes language advising recipients to get their financial and travel arrangements in order within the next 6 months...The millions of undocumented people who reside at the addresses of DACA recipients have never had any protections from deportations, and will continue to be at risk even if a dream legislation is passed. Fear of the data being weaponized to target, detain, and deport people is not theoretical. It is very real and expansive.²⁷

Injunctions to halt Trump’s rescission of DACA were promptly filed in San Francisco, New York, and Washington DC federal courts, and the 9th Circuit Court of Appeals in San Francisco ruled that DACA renewals must continue to be processed. For the remainder of 2017 and well into 2018, back-and-forth legal challenges seemed endless.

²⁷ “Raising the Alarm: The DACA Database is a Registry of Undocumented Immigrants,” *BAJI*, September 14, 2017. <https://docs.google.com/forms/d/e/1FAIpQLSfxEasohwjGU6AqByqoyFUQ8Tdtzz0fHXChElKtSkjGOhzGw/viewform>

I turned again to DreamersAdrift, where Nancy Meza, Zacil Pech, and Isle Escobar published a letter in response to the rescission. The letter was titled, “The Fight to Save DACA Exposes the Sour Side of Complacency within the Immigrant Rights Movement.”²⁸ I again cite long portions of the letter.

To DACA recipients...

Some of you are immigrant adults who do not know how to survive without a social security number, but you are not the majority. You got used to the sugar and the sweetness, the small relief DACA afforded. You have reaped the fruit of the work of the elders: those who crossed borders for a chance at a better life and those who worked tirelessly and risked arrest to give you access to decent paying jobs, education and most importantly, protection from deportation. You have not had to disclose your status to authorities who squinted in suspicion at your foreign identification cards. You are the almost 800,000 immigrants who have selectively forgotten life before DACA. Remember: DACA was never meant to be the end goal of the movement. It was just the *beginning*.

After reflecting on how DACA came about, they assert,

DACA is a product of the immigrant youth movement, but so is the record breaking number of deportations that occurred under President Obama. History shows that the “good immigrant vs. bad immigrant” narrative has failed us. Now we must focus on the more than 11 million undocumented immigrants living in the U.S. ... Remember that prior to DACA, we knew how to get jobs, and asked the right questions to see if they would hire us as independent contractors, or without verifying our status with the federal government. Did the lack of documentation make our lives more difficult? It sure did. Still, DACA does not define us. We are more than a work permit. We are more than a social security number. We are more than an economic contribution. We are more than second-class citizens.

They conclude with an affirmation,

We come from a long lineage of resistance. Our families defied the empire! Our relatives crossed borders and overstayed visas because they, too, believed they deserved more.

²⁸ “The Fight to Save DACA Exposes the Sour Side of Complacency Within the Immigrant Rights Movement,” posted on September 12, 2017, on the blog DreamersAdrift: <http://dreamersadrift.com/editors-pick/the-fight-to-save-daca-exposes-the-sour-side-of-complacency-within-the-immigrant-rights-movement>

With our eyes wide open, and our bodies deserving of the best, we can stop relying on existing fucked up systems and lead ourselves. We are the ones we've been waiting for.²⁹

With their eyes wide open, Meza, Pech, and Escobar are not seen but seeing. Like Reyes comes to understand reality through Abuelita, it is through their lineage that the authors embrace the act of migration as a violation of settler sovereignty, an act of defying the U.S. empire. Closing their letter with the line, “We are the ones we’ve been waiting for,” the authors challenge the idea that waiting for the ever-deferred and insufficient DACA is not what is necessary to obtain freedom of movement.

Finally, in August 2018, Federal Judge Andrew Hanen issued a ruling in the legal challenge brought by Texas and of other red states. In a surprise to the hundreds of thousands of DACA recipients dreading the decision, Judge Hanen refused to issue an injunction in the case, meaning that DACA renewals would likely continue until June 2019. NILC wrote on its DACA Litigation Timeline site, “A nine-month lease on life for DACA might not sound like much. But because DACA is valid for two years after a renewal, it could make a big difference for hundreds of thousands of DACA recipients, who are trying to stay protected for as long as possible.” Throughout 2018 and into 2019, renewal rates sharply declined. While the future of DACA remained as uncertain as ever, CNN obtained in October 2018 an agency-wide email from the U.S. Department of Justice, which instructed U.S. attorneys offices to use the term “illegal alien” and not “undocumented” when referring to a person in the U.S. without status.

In January 2019, the U.S. Supreme Court declined the DOJ’s petition to review the lawsuit challenging the rescission of DACA until the next term. DACA recipients could still apply for renewal, but the program would remain closed to new applications. Meanwhile, a new version of the DREAM Act, the Dream and Promise Act of 2019, was introduced in the House of

²⁹ *ibid.*

Representatives. The proposed law aimed to open a path to conditional permanent residency, lawful permanent residency, and eventually citizenship for recipients of DACA as well as holders of other temporary conditional “protections” from deportation: Temporary Protected Status (TPS) and Deferred Enforced Departure (DED). The house passed the legislation mostly along party lines in June 2019, but the measure failed in the Senate. In November 2019, the U.S. Supreme Court heard oral arguments to determine the legality of the Trump Administration’s rescission of DACA. Media reports predicted that the Court, with Chief Justice John Roberts expected to be the key vote, will side with the Trump Administration. It seems I have typed this sentence a hundred times now, but yet again, DACA holders waited in legal limbo in anticipation of the June 2020 decision.

American Dreams and Broken Promises

Reyes and Salgado reveal the affective effects of this waiting, this uncertainty, this confusing legal trajectory. Let’s return to *Legalities* to examine the documentation regime’s logic of temporality, what I am terming a *temporality of deferral*. Reyes describes the state of immigration reform in 2012: “Right now there is confusion all around me. There is a national campaign to pass the Dream Act, Obama announced his Deferred Action, folks are constantly inviting me to speak about my experience and I cannot help but feel Bamboozled.” Salgado draws a person wearing a t-shirt that says, “I AM UNDOCUMENTED.” To their right he writes, “DREAM ACT, NOW!! NOW NOW! NOW! NOW!” To their left, “DACA APPLY NOW!!! APPLY ...” The word “APPLY” repeats six times, each time becoming larger as Salgado’s hand moves faster and faster.

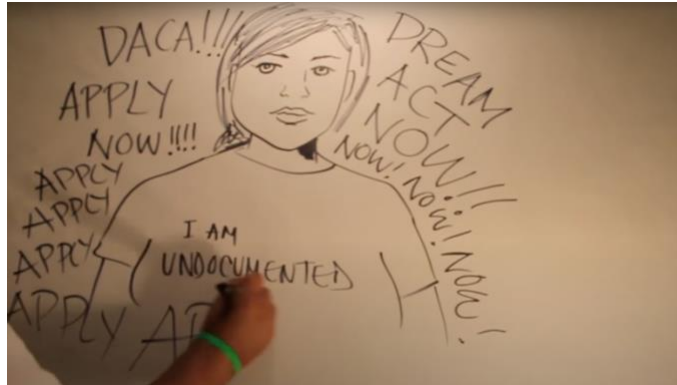


Figure 8 “Legalities of Being” Screenshot of DREAM ACT NOW

For me, this image is the most rushed and unordered of all the panels. The imperative to “APPLY” and repetition of “NOW” orient our discussion towards temporality. What do Reyes and Salgado reveal about the documentation regime’s temporality? I theorize the documentation regime’s temporality thus: the documentation regime surveils racialized migrants in past, present, and future temporalities. It surveils (makes visible to the state) and documents bodies that have already moved; thus, its temporality is retroactive, as it documents the presence of migrants who have either crossed the border without authorization, or who have fallen out of legal status since arrival. Many artists and activists of the migrant movement have equated retroactive visibility and official recognition with increased protections from state violence. As we saw above, however, others contend that increased visibility yields increased vulnerability to state violence. The documentation regime’s temporality is also presentist, specifically when it grants temporary official recognition to migrants without any guarantee of more permanent protections for the future (i.e. Deferred Action); the migrant movement has sometimes adapted to the state’s presentism, operating from the point of view that short-term official recognition for limited segments of the undocumented population is better than no official recognition within the foreseeable future. Even when these temporary and conditional recognitions come at the cost of further criminalization of ineligible migrants.

Salgado depicts presentism in this image, as Reyes explains that the labels “DREAMers” and “DACAmended” emerged from the presentism of DREAM Act organizing. His voice quickens as he describes the relentlessness of the documentation regime, of scholars and journalists who fetishize his experiences, and Reyes feels “Bamboozled.” “Bamboozled” connotes confusion, but also a betrayal, as we also heard from activists following the 2014 injunction against DACA+ and DAPA. I want to move deeper into this realm of *feeling*, of not only affect but of sensations of the body and spirit. Reyes laments that despite the national fixation on documentation and coming out of the shadows that was amplified in the passage of DACA, “we are still not addressing our emotional wellbeing, not as undocumented people but as migrants, displaced people, folks whose hearts have been broken by America’s lies.” The image of heartbrokenness is a powerful one, and I turn to Sarah Ahmed to interpret these lines.

Ahmed discusses how governments keep populations invested in the project of the nation-state, even when these populations do not stand to gain from their investment. She describes this relationship as “national love” (2014, 131). The parallels between Ahmed’s theory of national love and deferred action are telling: “one could even think of national love as a form of waiting,” says Ahmed. “To wait is to extend one’s investment, and the longer one waits the more one is invested...*The failure of return extends one’s investment*” (2014, 131). Here it becomes clear what the state stood to gain from subjecting migrants to Deferred Action data collection projects: Deferred Action ensured the investment into the nation of approximately five million eligible migrants, while constructing the remaining six million as undeserving. This served to undermine solidarities between these groups and draw attention away from more strategic, collective, long-term efforts. What’s more, to demonstrate eligibility for Deferred Action, applicants were required to provide documentation that would prove their physical

presence in the US since January 1, 2010. Meaning, applicants were required to self-collect data for the state's use. These instructions came after at least five years – though for some migrants, decades – of maintaining an existence that was theoretically invisible to the US state.

Ahmed writes about how “love may be especially crucial in the event of the failure of the nation to deliver its promise for the good life. So the failure of the nation to ‘give back’ the subject’s love works to increase the investment of the nation” (2014, 131). Ahmed concludes,

one could even think of national love as a form of waiting. To wait is to extend one’s investment and the longer one waits the more one is invested, that is, the more time, labour and energy has been expended. *The failure of return extends one’s investment*. If love functions as the promise of return, then the extension of investment through the failure of return works to maintain the ideal through its deferral into the future” (Ahmed 2014, 131).

Ahmed’s theory of national love reveals how the state has adapted to visibility, and coopted the temporality of presentism to enact the temporality of deferral. This deferral exposes undocumented migrants to surveillance, while maintaining both an emotional and financial investment in the nation. If you recall, DACA was originally granted for a two-year period, requiring a fee of nearly \$500 for each renewal. Thus, the documentation regime adapts a temporality of presentist data collection projects, to ever-deferred and ultimately false promises for protection from deportation. The waiting for recognition that characterizes deferred action, temporary protected status, and other temporary programs that depend on continued deferral of long-term status and false promises of protection, ensures the investment into the state of eligible migrants. Significantly, this determines eligible migrants as deserving, while marking ineligible migrants the others as undeserving. In doing so, the documentation regime coopts efforts of the migrant justice movement and sows division, incorporating migrant feelings of hope. In a refusal of national love, Reyes and Salgado’s *Legalities* demonstrates the necessity of first recognizing the heartbreak and grief of displacement before other possibilities can be imagined.

Dean Spade defines cooptation as taking place when “resistance struggles that have named certain conditions or violences come to be used to prop up the very arrangements that are harming the people who are resisting” (2011, 90). Reyes and Salgado critique the cooptation of migrant justice movement in exchange for recognition from systems that, through documentation, categorization, labeling, authorization, and identification, operate to stratify migrants into varying levels of legality and vulnerability — into those deserving (“families”) and those undeserving (“felons”) of freedom from fear of deportation. Cooptation functioned through DACA+, when President Obama’s failed promises to meet migrant demands for relief from deportations and an end to Secure Communities resulted not only in feelings of betrayal, discouragement, and confusion, but also in the unabated operation of the deportation and detention regimes, and the replacement of Secure Communities with a similar surveillance strategy called Priority Enforcement Program. Despite Obama’s promises that priority enforcement strategies would make “felons, not families”³⁰ the targets of his deportation machine, Chavez says that “numerous DREAMers have been detained, subjected to deportation proceedings, and then deported” (Chavez 2016, 100).

Also writing about cooptation, Michelle Alexander notes that since the legal abolition of chattel slavery in the United States, “systems of control have evolved, they have become perfected, arguably more resistant to challenge, and thus capable of enduring for generations to come” (2011, 22). She continues, “when meaningful change fails to materialize following the achievement of superficial diversity” – in this case the achievement of short-term official recognition from the Deporter in Chief, the United States’s first Black president who campaigned

³⁰ Obama, Barak. 2014. “Remarks by the President in Address to the Nation on Immigration.” Washington DC, November 20, 2014. <https://obamawhitehouse.archives.gov/the-press-office/2014/11/20/remarks-President-address-nation-immigration>

on immigration reform – “those who remain locked out can become extremely discouraged and demoralized, resulting in cynicism and resignation” (Alexander 2011, 21). She continues, “The inclusion of people of color in power structures, particularly at the top, can paralyze reform efforts” (Alexander 2011, 21). More than resignation, Reyes and Salgado tend to heartbreak, and instead of paralysis, follow movements of Abuelita’s body to freedom. Like the temporariness of deferred action, Reyes’s heartbreak is not permanent.

Considering Alexander’s acknowledgement of the affective effects of cooptation – discouragement and demoralization – I interject Jonathan Inda’s definition of governmentality: governmentality is “any rational effort to influence or guide the comportment of others...through acting upon their hopes, desires, circumstances, or environment” (2008, 3). Thus, cooptation has affective consequences, but it is also by means of adapting to and coopting already existing migrant feelings – hopes and desires – that the state can enact this cooptation towards the aim of continued investment in the nation as it extends the reach of its governance. DACA undeniably caused a violent rippling effect — those bodies to which the label DREAMer could not be applied were further distanced from recognition. Migrants with nonnormative bodies, migrants who have been criminalized, migrants whose age, language, or ability restrict them from joining the military or attending college, and many more, are determined inassimilable into national society; inassimilable bodies can then be targeted for exploitation, incarceration, and/or removal.

“If we curtail and narrow our vision in ways that ... limit our imaginations to what a US legal system, created to establish and maintain slavery and colonialism can provide,” cautions Spade, “we will perpetuate rather than deeply transform the arrangements that concern us” (2011, 128). Further, if we develop strategies within what the US legal system can provide, these strategies can become coopted and utilized to maintain the state’s power to subject. DACA

and DAPA are examples of the cooptation and incorporation of efforts for immigration reform and a stop to deportations. If demands for freedom from fear of deportation, detention, and death can become repurposed into the political messages behind data collection projects like DAPA and DACA, which are limited to hegemonic terms of recognition — and which reinforce ideologies of illegality, good/bad immigrants, and deserving/undeserving subjects — what are the queer and relational strategies that resist cooptation? Through the (non)implementation of programs like deferred action, holding migrants in a state of deferred legality, always awaiting recognition, works to quell more radical demands and divide migrants into categories of good versus bad, deserving versus undeserving, felons not families.

Now to return to Salgado's illustration of the body in the "I AM UNDOCUMENTED" t-shirt. The repetition of "NOW!!" in the image Salgado creates points me to Jose E. Muñoz's critique of the "autonaturalizing temporality that we might call *straight time*" (2009, 22). Straight time, Muñoz explains, "tells us that there is no future but the here and now of our everyday life" (2009, 22). The focal point of Muñoz's critique is "neoliberal thought and gay assimilationist politics" (2009, 32); but, given the evidence of presentist thought within the (im)migrant rights movement and parallels of visibility politics, Muñoz provides a framework for understanding queer subversions of the documentation regime's temporality of deferral. Employing queer of color critique, Muñoz develops his theory of disidentification and disidentificatory performance. Disidentification, Muñoz says, "is a mode of performance whereby a toxic identity is remade and infiltrated by subjects who have been hailed by such identity categories but have not been able to own such a label" and is "therefore about the management of an identity that has been 'spoiled' in the majoritarian public sphere." It is a "critical negotiation in which a subject who has been hailed by injurious speech, a name, or a label, reterritorializes that speech act and the marking

that such speech produces to a self” (1999, 185). Muñoz offers an example especially salient to our conversation: “Once illegal, always illegal” (1999, 186). Among its many other abilities, disidentificatory performances “possess extremely special temporalities in that they exist in both *the future and the present*” (Muñoz 1999, 197). Disidentificatory performance creates “worlds of transformative politics and possibilities” and “engenders worlds of ideological potentiality that alter the present and map out a future” (Muñoz 1999, 195). The idea that bodies in performance can enact nonlinear temporalities, or what José Muñoz calls queer futurity, is our final exploration in this chapter.

She Will No Longer Need Papers

Just as Reyes’s lyrics began with his grandmother, the last minute of the four-minute performance returns to Abuelita. Reyes says, “Abuelita has a broken heart / Ella no tiene la lengua para explicarle al presidente de sus milpas de café / She is not a DREAMer / There is no Deferred action for her / No immigration reform for her / She will NEVER be AMERICAN.” He continues,

One day she will pack her bags / Purchase a plane ticket and return home / She will look at the streets / Try to remember how things used to be / But time has not stopped since she left / Her comadres have passed / Su casita fell / She will look at the dirt / Try to remember where she gave birth to her first-born / Look at the face of a son she has not seen in decades / She will be weak / Spending her days remembering / Abuelita will slowly dig her grave / Crawl back into the land that brought her to this journey / Return to the center / And migrate to the spirit world / There she will no longer need papers / no longer be poor / no longer ache / no longer be broken hearted / There she will whisper to me / And remind me that all this is a dream / That one day we will wake up to a place more beautiful than this.

Salgado draws Abuelita in her home, a series of straight lines behind her head and curving lines in front of her chest gesture towards movement. He writes “MEMORIES” over her heart. In the words “one day” “remembering,” and “MEMORIES,” Reyes and Salgado recognize Abuelita’s movements as atemporal, and this leads her closer to freedom.



Figure 9 “Legalities of Being” Screenshot of MEMORIES

In the final image of “The Legalities of Being,” Abuelita’s eyes are closed, her hair and dress flow around her. It feels like she’s moving as Salgado’s hand moves, as if she is floating. In her hair Salgado writes “FREE...”. Abuelita has returned to her homeland, and her migration continues into the spirit world, a place where she will finally be free from systems of documentation — she will no longer need papers. The affirmation that “one day we will wake up to a place more beautiful than this” brings to mind again Muñoz’s theorization of queer temporalities. Muñoz asserts that “doing, performing, engaging the performative as force of and for futurity is queerness’s bent and ideally the way to queerness” (2009, 32). Significantly, the freedom that Reyes and Salgado imagine for Abuelita and themselves is not located in the US or in the present; it is in another place and another time. This other place and other time is what Muñoz would call the “then and there” of queer futurity, a queer horizon that is “not-yet here” (2009, 29). Muñoz argues that “seeing queerness as horizon rescues and emboldens concepts such as freedom that have been withered” by presentism. For Muñoz, “queerness’s ecstatic and horizontal temporality is a path and a movement to a greater openness to the world” (2009, 25).



Figure 10 “Legalities of Being” Screenshot of Freedom

Abuelita has returned to her homeland, and her migration continues into the spirit world, a place where she will finally be free from the documentation regime — she will no longer need papers. Abuelita migrates to a greater openness to the world, reminding Reyes that “this was all a dream.” Salgado rolls up the butcher paper, and we see the nine images in reverse. We end of the first image of Abuelita, holding the sign that reads “REALITY.” Was it all a dream?



Figure 11 “Legalities of Being” Screenshot of It was all a Dream

Conclusion

Rewind. But we’ve moved forward in time. We’re back where we began — Los Angeles, June 2020, Covid-19. A month ago, a *ProPublica* investigation obtained emails revealing that ICE had indeed accessed the DACA database. BAJI’s prophecy was fulfilled. But in the midst of a global pandemic, climate crisis, mass protests against police brutality, and spectacles of

extreme violence against asylum seekers at the Southern border, the story received little attention in public discourse. I think about how at the start of the pandemic, Trump responded in a press conference to a reporter who had asked about Covid testing eligibility for undocumented migrants. “I think you could say illegal alien, you could say illegal immigrant, you could say whatever you want, use your definition of what you’re talking about — we’re all talking about the same thing” (Samuels 2020).

A day or two later, I attend “We Never Needed Papers to Thrive,” a virtual performance by Reyes followed by an audience Q&A. As the event is coming to a close, an attendee asks Reyes, “Do you have any advice for young undocumented students who are afraid to lose DACA and have never lived without papers as adults?” Reyes responds,

It’s something to get used to...even me, what am I gonna do if they do take this number away? This is where it comes, our spirits as people that survive. I trust and firmly believe that we’ve already established those mechanisms...Find your community, find your people that can support you and elevate you.

Chapter Two

Into the Shadows, Out of View: Submission, Seduction, and the Citizen Gaze

What does it mean to not be recognized as somebody occupying the category of the human? ...What does it mean to reclaim my own humanity, but reclaim it through my shadow and through the abstract?

—Alan Pelaez Lopez, Personal Interview, 2019

I have been photographing my shadow for 3+ years...I was envious at the anonymity of my own shadow. In some way, these shadows also play on the idea that undocumented immigrants hide in the shadows and can never enter the public sphere because if they do, they can face detainment and deportation. The shadows demand light, but hide. ...

—Alan Pelaez Lopez, *Intergalactic Travels*

Introduction

Here we are, together again, in Chapter Two. Building from my work in Chapter One, this chapter continues charting the structures, logics, and technologies of the documentation regime. To review, I have identified the structure of the documentation regime as both official state surveillance and non-state surveillance and theorized the logics of the documentation regime as visibility, choreography, and temporality. As an antidote to the documentation regime's logic of visibility, the migrant artists and activists we engage in this dissertation perform queer mis/recognitions; to subvert the documentation regime's choreography, they perform queer relationality; to counter the documentation regime's temporality of deferral, they perform queer futurity. Each chapter of the dissertation examines one of four technologies of the documentation regime: state-sponsored data collection through temporary immigration documents; state-issued IDs and biometric information; transnational data sharing agreements; and the destruction and disappearance of official documents and databases. In this chapter, we will trace the documentation regime's technology of IDs and biometric data as an evolution of racializing surveillance rooted in settler colonialism and chattel slavery.

In the coming pages, we are going to view a performance by Alan Pelaez Lopez that exposes how state-issued IDs operationalize the documentation regime's logics of visibility, temporality, and choreography to elicit the affect of submission. I argue that in their 2014 work of video performance called *Speak*, Pelaez Lopez enacts queer techniques for subverting the documentation regime's surveillance.¹ Through visual, textual, and sonic analysis informed by my 2019 interview with the artist, we will interpret in this chapter how Pelaez Lopez performs submission, seduction, and anger to become neither recognized nor unrecognizable by the documentation regime. Rather than coming out of the shadows of undocumentedness into visibility, Pelaez Lopez seduces their viewers into the shadows of misrecognition. From the shadows, Pelaez Lopez conjures queer migrant futures of protection, freedom of movement, and joy.

Before we go further, I first want to introduce you to Pelaez Lopez and reorient us to where we left off in Chapter One. In their own words, Pelaez Lopez is,

An AfroIndigenous poet, installation, and adornment artist from Oaxaca, México. Their work attends to the quotidian realities of undocumented migrants in the United States, the Black condition in Latin America, and the intimate kinship units that trans and nonbinary people build in the face of violence²

In 2010 Pelaez Lopez became “artistically, socially, and politically involved in the immigrant rights movement as DREAM Act votes were about to take place.”³ In the years following, they held leadership positions with the Student Immigrant Movement and the Queer Undocumented Immigrant Project. Pelaez Lopez “firmly believes that art is a portal into the future,” and their

¹ Alan Pelaez Lopez, “Speak,” Vimeo, 02:34, posted by Heather Mooney, 2014, <https://vimeo.com/106227983>

² Alan Pelaez Lopez, “about me,” www.alanpelaez.com

³ *ibid.*

vision for the future is an “unapologetically Black and queer feminist vision for liberation.”⁴

They attribute this vision to the undocumented Black migrants from the Caribbean and South America who mentored them as a young organizer.⁵ Pelaez Lopez is also a brilliant scholar and public intellectual, and they are widely known for their interventions into popular and academic discourse around the intersections of blackness, indigeneity, migration, citizenship, Latin American and Latinx identity, queerness, femme embodiment, and transness.

As our entryway into this chapter, let’s preview Pelaez Lopez’s consideration of one prevalent narrative of immigrant rights organizing, which we examined in depth in Chapter One. Aligned with the documentation regime’s logic of visibility, this narrative portrays official immigration documents and legal recognition as a key aspect of affording rights to migrants that protect them from violence at the hands of state, corporate, and citizen actors. In a 2018 article in *ReWire*,⁶ Pelaez Lopez brings complexity to these ideas. They write,

I thought that my life would change after receiving legal immigration status. Yes, I have access to a lot of privileges I did not have before, such as the access to travel to Mexico for funerals and holidays and the ability to work legally. However, as a Black body, I move through the world with fear: Will I be shot for walking too fast? Will my body be stopped-and-frisked for being too femme? Will I be criminalized and labeled a ‘sex worker’ if I wear an all-lace outfit at night? By having to ask these questions on the daily, I know that the ask for ‘citizenship’ is irrelevant to my racialized body.

Through their embodiment as a queer femme AfroIndigenous migrant, Pelaez Lopez knows that not only is legal status insufficient, but that citizenship itself will not grant them protection from harm. As we will see, the granting of official documents and citizenship ultimately works to legitimize settler governance and expand state surveillance capacities.

⁴ *ibid.*

⁵ *ibid.*

⁶ Alan Pelaez Lopez, “Lessons From an Immigrants Rights Organizer: We Are Not Our Productivity.” *Rewire News Group*, January 2, 2018, <https://rewirenewsgroup.com/2018/01/02/lessons-immigrant-rights-productivity/>.

Pelaez Lopez's visionary interventions, and our work in this chapter of interpreting these visions in *Speak*, remind me of Dean Spade's caution that "if we curtail and narrow our vision in ways that...limit our imaginations to what a U.S. legal system, created to establish and maintain slavery and colonialism can provide, we will perpetuate rather than deeply transform the arrangements that concern us" (Spade 2011, 128). In this chapter, Pelaez Lopez will guide us in envisioning and enacting another future, as we move "toward something more than what law and rights can yield" (Rodriguez 2014, 25). Pelaez Lopez's very presence in the U.S. as an AfroIndigenous migrant unsettles the documentation regime's logics of visibility, temporality, and choreography. In the pages to come, we will move through *Speak* away from official documentation, and towards "worlds in which to exist that don't require *papers* or *citizenship*" (Pelaez Lopez 2017b). Pelaez Lopez's critique of the limits of citizenship for Black and Indigenous migrants is crucial to understanding that the surveillance of the documentation regime is racialized. It targets bodies — black and brown, old and young, sick and healthy, etc. — in differential ways. In *Speak* Pelaez Lopez performs queer strategies for subverting this racialized surveillance.

Where We've Been, Where We're Going

In Chapters One and Two, we are centering undocumented and formerly undocumented queer artists and activists whose work exposes how the documentation regime's logics and technologies elicit affects of national love and submission to advance state and non-state surveillance capacities. In Chapter One, I interpreted *The Legalities of Being* to analyze the documentation regime's technology of state-sponsored data collection programs in the 2012 Deferred Action for Childhood Arrivals program (DACA). In Chapter Two, I will interpret Pelaez Lopez's *Speak* to investigate the historical origins and contemporary evolutions of

another technology of the documentation regime: state-issued IDs with biometric data. This chapter locates the historical origins of the documentation regime in a particular time and place of U.S. settler colonialism — the eighteenth-century Antebellum South and Northeast. Here we find the first identity documents with biometric data that choreographed movements of Black and Indigenous people. If you remember, we've been thinking about the documentation regime's logic of choreography as a settler colonial dynamic between written documentation and the movement of bodies — a choreography that restricts, predicts, and produces migrations between the U.S., Mexico, and Central America.

The artists in Chapters One and Two speak directly to the documentation regime's logic of visibility. Through the eyes of their elders and ancestors, they see the reality that visibility in the form of official immigration documents will not protect them from detention and deportation; that official recognition in the form of citizenship will not grant them freedom of movement; and that national love and submission to the documentation regime will not transform past trauma into joyful futures. Through the eyes of their elders and ancestors, Reyes, Salgado, and Pelaez Lopez envision other futures. In affective performances of heartbreak and anger, the artists enact queer mis/recognition, relationality, and futurity to subvert the documentation regime. In turn, they conjure futures beyond papers, beyond citizenship, beyond borders, and beyond the here and now.

Importantly, the artists in Chapters One and Two also expose how the documentation regime not only operates via state power, but also activates the watchful gazes of non-state entities: journalists, academics, artists, filmmakers, and citizen-led non-profits, for example. These varying actors are connected by a defining obsession, a kind of sadistic voyeurism: tragic accounts of traumatic border crossings and images of migrant suffering. In later works, Reyes

calls this kind of voyeurism and fetishization of migrant trauma “the citizen gaze.” While in Chapter One Reyes and Salgado intend their performance to be specifically for an undocumented audience — in defiance of the citizen gaze — here Pelaez Lopez seduces their intended citizen audience into an unsettling, direct confrontation with their own fetishizing voyeurism. *Speak* will bring us closer to understanding the origins of the citizen gaze in the “white gaze,” which has been traced by Black and Indigenous writers and artists to European invasion, the transatlantic slave trade, and settler colonialism in the eighteenth- and nineteenth-century United States.

Chapter Two positions us — you, readers, and me — in differential relationships to the citizen gaze. If you are a citizen like I am, with any degree of other intersecting privileges, facing ourselves in this chapter is definitely going to be uncomfortable. As we go on, we will need to question, prompted by Simone Browne, whether my interpreting *Speak* reinstates the citizen gaze. (How could it not?). Browne asks, “do my reading practices act to reinscribe violence and a remaking of blackness, and black bodies, as objectified?” (Browne 2015, 67). Similarly, Christina Sharpe posits that the act of looking at Black subjects by white viewers “often entails a seduction by or complicity with violent acts of reading, seeing, naming, and fixing into stereotype that resolves in disavowal and projection” (Sharpe 2010, 156). This idea of viewers being seduced into violent acts of seeing and naming will unfold in the coming pages. Pelaez Lopez and I — looking into each other’s eyes during our video interview — lingered in this charged discomfort more than once. My interview with Pelaez Lopez will figure centrally in this chapter, as we submit to their seduction into a scene of degradation where reading, seeing, and naming become impossible.

Visibility, Refusal, & Mis/recognition

Like *Legalities* in 2012, Pelaez Lopez's 2014 *Speak* responded in part to their experiences with DREAM Act and DACA organizing and the continued controversy within the migrant justice movement surrounding the labels "illegal" and "undocumented." As you may recall, this debate over "illegal" versus "undocumented" was closely tied to the undocumented youth movement's "coming out of the shadows" project during the 2010s, which implored DREAM Act-eligible youth to publicly come out of the shadows of undocumentedness and into visibility as "Undocumented, Unafraid, Unashamed." Both *Legalities* and *Speak* draw attention to the way immigration law and its associated labels, combined with the citizen gaze, produce affective imprints onto racialized migrant bodies. For Reyes, Salgado, and Pelaez Lopez, becoming visible by "coming out of the shadows" will not only not provide protection and freedom, but will not heal the heartbreak and anger caused by displacement and legal administrative violence.

In this chapter, Pelaez Lopez seduces viewers into worlds of shadows and silhouettes, a place where they further unsettle concepts of coming out into visibility and official recognition. They bring complexity to dynamics of seeing and being seen, what Browne calls "looking relations" (2015, 58). In *Speak* Pelaez Lopez performs a seduction into shadows that forces the citizen gaze into a direct confrontation with itself. They reclaim their humanity *through* their shadow, from a place between visibility and invisibility. From the shadows, they neither demand nor refuse official recognition. Instead, Pelaez Lopez leads us toward another viewpoint for thinking through recognition, performing what I theorize as a mis/recognition — becoming neither recognized nor unrecognizable, but misrecognized.

In our 2019 interview, I asked Pelaez Lopez about the significance of visibility politics within migrant justice organizing and the debate over "illegal" versus "undocumented." If you

remember, this debate figured prominently in the Introduction and Chapter One, and we invoked queer of color performance scholar Jose E. Muñoz to understand how migrant performances of disidentification open pathways to queer futures of freedom of movement. Right away though, Pelaez Lopez shifts the framing of our conversation. Pelaez Lopez says, “as somebody who is visibly Black in the U.S.,” they are less interested in “the narrative of ‘undocumented’ [versus] ‘illegal alien,’” and are instead invested in thinking through the concept of fugitivity. “Fugitivity,” they explain, “hits closer to my racialized existence.”⁷ As opposed to being made “illegal” or “undocumented” by the law, Pelaez Lopez considers themselves a “fugitive of the law.” As a fugitive, Pelaez Lopez is certain that official documentation will not grant them true recognition. They share how official documentation only records the enslavement of their ancestors:

There’s no archive of my family, all I have is the last names. My grandfather, his last name is Holanda, a fucking European country [Holland]. Some of his family members’ last names are in Dutch, and they’re all Black, so the only documents I have to trace my lineage are from documents that signal to the ownership of our bodies but not necessarily documents that show us other things.⁸

Pelaez Lopez’s ancestors reveal to them that becoming officially “documented” is not a form of recognition or protection, it is an act of ownership. For them, documents were never intended to protect or grant freedom but rather to facilitate surveillance and forced displacement. Documentation signaled ownership, enabled exposure to state surveillance, and enacted erasure of identity, history, and ancestry. Pelaez Lopez’s conceptualization of fugitivity places the documentation regime within a longer temporal frame — we cannot site the formation of the documentation regime in the “rise of the administration” that we discussed in the Introduction.

⁷ Alan Pelaez Lopez, interviewed by Rosanna Simons. Los Angeles. August 25, 2019. Zoom.

⁸ *ibid.*

Rather, Pelaez Lopez's work requires us to address the origins of contemporary surveillance in the United States in chattel slavery and its entrenched legacy of antiblackness. In other words, to examine what Browne names, "the facticity of surveillance in black life" (Browne 2015, 7). Their work also requires that we turn to Indigenous studies scholars to think through visibility and official recognition as an ongoing logic and structure of European invasion and settlement. Thus, Pelaez Lopez exposes the documentation regime's racialized origins and contemporary operations in slavery and settler colonialism. Here we will explore what this means for queer strategies of subverting the dual structure of the documentation regime — both the state's view and the citizen gaze. This potentiality of misrecognition as a strategy for subverting the documentation regime builds from and intervenes into discussions of recognition in Indigenous studies, migration studies, surveillance studies, and queer of color performance and dance.

Let's return to Pelaez Lopez's response to my question about visibility politics in the migrant justice movement, and their reframing of the conversation in terms of fugitivity. They say,

Because my ancestors arrived to the Americas as property, our wound of migration actually predates the concept of illegal or undocumented. For me, I'm a fugitive, because since I descended from people who were enslaved and I ran away from the empire [Mexico] that enslaved my ancestors — I'm in a different empire now [the U.S.] — I am living as a fugitive of the law. Because I didn't choose to come to the Americas, I was born in the Americas because of the global circuit of the transatlantic slave trade, and that's how my existence came into being.⁹

Through the eyes of their ancestors who were enslaved in Mexico, Pelaez Lopez understands their fugitivity as transnational. In their very existence as a fugitive of two empires, (the U.S. and Mexico), Pelaez Lopez deepens understandings of surveillance against racialized migrants

⁹ *ibid.*

moving between Central America, Mexico, and the U.S., as well as of state and non-state surveillance against Black U.S. citizens. While these experiences have largely been theorized separately, Pelaez Lopez demonstrates that an analysis of the documentation regime must address both realities. Moreover, Pelaez Lopez's embodiment signals that because surveillance is racializing, there are at once distinctions and similarities in how Black citizens, Black migrants, Brown migrants, Indigenous migrants, and people Indigenous to the land renamed the United States are surveilled by the documentation regime.

Browne defines racializing surveillance as “a technology of social control where surveillance practices, policies, and performances concern the production of norms pertaining to race” (2015, 16). In other words, the concept of racializing surveillance points to how surveillance “reifies race” (Browne 2015, 17). Browne asserts that an “understanding of the ontological conditions of blackness is integral to developing a general theory of surveillance” (8), and that “certain surveillance technologies installed during slavery...anticipate the contemporary surveillance of racialized subjects” (Browne 2015, 24). One such technology is identification through documented biometric information. She “locates blackness as a key site through which surveillance is practiced, narrated, and enacted” (2015, 9) and argues that “race continues to structure surveillance practices” (Browne 2015, 11).

To theorize the historical roots of state surveillance and the citizen gaze in anti-blackness and chattel slavery, and to situate Pelaez Lopez's contemporary subversion tactics, we will again invoke Browne (2015) and Sharpe (2010). Additionally, to understand official recognition as an ongoing operation of settler colonialism, and to study alternatives to official recognition, we will look to Indigenous studies scholars Glen Coulthard (2014) and Audra Simpson (2014) and their readings of Frantz Fanon (2008). And to feel the potentiality of queer mis/recognition,

relationality, and futurity to bring about futures free from surveillance, we will return to Jose E. Muñoz (2009) and Juana Maria Rodriguez (2014).

In her study of racializing surveillance in the Antebellum South and Northeastern United States, Browne investigates “the ways that those who are often subject to surveillance subvert, adopt, endorse, resist, innovate, limit, comply with, and monitor that very surveillance” (Browne 2015, 13). She identifies “tactics employed [by fugitives of slavery] to render one’s self out of sight.” These tactics, “used in the flight to freedom from slavery,” include “undersight,” “antisurveillance,” and “countersurveillance” (Browne 2015, 21). Sharpe calls the explicitly sexualizing, voyeuristic nature of these looking relations, “the sadomasochism of everyday black life” (Sharpe 2010, 118). Browne says that “with certain acts of cultural production, we can find performances of freedom and suggestions of alternatives to ways of living under a routinized surveillance” (Browne 2015, 8), and in this chapter we will find that in the act of performing *Speak*, Pelaez Lopez reveals strategies for subverting surveillance that emerge from their own embodiment.

Meanwhile, Coulthard (2014) and Simpson (2014) theorize settler colonial recognition against Indigenous acts of self-recognition and refusal, respectively. Coulthard, Simpson, Browne, and Sharpe all engage Frantz Fanon’s critique of recognition and freedom. Coulthard explains, “in Fanon recognition is not posited as a source of freedom and dignity for the colonized, but rather as a field of power through which colonial relations are produced and maintained” (2014, 16). Further, “colonial-capitalist exploitation and domination is correctly situated alongside misrecognition and alienation as foundational sources of colonial injustice” (Coulthard 2014, 33). Let’s pay attention to this idea of misrecognition as a foundation of colonialism, because later we will consider another interpretation of misrecognition.

Presently, says Coulthard, “colonial powers will only recognize the collective rights and identities of Indigenous peoples insofar as this recognition does not throw into question the background legal, political, and economic framework of the colonial relationship itself” (2014, 41). Coulthard reads Fanon’s critique of recognition in an effort to “determine the relative transformability of certain fields of colonial power over others” and “to critically assess which strategies hold the most promise, and which others are more susceptible to failure” (2014, 47). Visibility and official recognition is one such strategy susceptible to cooptation and failure. For Coulthard, “the self-affirmative logic underlying Fanon’s writings of anticolonial agency and empowerment” is a strategy that holds promise for “evading the liberal politics of recognition’s tendency to produce colonial subjects” (2014, 26). Coulthard reframes Fanon’s self-affirmative logic in settler colonial North America as “some form of critical individual and collective self-recognition on the part of [contemporary] Indigenous societies” (2014, 48).

While Coulthard (2014) suggests the strategy of self-recognition, Simpson (2014) proposes “refusal” as “a political alternative to ‘recognition.’” Simpson (2014) defines political recognition in the language of looking relations, as being “seen by another *as one wants to be seen*.” In the case of Indigenous people, it is also “to appear politically and in formal and official forms, to have rights that protect you from harm, that provide you access to resources, or that protect certain resources” (Simpson 2014, 23). For Simpson (2014), refusal is “a political and ethical stance that stands in stark contrast to the desire to have one’s distinctiveness as a culture, as a people, recognized.” She continues, “Refusal comes with the requirement of having one’s *political* sovereignty acknowledged and upheld, and raises the question of legitimacy for those who are usually in the position of recognizing: What is their authority to do so? Where does it come from?” (Simpson 2014, 11). This act of refusal unsettles the incomplete project of settler

colonization. Importantly, refusal is not only “a willful distancing from state-driven forms of recognition and sociability,” but is actively “in favor” of other forms of recognition and sociability (Simpson 2014, 16). Simpson calls us to “think about forms of social belonging” and “forms of social recognition,” as a kind of recognition “that does not necessarily entail a juridical or state form of recognition,” but is rather “rooted very deeply for some in the place of the reserve proper or in their web of relations” (2014, 189).

For people indigenous to the territory renamed the United States, this form of intracommunity recognition “may be an alternative (or a complement) to state forms of recognition that are afforded through band membership” (Simpson 2014, 189). Placing Pelaez Lopez in dialogue with Browne, Sharpe, Coulthard and Simpson, we are faced with the question of how collective self-recognition and acts of refusal are performed when forced displacement from one empire to another means fugitivity, when Pelaez Lopez has been uprooted and separated (by historical chattel slavery, by the contemporary documentation regime’s choreography) from their web of relations. Again, we find that Pelaez Lopez’s very presence as a fugitive in the U.S. empire exposes the fragility and illegitimacy of settler sovereignty. But what tactics of evasion does Pelaez Lopez perform in *Speak*?

To review, Browne identifies effective tactics of undersight, antisurveillance, and countersurveillance (Browne 2015, 21). Coulthard (2014) calls for individual and collective self-affirmative recognitions, and Simpson proposes a refusal of state recognition. I am arguing that as a fugitive of two settler colonial empires, Pelaez Lopez’s flight to freedom necessitates a strategy of misrecognition. Again, the documentation regime is structured by both state surveillance and citizen surveillance, and here we will examine Pelaez Lopez’s fugitive tactics for rendering themselves unrecognized by the state and by the citizen gaze. Browne speaks to this

dual nature of racialized surveillance when she says that “in the time of slavery...citizenry (the watchers) was deputized through white supremacy to apprehend any fugitive who escaped from bondage (the watched), making for a cumulative white gaze that functioned as a totalizing surveillance” (2015, 21). She adds, “the violence of this cumulative gaze continues in the postslavery era” (Browne 2015, 21). Now, let’s investigate the violence of the documentation regime’s cumulative gaze in our contemporary era, through visual, sonic, and textual analysis of *Speak*.

Speak

Pelaez Lopez produced the video *Speak* in 2014,¹⁰ after the text of the poem was first published on the (Un)documenting tumblr archive.¹¹ Like the Dreamers Adrift site from Chapter One, the (Un)documenting tumblr emphasizes the importance of creative work about undocumented migrants *by* migrants, rather than representations produced by citizens through a citizen gaze. While Reyes and Salgado’s *Legalities* was intended for undocumented audiences, in *Speak* Pelaez Lopez directly confronts the citizen gaze as they enact queer strategies to subvert the visibility, temporality, and choreography of the documentation regime. Performing a seduction into the shadows of misrecognition, they take command of temporality to resignify freedom *of* movement as freedom *from* forced movement in the future. Before I describe the video, I want to offer a content warning — in *Speak*, Pelaez Lopez voices violent racial, homophobic, and xenophobic slurs that have been used against them. Please take care when reading.

Scene 1: Degradation

¹⁰ Alan Pelaez Lopez, “Speak,” Vimeo, 02:34, posted by Heather Mooney, 2014, <https://vimeo.com/106227983>

¹¹ (Un)documenting, Tumblr post. 2014. <https://undocumenting.tumblr.com/post/62167990017/alan>

The video begins with the artist in the right third of the frame, facing the camera, in the shadows of a dark surrounding. Visible from the waist up, Pelaez Lopez stands with their head lowered, their arms pressed against their sides. Before we hear Pelaez Lopez's voice, text on their body makes known their immigration status: they wear a white t-shirt printed with large black text across their chest, "I AM/ UNDOCU/ MENTED." This t-shirt is familiar to us by now, as we saw in Salgado's illustrations in *Legalities*. Visually, *Speak* alternates between film of Pelaez Lopez in color and clips of black and white moving images, silhouettes of the original footage. During the two-and-a-half-minute performance, Pelaez Lopez's is the only body on screen. In color film, their hands cast shadows onto their own torso. In silhouette, they both become a shadow and cast shadows onto the wall behind them. Throughout, they step into and out of the light, but always contain shadows on/in their body.

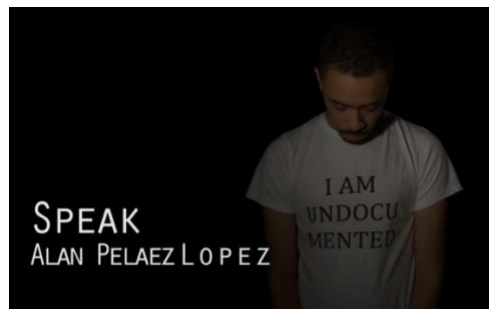


Figure 12 *Speak*, Screenshot by Author

Pelaez Lopez's first movement is to slowly lift their head, as the camera cuts to a closeup of the artist gazing towards their right, then to them looking directly into the camera. It feels like they are staring into our eyes. Simpson observes in Fanon's writings "the impetus to 'turn away' from the oppressor, to avert one's gaze and refuse the recognition itself" (Simpson 2014, 24). Pelaez Lopez, however, does not avert their gaze. Instead, they reverse this order — they begin with their eyes averted, and then turn towards the viewer. At the same time, they do not submit to recognition, either.

Pelaez Lopez is now brightly spot lit against the dark background. Speaking softly, sweetly, in breathy tones of femininity and intimacy, Pelaez Lopez instructs the viewer: “Open your mouth.” Sonically, their voice is laid over a low and ominous vibration that swells in intensity throughout the video with the cadence of their lyrics. As they command the viewer, “Open your mouth,” Pelaez Lopez’s eyebrows raise, and a slight knowing smile seems to express the subtle satisfaction of seduction. Cut to a closeup of Pelaez Lopez’s hands gesturing towards themselves, beckoning us to come physically closer, as we hear their voice again, “Go ahead.” The camera returns to Pelaez Lopez’s face and gaze, their smile widening only for a moment, as they grant consent to their audience, “I give you permission...” Pelaez Lopez begins in a position of dominance as they command their audience, then swiftly switches into a submissive position as they grant consent.

When I asked Pelaez Lopez in our interview about this overtly sexual opening scene, they explained that they wanted their vocal performance to be so soft in the video that it felt unsettling and even threatening to their audience. In these first nine lyrics and the accompanying visuals, Pelaez Lopez’s soft voice seduces viewers into a direct encounter with their gaze, an encounter that is at once sexual and disturbing. Suddenly, in a jarring switch, Pelaez Lopez’s smiling expression twists in anger and their voice peaks in speed and volume as they recite violent homophobic, racist, and xenophobic slurs in Spanish and English that target each aspect of their identity as a queer AfroIndigenous migrant: “...to call me a jota/ Una marica/ And a faggot...ese negro pendejo/ That n-----/ Spick/ And illegal.” During this escalation of anger and volume, we view rapid cuts from close-ups of their hands, eyes, and profile, interspersed with flashes of their silhouette, a black shadow gesturing passionately against a stark white background. With each

jarring visual switch, Pelaez Lopez demands that their audience experience another realm of shadows, another relationship to their gaze.

Take a breath. Let's slow our analysis to unpack the visuals, sonics, and lyrics that command us into direct confrontation with Pelaez Lopez's gaze at times, and seduce us into their shadows and silhouettes at others. Pelaez Lopez's first command, "Open your mouth," and their subsequent granting of consent, "I give you permission," to be called by racially and sexually degrading labels echoes the language of sexual power dynamics that play out in the shadows of queer BDSM. BDSM is a range of sexual practices including bondage, dominance, discipline, submission, sadism, and masochism, and involves "intentional, exaggerated power play." In spaces where BDSM is practiced, whether in dungeons, private homes, or individual fantasies, racially and sexually charged terms like the ones Pelaez Lopez recites and others like "Master," "slave," "bitch," and "slut" are "all regular parts of the lexicon" (Honey B and Wiginton 2022). The performance of BDSM fantasies in a "pre-negotiated, planned BDSM interaction" between two or more people is called a "scene" (Honey B and Wiginton 2022). In opening their video performance with command, consent, and a specified list of demeaning labels, Pelaez Lopez implicates viewers in a scene that will subject the artist to degradation.

According to queer Black BDSM practitioners Honey B and Wiginton, for a submissive in a degradation scene, "it is likely that she has set clear boundaries around what she does not want to be called, what sorts of degradation are off limits for her, and how both she and her Dominant know when the scene is over" (Honey B and Wiginton 2022). We have to stay in this degradation scene until Pelaez Lopez decides it is over. It's here that Pelaez Lopez's silhouette first appears, when they speak the slur "faggot." They are in profile, their body a black shadow. The frame is brightest white at the center, gradually growing darker towards the edge of the

spotlight on Pelaez Lopez. Their hands are in front of them, casting lighter shadows onto the background.



Figure 13 *Speak*, Screenshot by Author

Pelaez Lopez grants permission to be labeled and categorized, as if submitting to the documentation regime's logic of visibility. Thinking back to Sharpe's (2010) "acts of reading, seeing, naming, and fixing into stereotype," Audra Simpson (2014) uses similar language to describe what she calls "the colonial scene." This degrading scene of European invasion and settlement in the U.S. required "the making of lists, the fixing of names, the rendering of 'legibility,' and the congealment of identities around certain spaces" (Simpson 2014, 188). In *Black Skin, White Masks*, Fanon exclaims his desire to evade being seen and fixed into stereotype. He says, "I slip into corners, my long antenna encountering the various axioms on the surface of things...I slip into comers; I keep silent; all I want is to be anonymous, to be forgotten. Look, I'll agree to everything, on condition I go unnoticed!" (Fanon 2008, 96). The axioms to which Fanon refers are demeaning stereotypes of the black body, like Pelaez Lopez's recitation of degrading language in *Speak*. If the documentation regime, in the form of the citizen gaze and state surveillance, make anonymity impossible, is there an alternative?

At first it might seem Pelaez Lopez's consent signals submission to be rendered recognizable by the documentation regime. But even their consent to be labeled complicates visibility and unsettles the viewer. Pelaez Lopez says,

...To have this video where I'm coded as very ambiguous, I also wanted people to be troubled by my very clear use of the N-word, in a way that made them stop and maybe not understand why I'm using that and get mad...I wanted people to get angry because I was so angry, and I wanted them to experience this thing that the law continually makes me experience.¹²

In raising their voice in anger as they grant permission to be degraded, also Pelaez Lopez unsettles the submissive position in the scene.

Knowing that Pelaez Lopez frequently performs their pieces live, I ask them if they have performed *Speak* for a live audience. They respond that since creating the video performance, they have “never performed the piece in public because I feel like that piece, it would require me to scream and be incredibly loud, and I just don't know how safe I would feel doing that with strangers.”¹³ For Pelaez Lopez, creating a video performance was the solution to an affective dilemma:

... I felt that the video was the way in which I could be angry, get the poem out there, make people uncomfortable, and still be somewhat safe. Because the poem is very confrontational, and sometimes I'm asked to go perform in places- you know I recently performed in Montana and two people walked out. Imagine if I had read [*Speak*]...

For Pelaez Lopez, *Speak* must be performed in a loud and confrontational register, a tangible anger in order to be real. For me, the camera's closeness to Pelaez Lopez's eyes, mouth, hands, the absence of adornment or disguise, the close-cut of their hairstyle, creates such a sense of immediacy it feels realer than real. The inherent distance between poet and audience in a live performance might not allow for such confrontation with the citizen gaze. Pelaez Lopez's performance in video format enables them to maintain control over the degradation scene without risking physical harm from their audience.

¹² Alan Pelaez Lopez, interviewed by Rosanna Simons. Los Angeles. August 25, 2019. Zoom.

¹³ *ibid.*

As we continue viewing *Speak*,¹⁴ we will realize that Pelaez Lopez's submission to degradation is rooted in the power of seducing their viewer into a shadowy intimate encounter, over which Pelaez Lopez has total control. Visually, as Pelaez Lopez grants explicit consent to be labeled, categorized, individuated, counted, known, they quickly become an unidentifiable silhouette. They seduce the viewer to think we have the power of recognition and dominance in the scene, only to find ourselves disoriented in the shadowy depths of misrecognition and submission.

Juana Maria Rodriguez says that racialized sexual fantasies such as submission, degradation, and masochism are "barbed viscous confrontations brimming with social and psychic abjection and pain, even as they pry open spaces for joy and possibility" (2014, 26). The idea that intentional BDSM practice can be a healing community space that opens possibilities for joy is shared by many queer BIPOC practitioners. As Honey B and Wiginton explain, "When practiced by Black folks outside the gaze of whiteness, heterosexuality, and maleness, Black kink—in particular BDSM—offers opportunities for Black folks to create alternate realities" (Honey B and Wiginton 2022). Importantly however, Pelaez Lopez's performance of submission in the opening scene does not take place outside of the gaze of whiteness, heterosexuality, and maleness.

Pelaez Lopez tells me their intended audience for *Speak* is specifically "white men." With a genuine laugh they add, "I particularly want older white men to watch this video and have their day ruined."¹⁵ They Pelaez Lopez share that it was their experience in Connecticut of anti-blackness and surveillance, such as being treated as suspect in supermarkets and followed by

¹⁴ Alan Pelaez Lopez, "Speak," Vimeo, 02:34, posted by Heather Mooney, 2014, <https://vimeo.com/106227983>

¹⁵ Alan Pelaez Lopez, interviewed by Rosanna Simons. Los Angeles. August 25, 2019. Zoom.

employees at clothing stores, that inspired the poem *Speak*. They had moved from Boston where they attended high school, to Connecticut for college. “How deeply watched I felt while living in Connecticut was a type of surveillance and invasion of privacy that I hadn’t really felt before,” Pelaez Lopez recounts.¹⁶ *Speak* was their way of confronting the racialized voyeurism of the citizen gaze, of people in grocery stores seeing them as suspect and clothing store employees following their every move. *Speak* is Pelaez Lopez’s way of demanding of the citizens who surveil them, “Why don’t you just tell me how you feel right now?”¹⁷

The Citizen Gaze

After directing their audience to “Open your mouth,” and granting consent to be called degrading labels, then withdrawing consent, Pelaez Lopez gives a second command — “Teach me.” They recall their experience as a ten-year-old in fifth grade as they instruct the viewer,

Teach me to beg my mom to get me contacts
But not clear contacts
You know, those that’ll keep me safe from harassment
The blue ones
So I can be like most of my class
The ones that will make a father say
‘That’s my son
With the clear blue eyes.’

In addition to camera angles that place us in direct eye contact with Pelaez Lopez’s gaze, their lyrics refer to their eyes and vision throughout the performance. In high school, Pelaez Lopez pays for glasses through sex work. They recount,

...working on the streets
For white men that exoticize me
and exploit my undocumented body
Only to pay for those thick frames
That will dress the wounds in my eyes
And allow me to visibly see my reality...

¹⁶ Alan Pelaez Lopez, interviewed by Rosanna Simons. Los Angeles. August 25, 2019. Zoom.

¹⁷ *ibid.*

When they say, “visibly see,” Pelaez Lopez presses their fingertips to their eyelids. Their eyes are wounded, and the wound kept them from seeing reality. Pelaez Lopez’s sex work for white men who exoticize and exploit them is necessary to pay for the glasses that bring reality into focus, “which is that of the WHITE man teaching us to hate ourselves.”¹⁸ In this scene of degradation, White men exact the sadism of a racializing and sexualizing citizen gaze.

Here I want to turn again to Browne, this time to her review of the White gaze, Black gaze, and looking relations in the work of Toni Cade Bambara and bell hooks. Browne points to Cade Bambara’s “call for emancipatory texts to ‘heal our imperialized eyes’” as well as hooks’s “naming of the interrogating, ‘oppositional gaze’” (Browne 2015, 10). Browne says,

hooks notes that...the violent ways in which blacks were denied the right to look back [during centuries of slavery] ‘had produced in us an overwhelming longing to look, a rebellious desire, an oppositional gaze’... ‘by courageously looking, we defiantly declared: Not only will I stare. I want my look to change reality’ (Browne 2015, 58).

I find myself asking, how does Pelaez Lopez’s oppositional gaze in *Speak*, their wounded eyes, relate to the citizen gaze? Pelaez Lopez must first “visibly sees reality,” to ultimately change reality. Perhaps Pelaez Lopez’s seduction into a degradation scene in the “intimate theater” of BDSM, a theater that “entails the production of its own specific kind of reality and social space” (Bauer 2014, 13), allows for this power to change reality. Like the White gaze, the citizen gaze is certainly sadistic, as Pelaez Lopez’s submission reveals.

Pelaez Lopez, suddenly and drastically, reverses their tone—

But no! No! NO!
I will no longer be your sexual fantasy
You will no longer rape my mind with colonial ideas
I will no longer allow you to masturbate at our struggle
And cum at every suicide, deportation, and the suffering of our communities
We are FUCKING beautiful.

¹⁸ Alan Pelaez Lopez, “Speak,” Vimeo, 02:34, posted by Heather Mooney, 2014, <https://vimeo.com/106227983>

In the line, “cum at every...deportation,” they expose the sexually sadistic nature of the citizen gaze as the video again cuts to their silhouette. Each “no” is louder than the one before as Pelaez Lopez’s expression and gestures turn from submission to anger. During this performance of withdrawing consent, we again see rapid flashes of Pelaez Lopez’s silhouette interspersed with close-ups in color video of their eyes, hands, face, and mouth. Pelaez Lopez abruptly withdraws their consent to be labeled, categorized, and known. The degradation scene has ended.

Scene 2: Origins and Evolutions of the Documentation Regime

From here, we will enter Pelaez Lopez’s silhouettes and shadows to trace the origins of the documentation regime’s technology of IDs with biometric data in runaway slave notices of the Antebellum U.S. South in the eighteenth century, and fugitive slave posters and Lantern Laws of the U.S. Northeast. Sharpe explains that the silhouette was “a popular art form that reached its height in the mid-nineteenth century...coincident with the final years of the institution of slavery, the Civil War, and Reconstruction” (2010, 155). Pelaez Lopez’s silhouette and shadows also gesture to the contemporary association of undocumentedness with hiding in the shadows, and the idea that “coming out of the shadows” —becoming visible to the state and to citizens as undocumented — provides protection from deportation and detention. Thus, Pelaez Lopez points us to necessary historical context for understanding contemporary dynamics between immigration documents, racializing surveillance, and freedom of movement that play out today in immigration control.

Like contemporary discourse of coming out of the shadows, antiblack surveillance in the eighteenth century was also immersed in ideas of light and darkness. If we think back to Phelan’s famous statement that “Visibility is a trap. It summons surveillance and the law; it provokes voyeurism, fetishism, the colonialist/imperial appetite for possession” (Phelan 2004, 6), and her

caution that, “the binary between the power of visibility and the impotency of invisibility is falsifying” (Phelan 2004, 6), we can further think through how though how Pelaez Lopez’s silhouettes in *Speak* point to the origins of the documentation regime in antiblack surveillance, and how the artist’s shadow troubles this binary between visibility and invisibility.

Christian Parenti details the history of runaway notices and the slave pass developed during chattel slavery in the U.S., which he calls an “embryonic form of the modern ID” (2003, 18). Slave passes were essentially the first “papers,” designed to authorize movements between plantations and control the mobility of Indigenous and Black bodies in the U.S. Antebellum South and Northeast. For slave owners, movement between plantations by enslaved people was sometimes necessary but always risked the spread of information about rebellions and uprisings or the survival of kinship ties despite forced family separation. As enslaved people innovated methods to falsify identity documents and increase possibilities for mobility, passes that began as handwritten notes came to be printed according to a standardized format that included biometric data and identified individual pass holders’ temporary approval to travel (Parenti 2004). Today, official identity documents continue to determine which bodies have the legal right to move freely by making bodies visible and recognizable to the state through identification. And with each advancement in identification technology, racialized migrants continue to innovate strategies for subversion.

To enforce this system of identification and restrict and produce movements between plantations, slave owners formed slave patrols. “A symbiotic relationship existed between the patrol and the slave pass,” Parenti explains. “No patrollers, no need for passes; no pass, no fulcrum for the lever of patroller power” (2004, 18). Today, the power to arrest and deport racialized migrants also require written identification. As we learned in the Introduction, the

ability of the state to deport migrants, “hinges on the proper identification (with documentary evidence) of the individual to be deported” (Peutz and De Genova 2010, 13). Like patrollers relying on written identification, documentation and deportation are inseparable operations. Sometimes patrollers were tax-funded, and other times were private, for-profit organizations. In the history of the slave pass, as today, we find the complex convergence of state surveillance and the citizen gaze.

Returning to Browne, she excavates the history of what she calls Lantern Laws in early eighteenth-century New York City, a series of laws “around light, lanterns, and black mobilities” that required that “at least one lantern must be carried per three Negroes after sunset” in order to “regulat[e] curfews more tightly” (Browne 2015, 78). She theorizes the lantern as “a technology that made it possible for the black body to be constantly illuminated from dusk to dawn, made knowable, locatable, and contained within the city” (Browne 2015, 79). The lantern made visible those dark shadowy figures who were rendered “outside the category of the human as *un-visible*” (Browne 2015, 79). In the image below, we again see Pelaez Lopez’s silhouette, they are in profile from the chest up, with their hand reaching up to their eyes. The left half of the image is brightly lit, and the right is dark except for a small orb of light in the upper right corner. It looks like the light of a lantern shining onto Pelaez Lopez.



Figure 14 *Speak*, Screenshot by Author

While Pelaez Lopez's silhouettes in *Speak* recall the runaway slave notice of the U.S. Antebellum South that developed the documentation regime's contemporary technology of biometric data, shadows also figure prominently in the color video segments of *Speak*. As Pelaez Lopez stands in the spotlight and surrounded by darkness throughout the performance, their gesturing hands cast moving shadows against their white t-shirt. Pelaez Lopez's hands contain shadows that they cast onto their own body, an act of being in and out of light at once. In our interview, Pelaez Lopez reflected on their use of shadows in *Speak*. "What does it mean to not be recognized as somebody occupying the category of the human?" they asked. "What does it mean to reclaim my own humanity, but reclaim it through my shadow and through the abstract?"¹⁹ Rather than reclaiming their humanity through light and visibility, or refusing the light of a supervisory lantern and retreating to darkness and invisibility, Pelaez Lopez steps into and out of shadows. They are neither visible, invisible, or un-visible, known or unknown, recognized or unrecognizable. And it is from these shadows that Pelaez Lopez performs misrecognition, resignifies freedom of movement, and conjures a future without documentation. "The way I imagine the future," Pelaez Lopez tells me as we close our interview, "is a future where migration is no longer something that happens. I think that we have normalized forced migration to the point where it's expected...In my ideal world," they continue, "the presence of settler colonialism and imperialism would vanish to the extreme that nobody would have to forcefully migrate anymore"²⁰

Scene 4: The End of the Documentation Regime

¹⁹ Alan Pelaez Lopez, interviewed by Rosanna Simons. Los Angeles. August 25, 2019. Zoom.

²⁰ *ibid.*

Pelaez Lopez concludes *Speak* with the following three lines, again addressing their audience of white men. They say,

I give you permission to no longer hide your thoughts.
Because I, I will not hide mine.
I will speak

The video ends with Pelaez Lopez lowering their head, returning to the position where they began.

Chapter Three

Transnational Documentation Regime: Choreographed Migrations & Critical Hope

“The message would be for us to work together, that way we can do something about this problem which won’t go away in ten, twenty – who knows? – or in 50 years. Who knows when these problems will come to an end?” —José in *Conversaciones desde el otro lado*

Introduction

I’m in Los Angeles, on the phone with multidisciplinary artist, Alma Leiva. She is at home in Miami, Florida, where her family has lived since migrating from Honduras when she was a young teen. As she describes the mangrove restoration taking place in her backyard, I am transported to the humid habitat of my childhood. It’s May 2019, and I’m speaking with Leiva for the first time since we met three years ago. There is passion and urgency in her voice as we discuss connections between the history of migration to Miami, the 2014 “crisis” of unaccompanied minors arriving at the U.S.-Mexico border, her 2015 video work, *Conversaciones desde el otro lado*, and the thousands of Central Americans arriving in caravans to seek asylum in the U.S. In this chapter, I continue unfolding my theories and arguments about the documentation regime’s logics of visibility, choreography, and temporality. I draw on personal interviews with Leiva and frameworks of queer performance and dance to interpret *Conversaciones* against an historical and contemporary backdrop of U.S. interventionism in Honduras and the resulting crisis of unaccompanied Central American child migrants in 2014. This historical and contemporary scene will contextualize the more recent family separations and incarceration of child migrants during 2017-present that we will examine in Chapter Four. I find that in *Conversaciones*, Leiva performs strategies for evading the transnational surveillance of the documentation regime.

My analysis in Chapters One and Two exposed the functions of the documentation regime at a national level. I analyzed the ways in which DACA and state-issued IDs expand surveillance capacities within the settler colonial U.S. Moving from the national to the transnational, Chapters Three and Four explore the ways in which the documentation regime operates transnationally to choreograph movements across settler borders, into and out of its U.S. territory. Chapter Three examines the documentation regime's technology of transnational data sharing agreements, specifically the 2019 Asylum Cooperative Agreement, Border Security Arrangement, and Biometrics Data Sharing Agreement between the governments of the U.S. and Honduras. Within migration studies, data sharing agreements between U.S. local and federal government agencies and law enforcement, and how these facilitate detention and deportation, has been addressed. I contribute to this scholarship by investigating a case of transnational data sharing agreements between two governments for the purpose of choreographing — restricting, predicting, and producing — migrant movements. Before we move forward, let me introduce you to Leiva, *Conversaciones*, and the political context the piece speaks to.

Conversaciones

Conversaciones is an edited recording of a Skype interview with a young break dancer from San Pedro Sula, Honduras name José. The work is actually two videos, or rather one video presented in two audio versions — one with Spanish-language audio, and the other dubbed in English. Leiva's larger body of work includes videos, photographs, collages, installations, performances, and stop-motion animations, unified by themes of Central American migration and surveillance. *Conversaciones* was featured in Leiva's first solo exhibition at the Museum of Art and Design (MOA+D) in downtown Miami. MOA+D is housed inside Miami's National Historic Landmark Freedom Tower, an iconic downtown building that operated from 1962 to

1974 as a reception center for Cuban refugees. Leiva's multimedia show, *Object of My Affection: San Pedro Nos Ve (San Pedro Watches Over US)*, included three video works, an animated map, and an installation of paper cut-outs and collage adorned with augmented reality QR codes. In the exhibition, the two audio versions of *Conversaciones* were displayed on separate screens at opposing ends of the rectangular gallery's long, northern wall. I first viewed *Conversaciones* in 2016 on Leiva's Vimeo profile, where her description reads,

A Skype interview with "José," who lives in Chamelecón, one of the most violent neighborhoods in San Pedro Sula, Honduras, murder capital of the world. He speaks of his dreams, fears, experience with immigration, and struggle to survive and create change through art in his community as a young male under 24, the largest affected group. Amid a bloody reality for young Hondurans, social engagement through the arts provides a platform for resistance to the violence.¹



Figure 15 *Object of My Affection: San Pedro Nos Ve* (2015) exhibited at the Museum of Art and Design in Miami, FL.

In the exhibition, Leiva draws parallels between surveillance in the U.S. and political repression in San Pedro Sula, an industrialized city considered the economic capital of Honduras. I frame my analysis of *Conversaciones* within the context of United States-Honduran relations from 2006-2019, to investigate how the documentation regime has choreographed migrations

¹ Alma Leiva. "Conversaciones desde el Otro Lado 1." 2015. 00:08:12. <https://vimeo.com/120500243>

between Central America and the U.S. I explain how the Obama Administration's involvement in the 2009 coup d'état of then Honduran President Manuel Zelaya Rosales was a crucial factor in determining who migrates to the U.S. and why. I follow the U.S.-backed post-coup elections in 2009 to the 2014 migrations of unaccompanied minors during the Obama Administration. I note how the contested 2017 presidential elections in Honduras marked another key moment in U.S. interventionism. Finally, I end the chapter with the series of agreements between the Trump Administration and Honduran President Juan Orlando Hernández in 2019, which granted U.S. immigration authorities the ability to "send [deport] asylum seekers from the border to Honduras," increase "information-sharing" between the two governments, and "improve cooperation targeting transnational criminal organizations" (Miroff 2019). Importantly, *Conversaciones* reveals the effects of the documentation regime's choreography not only on migrants in the U.S. who have been separated from loved ones through detention or deportation; speaking from Honduras, Leiva's interviewee José reveals also how the absence of those who have migrated to the U.S. affects their loved ones who remain in Honduras.

As we move through this chapter, I will interpret how in her work of video performance, Leiva and José illuminate strategies for evading the visibility, choreography, and temporality of documentation regime. To evade the documentation regime's surveillance, Leiva and her interviewee perform queer unrecognizability. To counter the documentation regime's choreography of individuation, they perform a mediatized relationality. And as an antidote to the documentation regime's temporality of deferral, Leiva and José embody a temporality of anticipation. Most importantly, Leiva and José conjure a future free from transnational surveillance, where freedom movement does not necessitate official recognition or national citizenship.

Lastly, my engagement with Leiva's *Conversaciones* and focus on Honduras in this chapter contributes to the emerging scholarship of U.S. Central American studies, while also making a critical intervention into the field. Within Latinx studies, the Central American region until recently has been placed at the periphery of research. Furthermore, much existing scholarship on the Central American region and its diaspora centers Guatemala and El Salvador. Meanwhile, Honduras is a region of particular importance for understanding how the continuation (as recently as 2019) of more than a century of U.S. neocolonial interventionism in Latin America choreographs contemporary migrations between Central America and the U.S. Art historian Kency Cornejo notes that since 2015, there has been a "surge of literature on U.S. Central American art," which "has begun to fill in historical voids and theorize a growing U.S. Central American artistic production and visual culture that continuously unfolds and connects experiences both in Central America and its U.S.-based diaspora" (2020, 22). My focus in this chapter contributes to this expansion of scholarship.

Choreography

Let's circle back to the choreography of the documentation regime, its historical meanings and its contemporary effects. With the term choreography, I cite critical dance scholar Andre Lepecki who explains choreography as "a technology that creates a body disciplined to move according to the commands of writing" (2006, 6). From its Greek origins *khōros* (chorus) and *khoreia* (dancing in unison), choreography came to be defined in the late eighteenth century as the "the written notation for a choreographic sequence." Lepecki takes up this late eighteenth century meaning of the term, dating choreography as "a peculiar invention of early modernity" (2006, 6). At the dawn of modernity — a period of wealth accumulation and Western "progress" produced by European invasion, settlement, genocide, and enslavement in the Americas —

choreography came to signify a certain power dynamic between the human body and the written word. Choreography, says Lepecki, “produced...charged relationalities between the subject who moves and the subject who writes” (2006, 7). Here we are applying this framework of choreography to understand the charged relationalities between written documents and bodies in movement across settler borders. Choreography is a colonial logic that determines individual bodies in the present as separate from other bodies and temporalities. Applied to the documentation regime, the choreography of the documentation regime disciplines migrant movements through the commands of administrative governance. In order to perfect surveillance with a capacity to restrict predict, and produce migrant movements, the documentation regime makes migrants visible to the state and citizen gaze, choreographs the individuation of bodies, and limits temporalities to the present with an ever-deferred future.

Conceptualizing choreography as a form of interpellation, Lepecki argues that it “demands submitting body and desire to disciplining regimes...all for the perfect fulfillment of a transcendental and preordained set of steps, postures, and gestures that nevertheless must *appear ‘spontaneous’*” (2006, 9, emphasis mine). The documentation regime interpellates migrants into its territory, and disciplines migrant movements through the written commands of identification and official recognition. The appearance of spontaneity is key to the contemporary operations of the documentation regime in the U.S., Honduras, and in-between. Over a century of United States interventionism has interpellated Honduran migrants across the U.S. southern border, and has even choreographed the physical routes that migrants must take to arrive (Portillo Villeda 2011). But in order for the U.S. to deny its responsibility for the causes of mass migration and therefore its obligation to grant asylum, these migrations must *appear spontaneous* – their choreographed nature must remain concealed. We witness this spectacle with each caravan of

migrants traveling from Latin America to the U.S. southern border. Decontextualized from U.S. interventionism, the mass caravans are constructed as spontaneous occurrences or as the result of an inherent violence in the region. This appearance of spontaneity is upheld to justify extreme violence against Hondurans and other racialized migrants at the border. In this chapter about a young Honduran breakdancer who improvises movement during dance contests and in his quotidian movements across his city, it will be especially generative to expand upon Lepecki's theories of choreography and spontaneity.

Lepecki guides us towards dance as a way to undermine surveillance: in spite of the documentation regime's choreographic power to interpellate individual bodies and direct their movements, choreography also "reveals itself as always diluted by each body's tremors, involuntary acts, morphology, imbalances, and techniques" (2006, 63). I propose that in addition to a dancer's involuntary tremors on stage, Leiva and José's in *Conversaciones* purposeful performances of queer unrecognizability, relationality, and anticipation also subvert this interpellation. Thus, there is always the potentiality that choreography's interpellation can be reworked towards freedom of movement. The documentation regime also choreographs future mobilities – migrations, displacements, and confinements, within and beyond its territory. In choreographing mobilities, the state comes to predict future movements and continuously adapts its surveillance technologies, such as with transnational data sharing agreements. Significantly, even as the state adapts its technologies and "deterrence" practices to become increasingly violent and inhumane, migrants continue to defy settler borders and expose the fragility of U.S. sovereignty. Migrants continue to perform subversions of the documentation regime's logics and technologies that open possibilities for a world free from surveillance.

Now, we will view the two versions of *Conversaciones* together. The videos contain graphic descriptions of violence, let's please care for ourselves and each other as we engage this piece. Each video lasts eight minutes and sixteen seconds, and is divided into three segments marked by single lines of white text against a black background: 1. "José"; 2. "¿Qué es lo que más te gusta de San Pedro Sula?" (What do you like most about San Pedro Sula?); and 3. "¿Cómo te ha afectado la migración?" (How have you been affected by migration?). Before our — the viewers' — first sight of "José," three lines of text appear, advising us that the interviewee's true identity has been disguised and certain information has been censored "for safety reasons."

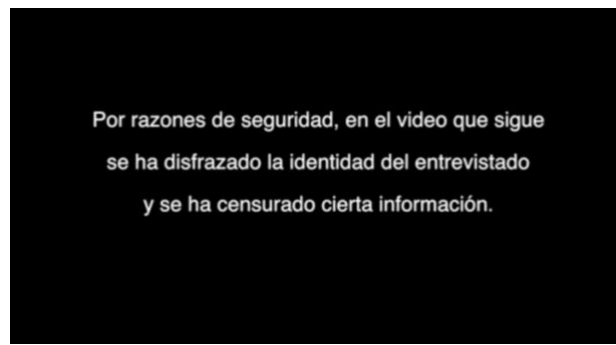


Figure 16 Still from *Conversaciones desde el otro lado*

"José"

Conversaciones is a singular moving image, of José alone in what appears to be an intimate setting, perhaps a bedroom; he is visible from the chest up, centered in the frame, and leaning in towards his webcam. His face pixelated beyond recognition, squares of blue-purple replace José's forehead, nose, and cheeks, reflecting the glow of his computer screen. Further obscuring his identity, José's voice is computerized in the Spanish version and dubbed in the English version; in both versions, long bleeps omit certain words and sometimes entire phrases that would reveal José's, his family's, or his friends' identities. José wears a black tank top, the

chords of his white earbuds dangling in front of his slender frame. To the left of José, a fan casts a partial shadow onto the wall by behind him. Beyond the fan on José's left, San Pedro sunlight strikes through the red curtain covering an open window. Behind José to his right, a blanket hangs over a wooden door. Initially, it is indecipherable whether the door to the room is closed or ajar, because the wall behind José is overexposed. Along with image pixilation, voice computerization, and bleeps, the overexposure created by the sunlight adds another layer of illegibility to the image.



Figure 17 Still from *Conversaciones desde el otro lado*

Around 40 seconds into the video, another pixelated figure appears briefly in the doorway; their blurry arm tosses an object into the room, revealing the door to be partially open. Though we, as viewers of this recorded Skype interview, imagine Leiva must be José's interviewer, we don't know for sure who is on the other side of his computer screen. Whoever they are, their reflection is there on José's body, present in the violet cubes adorning his forehead. At the end of the videos, Leiva credits herself simply as editor: "Edición — Alma Leiva." We know that the work was first exhibited in 2015, but do not know when this video was recorded or when Leiva's edits later disguised José's face and voice, bleeped identifying information, and created the English version by overdubbing José's Spanish with the voice of an unidentified translator.

When witnessing the undubbed, Spanish-language version of *Conversaciones*, we hear the soundscape beyond José's headphones: the soft tap of his fingers on an unseen surface, a voice calling from another room within the house, traffic outside. As José introduces himself — he is twenty years old, lives in the [bleep] neighborhood of San Pedro Sula with his father, stepmother, siblings, and partner — it dawns on me that his headphones create a dynamic between him and the viewers, of unequal levels of intimacy, vulnerability, and privacy. José's conversation with his interlocutor is semi-private. He wears headphones and appears to be at home, with the door almost closed. As viewers, we could be watching this video as José experienced the conversation, alone in a room in front of a computer and with headphones; or, we as viewers could be watching the video in a group, in the public place of the gallery, with the volume aloud. We see and hear José, even if disguised, but he cannot see or hear us. I wonder about the location of José's unidentified interviewer, who, of course, is Leiva.

Though Leiva censors José's neighborhood in the video, her Vimeo description locates José in Chalemección, an area about ten minutes north of downtown San Pedro Sula that is notorious for cartel violence. Information about José's current career is also uncensored: he is a dancer, studies education at La Universidad Nacional Autónoma de Honduras en el Valle del Sula, and volunteers as a community organizer and artist facilitator. Having worked in San Pedro Sula throughout 2006 to 2008 as a dance instructor, I feel myself becoming entranced by José's pixels, searching for the face of a former student. Some of my young students would be around José's age by now.

"Here where I live," José's voice continues, "what I'd like to change above all, and we're doing it already — it's difficult but we're doing it little by little — is to break down borders." I am uplifted by José's expression that "poco a poco," little by little, he and his collective of

dancers are transforming San Pedro by breaking down the city's internal borders. Maintained by cartel members, these internal borders mark cartel territories and make José afraid to travel between neighborhoods. As he repeats that his collective is, "breaking borders that make him afraid..." the final part of his hopeful statement is lost as José's voice fades into the next segment's title.

"Qué es lo que más te gusta de San Pedro Sula?" (What do you like most about San Pedro Sula?)

In the English-dubbed version of *Conversaciones*, José's voice is inaudible, and all background noise is silenced. The translator's voice is deep and slightly computerized, for me the accent is unplaceable. I imagine myself at Leiva's MOA+D exhibition inside the Freedom Tower: José playing on two screens, engaging two audiences, his body-image in two places simultaneously, in relationship to multiple other bodies at once. My gaze fixed on José's pixelated face and gesturing hands, his movements blurred, presumably by a slow internet connection. For a fleeting second in between segments one and two, the translation is delayed, and José's voice becomes briefly audible as he begins to describe what he likes most about his city — "es la gente" — then is silenced again by the translator's louder English. I am almost certain that in this un-dubbed second, José's voice is undisguised. Longing for recognition even beyond the visual, I rewind and replay again and again: "es la gente" (it's the people). I want José's *real* voice to reach me. In our next conversation Leiva will tell me I'm mistaken, that José's voice is fully computerized in both versions, and I'm left disquieted at my insistence on identifying him.

José continues detailing the complexities of navigating his city's internal borders. He emphasizes the importance of traveling to dance competition events with extreme precaution and "muy bien identificado" (well identified), always accompanied by someone who is from the area.

What does identification mean for José as he and his dance collective move throughout their city? To cross internal, cartel borders, official identity documents would not protect José. Instead, he must move relationally, entering areas alongside someone who is from that place. José recounts how on their way to a dance event, he and his brother are stopped about a block away from their home by unfamiliar cartel members. José's memory begins with a description of his embodied presentation that day: bundled against a rare San Pedro chill, comfortable, wearing loose clothing, "flojo." With the insight of a dancer, José explains the performative task of staying alive through the ensuing interrogation. He calmly answers the strangers' questions while identifying them as cartel members, noting the weapons in their hands. José explains that the level of violence in San Pedro Sula is uncommon in other countries, and therefore you must not act normally in this antinormal environment. He has learned to not listen to what doesn't concern him, not see what he shouldn't see, and not talk about what he shouldn't talk about. José describes this survival strategy as being un "testigo," a witness. He defines the role of witness in a phrase commonly known throughout cartel controlled regions of Central America: "ver, oír, y callar," or "see, hear, and stay quiet."

After José and his brother identify themselves and perform calmness throughout the confrontation, they imagine alternative outcomes to this scenario — what would have happened had they not turned back? José says the strangers could have followed them, or shot them, or called others to intercept them. While José's dream for the future is to create a non-violent San Pedro Sula, using breakdance to break down borders, his and his brother's thinking about the future in this instance was an everyday act of imagining immediate and constant future possibilities in order to stay alive. José explains that of his childhood group of thirty-five friends, less than half remain in San Pedro Sula. Some studied, got ahead, and moved away. Others

joined gangs and are no longer alive. Others began to pursue education and dance, but were lost to violence. José briefly mentions a young man who “danced with us for two weeks,” until he was found in a ditch with six bullets in his back.

Though José has been spared death, he stresses that the proximity of violence affects him. Even though violence has not directly touched José’s body, he has been a direct “testigo” — witness — to violence. He explains, “I have been a victim, you could say” (*Conversaciones*). During this second segment of the video, “What do you like most about San Pedro Sula?”, José has responded in relational terms to the interview question. “Es la gente” — his relationships to people — that he likes most about his city; the freedom to move throughout the city requires relational identification; and he has become a witness, someone who sees others. As he witnesses others victimized by violence, he considers himself a victim.

But José also complexifies the role of witness. He has also learned how to witness in a way that is key to his immediate survival and key to his hope for the future: “Ver, oír, llamar.” From where José is, he must always foresee possibilities of violence against him; at the same time, José and his dancer friends conjure futures of non-violence, and as a witness José conveys this message of hope through this video performance. Marisel Moreno (2017) and Kency Cornejo (2020) have also interpreted Leiva’s work in relation to ideas of witness and witnessing, and I want to review those before we go further. The idea of witnessing will connect us back to our examinations in Chapters One and Two of the citizen gaze and continue illuminating strategies for evading surveillance.

Interpreting Leiva’s 2011 photography series *Celdas*, Moreno (2017) defines Leiva’s work as “art of witness.” *Celdas* is a series of photographs by Leiva of what she calls “play-scapes or scenes,” installations she creates that are “informed by actual violent crimes,

memorializing and humanizing some of the victims caught up in the endless cycle.”² Within the scenes of *Celdas*, there are no bodies or subjects present for viewers to gaze upon, only the setting itself. Moreno argues that Leiva’s “quest to memorialize the victims of violence...drives the artist to become an active agent through the process of remembering” (2017, 303). The art of witness tends to “the trauma of bearing witness to violence” (2017, 288), says Moreno, and as witness, Leiva “(re)construct[s] the past and memorialize[s] the victims of violence across Central America” (2017, 287). Moreno’s analysis of *Celdas* reflects José’s words in *Conversaciones*, when he describes himself as a witness to violence and therefore a victim of violence. For Moreno, *Celdas* “forc[es] us to reconsider the living conditions of people in the region, the extreme circumstances that have provoked massive migration, and the role that U.S. society has played in those dynamics” (2017, 298).

At the same time, Leiva intended for *Celdas* to not only bear witness to violence, but also to counter “representations of Central American violence in the media” (Leiva). Leiva’s intention for the series to counter violent representations in the media recalls the way we’ve been thinking about the citizen gaze. Our analysis in Chapter Two revealed that there is an element of sadism and voyeurism to the citizen gaze. In popular media, political discourse, and scholarship through the lens of the citizen gaze, Central America is depicted as inherently violent while images of traumatized Central American migrants, especially children and youth, are mass circulated and consumed. The images are decontextualized from the reality that violence in Central America and migration from Honduras to the U.S. is directly linked to U.S. interventionism in the region.

² Alma Leiva. “Bio.” <https://www.almaleiva.net/copy-of-news>

Cornejo (2020) has also interpreted *Celdas* in relationship to acts of witnessing, but comes to distinct conclusions from Moreno. Cornejo problematizes the art of witness, of seeing and being seen, by examining the way the Central American region is subject to visual tropes of victimhood and criminalization (2020, 11). Cornejo cites Susan Sontag's argument that "images of violence and suffering satisfy voyeuristic desires and can also produce a certain dissociation from the responsibility to act. Viewers are convinced their empathy capability alone absolves them from the brutal actions of their government" (Cornejo 2020, 5). In *Celdas*, Leiva depicts the effects of violence of U.S. interventionism through an absence of human bodies in her photographs. By portraying scenes absent of bodies, Leiva refuses the viewer the voyeuristic satisfaction of feeling empathy when consuming images of human suffering. "Rather than exoticizing terror through the Central American body," Cornejo argues, "Leiva stages ghostly spaces that critically question the unseen penalties of violence" (2020, 14). For Cornejo, the absence of bodies in Leiva's *Celdas* "decenters Central Americans as subjects of the gaze and centers instead the emotive elements of displacement and migration" (2020, 14). Thus, in *Celdas* Leiva thus directly refuses the voyeuristic transnational gaze of U.S. citizens that produces a dissociation from the responsibility to act.

Returning to Leiva's 2015 *Conversaciones*, this later video work complicates the binary opposition between presence and absence of bodies that concerns Cornejo in the *Celdas* series. By screening the intimate video interview of José in the exhibition in downtown Miami and on the global Vimeo platform, Leiva positions José as the subject of the viewers' gaze. And yet, Leiva's edits to the interview recording make identification or recognition impossible. As we've seen in previous chapters, the documentation regime's dual structure is comprised of state surveillance and non-state surveillance, what we've been theorizing as the citizen gaze. Like

Pelaez Lopez's *Speak* in Chapter Two, the visuals and sonics of *Conversaciones* draw viewers into an encounter with the citizen gaze. Leiva places José as the subject of the video. Moreover, he uses language of violence and victimhood that, when viewed through a citizen gaze, could satisfy a voyeuristic desire. However, as we were informed at the start of the video, the interviewee's true identity has been disguised and certain information that would make him recognizable or locatable has been censored "for safety reasons." The person we are viewing is not really named "José." The voice we hear is not his real voice, and his image is distorted beyond recognition. Through pixilation, voice computerization, and bleeps, Leiva performs tactics of evading surveillance — inviting the citizen gaze and simultaneously becoming unrecognizable to the citizen gaze. Importantly, it is actually for safety reasons that Leiva makes the subject of *Conversaciones* unidentifiable. In other words, Leiva's censorship advisory and subsequent visual and sonic edits are not simply aesthetic choices that lend a sense of realism or authenticity to this video work.

In our interview, Leiva explained, "I wanted to bring [José's] real voice, and I actually left that interview until the last minute, so that interview was completed three days before the exhibition, I wanted it to be like real-time voice type of thing."³ I turn to José Muñoz's (1999) early theory of the burden of liveness to interpret this idea of temporality and real time in this video work. Muñoz argued, "Technological mediation is not performance's end...Performance exists within media culture and the media culture has a life inside of performance" (1999, 190-91). Similarly, Diana Taylor predicted that "digital technologies [would] further ask us to reformulate our understanding of 'presence,' site (now the unlocalizable online 'site'), the ephemeral, and embodiment" (2003, 4-5).

³ Alma Leiva. Interview by Rosanna Simons. Los Angeles. May 15, 2019. Phone.

Muñoz uses the term “burden of liveness” to describe a “reified linkage between performance and liveness” that has haunted theories of performance. He makes a specifically temporal argument about the burden of liveness: “To be only ‘in the live’ means that one is denied history and futurity. If the minortarian subject can only exist in the moment, she or he does not have the privilege or the pleasure of being a historical subject. If that subject needs to focus solely on the present, it can never afford the luxury of thinking about the future” (Muñoz 1999, 188). For Muñoz, thinking about the future and embodying that future in performance holds world-making potentialities — and it is “not the liveness... in and of itself that bestows it with its worldmaking properties” (1999, 189). José’s losses and thoughts about the future complexify his relationship to the burden of liveness. His mediatized monologue resists the burden of liveness that would deny him history and futurity by recording and amplifying his message. At the same time, José’s body carries a burden of liveness in a literal sense. José carries the burden of being alive when so many of his friends have been assassinated. As we will see in the next segment, José carries the burden of living without his mother. José is burdened with the liveness of being alive in San Pedro Sula, of being present in the absence of his loved ones.

In addition to becoming unrecognizable, Leiva’s aesthetic strategy of pixelation also performs relationality that subverts the logic of choreography that individuates bodies. Lepecki explains, “without individuation, there is no possibility of assigning subjectivity within the economies of law, naming, and signification” (2006, 44) – bodies that are relational to other bodies undermine and potentially undo the discipline of documentation regimes. Lepecki describes the relational body thus: “its borders, edges, and contours are ‘osmotic’ and... they have the remarkable power of incorporating and expelling outside and inside in an ongoing interchange” (2006, 43). The osmotic body is not a contained individual that can be identified by

the documentation regime, but rather an ongoing interchange of relationality between bodies, environment, and other temporalities. As Lepecki theorizes dance as a possibility for relationality, Taylor similarly argues that embodied performance has the potential to facilitate the “inhabit[ing] and envision[ing]” of “one’s body as coextensive with one’s environment and one’s past, emphasizing the porous nature of skin rather than its boundedness” (2003, 82).

Citing Paul Schilder’s theory of “body-image,” Lepecki (2006) explains the relational body’s relationship to temporality:

One’s body-image extends itself to any place any particle of one’s body has reached across space and time. Wherever one has left a particle of one’s body...there one finds the limits of one’s body-image. Wherever one has left an imprint of one’s body (including linguistic ones, affective ones, sensorial ones) there is a limit of one’s body-image...a body that is always late to its arrival and always ahead of its departure, a body that is never quite there in the context of its appearing (50-51).

Alma’s edits visualize José’s face as an unidentifiable arrangement of particles, pixels. The contours of his face begin to merge with his surroundings, reaching beyond the edges of his body. When José gestures his hand in explication, excitement, or pain, the slow, delayed blur of his arm leaves an imprint as it moves across the screen. Leiva’s image is also present in those pixels, the purple glow is her image reflecting onto José’s through his computer screen. Additionally, Leiva is reflected in José’s experience of his mother’s departure from San Pedro Sula to the U.S.

“Cómo te ha afectado la migración?”

In the third and final segment of *Conversaciones*, José answers the question, “How has migration affected you?” José’s young life has not only been afflicted by internal borders that restrict his movement and the loss of half of his friends due to violence in San Pedro Sula. He has also experienced the unspeakable loss caused by his mother’s transnational migration. José explains that what has affected him most is his mother’s departure to the U.S. when he was just

eleven years old. She traveled undocumented to “cierta parte de Los Ángeles,” somewhere in LA. José either doesn’t know or chooses not to reveal where exactly his mother is, but says tenderly, “siempre estamos en comunicación.” In the English version, the dubbed voice translates this phrase to “we are always *in touch*.” José doesn’t like to recall this story, and as he remembers his mother boarding a bus in the early morning headed to— his voice breaks with emotion and he brings a blurred hand to his mouth, hanging his head further towards the camera, unable to continue. Upon recovering his voice, José tells us “I can only describe it as [bleep].” With the longest bleep of the video, Leiva keeps from us, the viewers, this most intimate moment between José and herself.

When José’s voice reemerges from under the bleep that silenced his description of how he feels about his mother’s absence, he has already transitioned to an entirely different topic: together he and his friends are shifting their city away from violence. José’s happiest moments are when he sees the joy on his friends’ faces as they compete side by side at break dance events, whether they win or lose. *Conversaciones* concludes with José’s final message: “No matter where you are, sometimes people have to emigrate, because they have no choice, their life is in danger so there really is no choice.” José says there is hope, but “the message would be for us to work together, that way we can do something about this problem which won’t go away in ten, twenty – who knows? — or in 50 years. Who knows when these problems will come to an end?” Towards the end of the chapter, we will return to José’s message of hope for an uncertain future. First, I want to shift and contextualize the problems that José hopes to end, while also knowing that the end of violence could never come within his lifetime.

Context for the “Crisis”

Years pass between the time I first view *Conversaciones* and when I call Leiva from Los Angeles. Leiva made the video in 2015, at the height of what the Obama Administration was calling — and denying its role in creating — a crisis of unaccompanied Central American child migrants at the U.S.-Mexico border. On the phone, Leiva tells me more about how she is reflected in José's separation from his mother. But, she is careful to explain the differences between migration pre- and post-2009, when the U.S.-backed coup catalyzed an unprecedented level of violence and displacement in Honduras. When I ask her, "how did your family come to live in Miami?" She responds,

I was brought here. My mom came here, when she came here, she came on the beast, what they call the beast, the train. She wanted to bring us, at the time [Honduras] didn't have problems that they have now with the violence. Today is not even close to how it used to be in Honduras. And she came here, first — it was like my whole family was disintegrated...First left my grandmother, because things started to get bad at the time with the economy, so she left. And there was a lot of political persecution & repression, so the country was very unstable at the time. So she left, it must've been 1982 or so. And then, my dad left on a visa, to work. Then my uncle left. And then my mom in February. So it was like from November to February, both my parents were gone. And we stayed with an aunt, and she wanted to bring us here, but she was pretty scared to get on the train. And you hear stories of women getting raped, even children, of little girls getting raped, and she was like, "I don't want to put you through that." So we waited, we waited five years before coming here... I was thirteen going on fourteen, something like that. I already more or less had an identity, I think that was one of the reasons why I didn't want to come here. Because I knew what I was gonna leave. And when I first came here, I got sick with fever and everything, the shock was like- I was crying, I was depressed, I wanted to go back...I told my mom, "I want to go back." Like I said, I was fortunate enough to have the choice, I could've gone back if I wanted to, a lot of people don't have that choice. A lot of people just, you know — now it's not a matter of liking living there or not, now it's a matter of surviving.⁴

Leiva also wants to tell me about the significance of *Conversaciones* first being exhibited at the Museum of Art + Design (MOA+D). As I mentioned at the start of the chapter, MOA+D is located on the second floor of the Freedom Tower in downtown Miami. Built in

⁴ Alma Leiva. Interview by Rosanna Simons. Los Angeles. May 15, 2019. Phone.

1925 to house *The Miami New Times* newspaper, the structure stands on the northwest corner of Biscayne Boulevard and NE 6th street, directly across the bridge from the Port of Miami. The Tower operated from 1962 to 1974 as a reception center for Cuban refugees arriving at the port. The MOA+D website narrates the Freedom Tower's significance in the City of Miami:

[The Freedom Tower] represents the important story of the Cuban exodus to America and resettlement during the Cold War...The building has become an icon representing the faith that democracy brought to troubled lives, the generosity of the American people and a hopeful beginning that assured thousands a new life in a new land.⁵ (MDC MOA+D).

Leiva's *Conversaciones* resignifies this history. She explains,

I wanted to engage the space's history, as you know it used to be processing center for Cuban refugees back in 60s and 70s... [The 2015 *Object of My Affection* exhibition] was when we had the first wave of [Central American] children migrants coming here to the border, and many of them were sent back, and many ended up being murdered back home.

So, I was thinking about how [the government] can use politics to push the agenda — of course they wanted to welcome these [Cuban] refugees as a way of saying they were against the government in Cuba. And they were bringing these kids through Operation Peter Pan...and they were sent to homes all over the country, put in safe places all over the country. While these [Honduran] kids are basically sent to these processing centers, having to bear inhumane conditions. So, I thought it was interesting to bring that analogy, to make people think about what's at stake here. Why are these kids less important, why are these lives more disposable?⁶

When Leiva asserts that Honduran children are made to bear inhumane conditions, she refers to the more than 68,000 unaccompanied Central American children apprehended under the Obama Administration at the U.S.-Mexico border in 2014 (Nevins 2016, 1). As we know, the apprehension and incarceration of child migrants has continued during the Trump and Biden Administrations. These current conditions at one of the most controversial sites of child migrant incarceration, located just outside Miami, will be the subject of Chapter Four.

⁵ My Art Guides, "The Exile Experiences: A Journey to Freedom, 15 Oct 2015-30 April 2017, <https://myartguides.com/exhibitions/miami/the-exile-experience-a-journey-to-freedom/>

⁶ Alma Leiva. Interview by Rosanna Simons. Los Angeles. May 15, 2019. Phone.

Leiva's *Conversaciones*, exhibited in the Miami Freedom Tower, compared the “crisis” of unaccompanied Central American child migrants in 2014 to a parallel history of unaccompanied child migration to the U.S.: Operation Pedro Pan. Operation Pedro Pan was a clandestine immigration program for children arriving from another region subjected to U.S. interventionism for over a century — Cuba. The program waived documentation (visa) requirements for Cuban children from 1960-1962 and provided air transport from Cuba to Miami. According to the official narrative of Pedro Pan Group Inc., the program was initiated in December 1960 by then Fr. Bryan O. Walsh, director of the Catholic Welfare Bureau of Miami, “at the request of parents in Cuba to provide an opportunity for them to send their children to Miami to avoid Marxist-Leninist indoctrination.”⁷ The program brought more than 14,000 unaccompanied minors to the United States. Fr. Walsh, “considered the Father of our Exodus,” has acknowledged that the program was “nearly unknown” to the U.S. public for three decades.⁸ As more children were sent to Miami without caregivers to receive them, locations such as Camp Matecumbe, the Opa-Locka Airport Marine barracks, foster homes, and group homes throughout the U.S. were arranged to receive Cuban children. Unlike unaccompanied Central American asylum seekers in 2015 and today, Cuban children were not placed in prisons or made available for adoption. Operation Pedro Pan came to an end after the 1962 Cuban Missile Crisis grounded all air traffic between the United States and Cuba. By 1965, the U.S. had initiated a “Freedom Flight” program to reunite children and parents, and the Pedro Pan Group claims that nearly 90% of children were swiftly reunited.⁹

⁷ *Operacion Pedro Pan: The Cuban Children's Exodus*, <https://www.pedropan.org/history>

⁸ *ibid.*

⁹ *ibid*

In a permanent exhibition on the first floor, the Freedom Tower memorializes this romanticized tale of a U.S. Catholic leader saving innocent Cuban children from communist indoctrination. On a map of the United States as you enter the gallery to the right of the Tower's entrance, dozens of children's photographs mark the cities where they were placed in safe homes. The clarity of the archival photos is a stark contrast to José's blurry, pixelated face. Historian Deborah Schnookal (2020) contradicts the official history of Operation Pedro Pan and exposes the nefarious motivations for the program, political propaganda to support it, and its manipulation of and violent effects on children. The history Schnookal (2020) uncovers exposes perhaps more parallels than differences between the documentation regime's choreographing unaccompanied child migration from Honduras and Cuba.

Now, I want us to hear Leiva ask again, about the Honduran children migrating from the home she left when she was thirteen, "Why are these kids less important, why are these lives more disposable?" The answers lie in over a century of U.S. economic, political, and military interventionism in Honduras. But to understand the mass exodus of unaccompanied minors arriving in 2014 at Obama's southern border, the years 2006-2009 will connect us to José's story in *Conversaciones*.



Figure 18 Freedom Tower Permanent Exhibition

The 2009 Coup

I moved from Miami to San Pedro Sula in summer 2006, six months after José Manuel (Mel) Zelaya Rosales inaugurated his presidency. Elected as the Liberal Party candidate, Zelaya moved progressively from center to left over the next year. Many Hondurans I talked to about their new President expressed surprise, because in their eyes, Honduran politics generally paralleled U.S. politics — how could there be a left-leaning government in Honduras while the Bush dynasty still reigned in the U.S.? If you recall from the introduction, the Bush Administration had signed the Central American Free Trade Agreement (CAFTA) in 2005 with five Central American nations (Guatemala, El Salvador, Honduras, Costa Rica and Nicaragua), and the Dominican Republic. Like the North American Free Trade Agreement a decade prior, CAFTA caused economic that resulted in a rise in undocumented migration to the U.S. southern border.

Between 2006-2009, Mel Zelaya’s administration implemented a program of social and economic reforms benefitting campesinos, Indigenous people, workers, students, and teachers to ameliorate some of the devastating consequences of CAFTA. In retaliation, the Honduran military kidnapped Zelaya in 2009 and exiled him to Costa Rica, replacing him with a repressive coup regime. U.S. Secretary of State Hillary Clinton publicly feigned protest initially, but the Obama Administration ultimately backed the coup financially and politically. Following the coup, the instated government declared that once again “‘Honduras is open for business,’ and began promoting transnational investment in the tourism industry among other key sectors of the economy.”¹⁰

According to Joseph Nevins, the Obama Administration and especially Clinton, “Sent conflicting messages and worked to ensure that Zelaya did not return to power. This was

¹⁰ Jeff Abbott, “The Neo-Colonization of Central America,” *New Politics*, Summer 2016, https://newpol.org/issue_post/neo-colonization-central-america/

contrary to the wishes of the Organization of American States (OAS).”¹¹ Roberto Micheletti was instated as interim President, until a post-coup election took place later in 2009. Despite the position of the OAS as well as national and international outcry denouncing the coup, Clinton supported post-coup elections in November 2009 “aimed at legitimating the post-coup government.”¹² These illegitimate elections furthered corruption by placing nationalist leader, Porfirio ‘Pepe’ Lobo, in power (Portillo Villeda 2011, 944). Lobo’s rule resulted in violent military repression of protests, and escalated cartel violence, disappearances of students and teachers, assassinations of Indigenous activists, and law enforcement corruption.

By 2011, San Pedro Sula had become the “murder capital of the world,” a “narco city,” the “most violent city outside a war zone, with a murder rate of 169 per 100,000 residents.”¹³ The escalating violence catalyzed a mass exodus of vulnerable populations, especially children, to the United States. And by 2014, unaccompanied minors fleeing this violence began arriving in larger numbers at the U.S.-Mexico border. When Leiva says she’s thinking about how politics determine which children are disposable, this is the dynamic she points to: for the Obama Administration to welcome Honduran refugee children, would be to acknowledge that the coup it supported created the violent conditions forcing children to flee.

¹¹ Joseph Nevins, “How US Policy in Honduras Set the Stage for Today’s Mass Migration,” Consortium News: Independent Investigative Journalism and Political Review – Since 1995, June 21, 2018, <https://consortiumnews.com/2018/06/21/how-us-policy-in-honduras-set-the-stage-for-todays-mass-migration/>

¹² *ibid.*

¹³ Alma Leiva. “Conversaciones desde el Otro Lado 1.” 2015. 00:08:12. <https://vimeo.com/120500243>

Nevins argues that “more than any other development,” the coup explains the increase since 2009 of migration from Honduras to the U.S.¹⁴ resulting in the Obama Administration’s 2014 declaration of a humanitarian crisis [*]. 2014 saw the election of the right-wing candidate Juan Orlando Hernandez, and political corruption and cartel violence continued to escalate. In 2017 another fraudulent election took place to maintain right-wing control in the country. The U.S., this time under the Trump Administration, again went against the determinations of the OAS to back the illegitimate reelection of Hernandez. Frank-Vitale and Martínez d’Aubuisson (2020) see the 2009 coup and the 2017 election as “pivot points to discuss the nature of a generation that came of age post-coup, through a period of rising violence” (2020, 554). José and his group of dancer friends are part of this generation. Frank-Vitale and Martínez d’Aubuisson explain the effects of these dynamics on migration from Honduras to the U.S.

In the years since the coup, Hondurans have been leaving in increasing numbers, with a noticeably sharp upswing after the electoral fraud of 2017. It is hard to measure numbers of people leaving the country without visas, but we can infer based on deportation numbers. Tellingly, for the first time in 2019, more than 100,000 Hondurans were deported...At least ten thousand Hondurans participated in this series of caravans, and the vast majority of the *caravaneros* were young people – between the ages of 15 and 30 (563).

The over ten thousand young Hondurans improvising movement from Central America to the U.S. in migrant caravans brings us closer to the end of this chapter. As I have demonstrated, migrant movements from Honduras to the U.S. are directly correlated to U.S. economic and political intervention in the region. Our final examination of interventionism will focus on the series of agreements between the Trump Administration and the government of Juan Orlando Hernandez in September 2019.

¹⁴ Joseph Nevins, “How US Policy in Honduras Set the Stage for Today’s Mass Migration,” Consortium News: Independent Investigative Journalism and Political Review – Since 1995, June 21, 2018, <https://consortiumnews.com/2018/06/21/how-us-policy-in-honduras-set-the-stage-for-todays-mass-migration/>

Transnational Surveillance

By 2019, the Trump Administration had been targeting racialized migrants for state violence for multiple years, and we will address his most extreme policy of family separations in the next chapter. Much of Trump's xenophobic rhetoric was specifically directed at Central American migrants, and the Administration continuously pressured leaders of the countries of the "Northern Triangle" — El Salvador, Guatemala, and Honduras — to take action to militarize their borders and stem migration north. In September, the Department of Homeland Security (DHS) under Trump issued a press release titled "U.S. and Honduras Sign More Arrangements to Expand Collaboration to Confront Irregular Migration."¹⁵ These included the Asylum Cooperative Agreement, Border Security Arrangement, and the Biometrics Data Sharing Agreement. The Administration signed similar agreements with the governments of El Salvador and Guatemala. Acting Secretary of DHS Kevin McAleenan claimed, "DHS will continue to confront irregular migration with its international partners to improve safety and prosperity in the Central America region, mitigating the "push and pull" factors that contribute to the security and humanitarian crisis on our Southwest border." One of the agreements, the Border Security Arrangement, was intended to "further impede irregular migration flows from and through Central America" through a collaboration between the U.S. and Honduras to "support criminal investigations targeting gangs, human smuggling, and trafficking networks." In an expansion of the documentation regime, the U.S. will "provide technical support to Honduras's efforts to establish capacity building."¹⁶ The second arrangement, the Biometrics Data Sharing Agreement,

¹⁵ US Embassy in Honduras, September 27, 2019, U.S. and Honduras Sign More Arrangements to Expand Collaboration to Confront Irregular Migration [Press release], <https://hn.usembassy.gov/us-honduras-sign-more-arrangements-expand-collaboration-confront-irregular-migration/>

¹⁶ *ibid.*

was signed to “expand information sharing by supporting Honduran efforts to coordinate the use and implementation of data sharing program to support law enforcement and public safety.” The agreement establishes technology that enables the U.S. and Honduras to “automatically exchange information in real-time on third-country nationals trying to enter Honduras.”¹⁷

As of now, we don’t have data about the implementation and effects of the agreements. What is important to understand is that the reach of the documentation regime’s technology of identification with biometric data that we saw in Chapter Two extends beyond the U.S. and into the transnational. It remains to be seen how the programs will develop, the future is unknown. Who Knows When?

The next time Leiva and I speak in summer 2019, we meet for lunch on an unbearably hot day in Miami. Later that afternoon, I will drive 35 miles to visit the Homestead Temporary Shelter for Unaccompanied Children, a child migrant detention center that is the topic of Chapter Four. Leiva tells me she is still in communication with “José,” and shares updates about him and his family: José’s brother has made the extremely difficult decision to journey north, fleeing for his life. Leiva says José is uncertain whether he will have to follow his brother. Just as José asks in *Conversaciones*, “who knows when” Honduras’s problems will end, he cannot foresee where the near future will bring him. In *Conversaciones*, Leiva and José implore us to think about the long term future — fifty years from now. José maintains hope for a non-violent future, but it is a kind of hope Muñoz might call “educated hope,” a hope that “dwells in the region of the not-yet, a place where entrance and, above all, final content are marked by an enduring indeterminacy...in both affect and methodology” (2009, 3). This hope, says Muñoz, is anticipatory, “always directed at that thing that is not yet here, objects and moments that burn

¹⁷ *ibid.*

with anticipation and promise” (2009, 26). José cannot determine when San Pedro Sula’s problems will come to an end, but he maintains an educated hope, an imaginative futurity that he and his dancer friends compete together and experience happiness alongside each other. Significantly, this educated hope is not invested in whether or not their group wins the contest. Instead, they are “engender[ing] worlds of ideological potentiality that alter the present and map out a future” (Muñoz 2009, 195).

Chapter Four

Queer Migrant Futures: Joy Station & Nomadic Collectivity

“For me, that idea of joy, that even as the system is putting us in a prison, even as the system is exploiting us, even as the system kicked us out of our countries, we can still build a world of joy, is important to me, because it’s a way to resist all those things.” — Beatriz Cortez, Personal interview 2019

Introduction

In the closing hour of Beatriz Cortez’s spring 2019 *Trinidad/Joy Station* solo exhibition at The Craft Contemporary Museum in Mid-City, Los Angeles, I join ten or so other visitors gathered around an installation of seedlings. Arranged in rows under LED lights at the far north end of the museum’s third floor, the plants are all edible and of ancient origin, known to have sustained life for millennia on the continent European colonizers named the Americas. Behind the plants, a giant steel cylinder repository suited for outer space stores dry seeds for future generations. The exhibition’s curator, Holly Jerger, encourages everyone present to choose a plant to bring home. I am drawn to a bean, the little sprout glimmering purple in the LED, and I carry it with me as I circle through each area of the exhibition.

Apart from the seeds and seedlings, almost everything here is metallic. Next to the edible garden on the right, a curved steel pipe extends towards the plants from a twelve-foot water tower. The water tower stands on a base of three steel tiers, a gesture to the architecture of talud-tablero pyramids. Behind me, in the center of the exhibition, a steel dome suspended with plastic zip ties from the ceiling hovers over a set of conjoined latrines on the ground below. Beyond the latrines and closer to the third-floor entrance (south), are two large-scale geodesic domes formed from repurposed car hoods that Cortez salvaged at El Pulpo, an LA junkyard. One dome is tall enough for me to walk through upright, while the other is closer to the ground and I bend to go inside. Upon entering each dome, I run my hands along the seams where Cortez welded car hood

to metal frame; I tug gently on the plastic zip ties binding everything together. The zip ties are strong enough to hold the immense weight of Cortez's iron sculptures hanging from the ceiling. Later she will tell me zip ties are strong enough even for outer space — NASA uses them. At the same time, the ties can easily be cut, allowing the iron pieces of the structures to be taken apart, packed up, and transported to another location.



Figures 19 and 20 *Trinidad/Joy Station* (2019) exhibited at the Craft Contemporary Museum

Finally, I return to an installation resembling a child's bedroom, set back in a corner-shaped space west of the plants. Called "Cosmic Dream," this installation features three child-size structures for sleeping, all made of chain-link fence woven with reflective strips of mylar blankets — a folding cot with an iron headboard, an other-worldly baby rocker, and a mat on the floor. Three triangular frames, also chain-link woven with mylar, are attached high on the walls, casting reflections of light that feel like constellations. Here I encounter Cortez, deep in conversation with her friend's three-year-old daughter. Cortez introduces us in-between their focused whispers. As they lean over the mylar together, Cortez asks her if she likes the lights. "¿Te gustan las luces? The checkered mirror?" Playfully, Cortez instructs the smiling child, "Ve tu reflexión, sácate la lengua." The little one brings her face closer to her mylar reflection, sticks out her tongue, and laughs.

Witnessing a child's joyous laughter at her reflection in the silver surface of Cortez's "Cosmic Dream" is our portal into this chapter. I want this final chapter to be about queer

migrant joy and futurity — and yet as I write, my heart is broken and feelings of hope for the future elude me. Liberal politicians have again failed to honor their 2020 campaign promises to improve conditions for migrants in the U.S. Contrary to President Biden’s claims that he would take a more humane approach to immigration than his predecessor, the Biden Administration has allowed for the unabated detention and deportation of racialized migrants. In violation of international law, it has continued the Trump-era Title 42 policy into 2022. Reports have surfaced that Biden is considering lowering the age of eligibility for Title 42 in order to deport seventeen-year-old children under the policy. Meanwhile, over 1,000 migrant children separated from their families by Trump’s Zero Tolerance policy have yet to be returned to their parents. Some families have been searching for each other and fighting for reunification for multiple years. In early 2022, the Biden Administration caved to Republican demands to dismiss claims brought by separated families seeking compensation for the harm inflicted by the Zero Tolerance policy.¹ According to the Southern Law Policy Center, “the number of new families identified continues to increase, as families come forward and identify themselves as separated under the previous administration’s zero-tolerance policy.”²

This is our fourth and final chapter together. In this chapter, we will experience Beatriz Cortez’s immersive sculpture exhibition *Trinidad/Joy Station* within this context of the Zero Tolerance child incarceration. Thus far, we have identified the dual structure of the documentation regime as state surveillance (both national and transnational) and the citizen gaze. We have theorized the logics of the documentation regime as visibility, choreography, and

¹ Jordyn Rozensky, “The Biden Administration Routinely Separates Immigrant Families,” *National Immigrant Justice Center: A Heartland Alliance Program*, January 19, 2022, <https://immigrantjustice.org/staff/blog/biden-administration-routinely-separates-immigrant-families>.

² Southern Policy Law Center, “Family Separation – A Timeline,” <https://www.splcenter.org/news/2022/03/23/family-separation-timeline>

temporality, and have examined three technologies in relation to these logics: state-sponsored data collection through temporary immigration documents; state-issued IDs with biometric information; and transnational biometric data sharing agreements. Here I build from Chapter Three's investigation into transnational data sharing agreements between the U.S. and Honduras, to examine one more technology of the documentation regime: the mismanagement and/or destruction of official documents and databases. As we learned in Chapter One, state-sponsored data collection projects facilitate the visibilization of entire populations to be managed. We've defined data as "all the mundane tools—surveys, reports...and so forth—that represent events and phenomena as information, data, and knowledge [and]...make objects 'visible'" (Inda 2008, 7). As Dean Spade explained,

Each type of data collected by the U.S. government and the choices made about what to collect and why have histories of...controversy, both regarding how and why government agencies were collecting certain data and how that data collection might impact particular populations (2011, 141).

In this chapter, we will investigate how the government's choices about what data *not* to collect, or what data to destroy or disappear, invisibilizes the population of migrant children. In distortion of the documentation regime's logic of visibility, we will examine here the case of mismanagement and/or destruction of children's records documenting their separations from their loved ones by Trump's Zero Tolerance. In mismanaging and destroying records, the documentation regime choreographs indefinite detention and separation for migrant children from their families. Simultaneously, I trace performances of queer recognition, relationality, and futurity in Cortez's "Cosmic Dream." Cortez performs altered recognitions to subvert the documentation regime's logic of visibility; she performs what she calls "nomadic collectivity" to counter the logic of choreography; and queer migrant futurity as an antidote to the documentation regime's temporality of indefinite detention. Drawing on personal interviews

with Cortez, I argue that by fashioning a futuristic children's room for rest, play, and relational reflection, the sculptor projects queer migrant joy into outer space — as Jose Muñoz (2009) would say, another place and another time. Experiencing Cortez's "Cosmic Dream" installation conjures feelings that another world is possible, a world beyond the here and now.

Cortez describes "Cosmic Dream" as her "effort to make an homage to the families that have been separated [by Zero Tolerance], with only the materials that are available to them in those prisons."³ The mylar and chain-link metal that construct "Cosmic Dream" have become familiar symbols in widely circulated and mass-consumed images of traumatized migrant children detained in the U.S. Mylar and chain-link are materials used to incarcerate asylum-seeking children in Customs and Border Patrol processing centers, immigration detention centers, and the more recent and temporary "emergency influx shelters."



Figure 21 Image by Jiang & Lindsay *Insider* / Getty Images

In summer 2019, I visited one such emergency influx facility, the Homestead Temporary Shelter for Unaccompanied Children (HTSUC). Located about 35 miles southwest of downtown Miami, the HTSUC was initially opened under the Obama Administration to imprison children ages 13-17 who had entered the U.S. as unaccompanied minors. Later, children who were violently separated from their parents by Trump's Zero Tolerance policy would also be detained

³ Beatriz Cortez. Interviewed by Rosanna Simons. Los Angeles. July 10, 2019. In-Person.

at HTSUC. Emergency influx shelters are unique from other housing facilities for child migrants. For nearly two decades, the Department of Health and Human Services Office of Refugee Resettlement (ORR) has been charged with housing detained migrant children. Policy requires that children be transferred from immigration detention to the ORR within three days. The ORR “contracts with nonprofit and for-profit organizations” throughout the U.S. “to run 200 [permanent] facilities housing about 13,200 beds.”⁴ However, when there are spikes in numbers of child migrants apprehended at the U.S.-Mexico border, ORR activates temporary emergency influx shelters. Temporary influx shelters “look more like warehouses or military tents” than permanent ORR housing, and as temporary facilities, they “can be operated on federally owned land, where they are not subject to state licensing standards of care and oversight.”⁵

At the time of my visit, HTSUC was the largest and only for-profit child migrant detention center in the U.S. Continuing my focus from Chapter Three on child migration from Central America to the U.S., I contextualize in this chapter how HTSUC has evolved across the Obama, Trump, and Biden Administrations. Then, I zoom in on the period between 2018-2021, to investigate the mismanagement and destruction of imprisoned children’s records at HTSUC. Now I want to orient you to the HTSUC facility, a structure built on toxic land and shrouded in official secrecy.

The Homestead Temporary Shelter for Unaccompanied Children

HTSUC originally opened in June 2016 as a “temporary influx shelter” under the Obama Administration in response to the “crisis” of unaccompanied minors arriving at the U.S.-Mexico

⁴ Isabela Dias “Biden Might Reopen a Child Migrant Shelter with a Troubling Past of Sexual Abuse Allegations” March 4, 2021, *Mother Jones*, <https://www.motherjones.com/politics/2021/03/biden-homestead-unaccompanied-minors-border-superfund/>

⁵ *ibid.*

border that began in 2014, and that we examined in Chapter Three. HTSUC is positioned adjacent to the Homestead Air Reserve base, a military Superfund site containing arsenic and lead-laden groundwater and land used for hazardous waste, munitions, and pesticide storage. According to the United States Air Force, the Federal Aviation Administration, and the Department of Housing and Urban Development, the sound of F-16C fighter jets overhead locates the center in a “normally unacceptable” noise zone unfit for human housing.⁶ The facility was operated by Comprehensive Health Services, Inc., a subsidiary of homeland security private equity-backed firm Caliburn International. The prison boasted 3,200 beds for migrants aged thirteen to seventeen years old. Children slept in military-like dorms of up to 250 bunkbeds and were subject to a strict no-hugging policy, even amongst siblings. From its initial opening through its temporary closing in April 2017 — less than one year — the facility jailed 8,500 unaccompanied migrant children. The designation of “temporary influx shelter” allowed the center to circumvent oversight by state regulators and federal laws, such as the 1997 Flores Settlement Agreement (FSA), that protect children in custody.

The Flores Settlement Agreement

Understanding the basics of the FSA is necessary for contextualizing HTSUC as a for-profit temporary influx shelter during the Obama Administration crisis of unaccompanied migrant children, and during the Trump Administration’s Zero Tolerance. So, I want to offer a brief overview. The landmark 1997 Flores Settlement Agreement resulted from years of litigation that included the U.S. Supreme Court case *Reno v. Flores*, and “established national minimum standards for the treatment, placement, and release of immigrant children detained in

⁶ Jonathan Fried and Lisa Evans. 2019. “Potential Contamination at Homestead Detention Center Means It Can’t Be Safe to House Children.” *Miami Herald*. October 3, 2019. <https://www.miamiherald.com/opinion/op-ed/article235772247.html>

federal custody.”⁷ The FSA required the federal government to place migrant children in the least restrictive setting possible, in non-secure facilities that are state-licensed to care for dependent children. These licensed facilities needed to “comply with all applicable state child welfare laws and regulations” and be “licensed by an appropriate State agency to provide residential, group, or foster care services for dependent children”; they also must be subject to “regular and comprehensive oversight by an independent child welfare agency.”⁸ Specific FSA provisions included “food and drinking water as appropriate,” “medical assistance if minor is in need of emergency services,” “toilets and sinks,” “adequate temperature control and ventilation,” “adequate supervision to protect minors from others,” and “contact with family members who were arrested with the minor.”⁹ In addition to regulations around housing facilities, the FSA required that children be released from these facilities to a sponsor “without unnecessary delay.” Eligible sponsors included parents, relatives, designates of the parent, or other responsible adults, as deemed appropriate.”¹⁰

When nearly two decades later the Obama Administration opened its highly controversial Family Detention Centers in 2014, the FSA again became a topic of political discourse. And in summer 2015, California District Judge Dolly M. Gee ruled that the FSA applied not only to migrant children arrested with their parents and detained in Obama’s family detention centers, but also to child migrants who arrived at the southern border unaccompanied by adult relatives.

⁷ “Enforce the Flores Settlement Agreement,” *National Center for Youth Law*, <https://youthlaw.org/initiatives/enforce-flores-settlement-agreement>.

⁸ *ibid.*

⁹ United States District Court Central District of California. “Stipulated Settlement Agreement.” January 17, 1997. https://www.aclu.org/sites/default/files/assets/flores_settlement_final_plus_extension_of_settlement011797.pdf

¹⁰ “Enforce the Flores Settlement Agreement” *National Center for Youth Law*, <https://youthlaw.org/initiatives/enforce-flores-settlement-agreement>.

Gee interpreted the FSA's requirement that children be released from detention "without necessary delay" to mean that detained children could not be held more than twenty days. The ruling also ordered the release of 1,700 detained families who were not considered "flight risks."¹¹

Important to our theories of the documentation regime is that the Obama Administration subsequently implemented a program called Alternatives to Detention that gave the documentation regime the power to surveil families even after their release from detention. In one example, released mothers were required to wear ankle monitors. Like Caliburn International profits from the imprisonment of children at HTSUC, the for-profit prison company GEO Group made immense profits from the Alternatives to Detention program. In 2015 alone, the federal government contracted GEO for \$56 million to "manage ankle monitors for 10,000 immigrants, and to run telephone check-ins for 20,000 immigrants...to keep track of released detainees to make sure they show up for ICE check-ins and court appearances."¹² GEO was awarded an additional \$11 million to implement a surveillance pilot-project that would "do case management for released immigrants."¹³ These numbers do not include GEO's profits from the detention centers themselves. Such tracking technologies of the documentation regime are not in the scope of this chapter and merit further research.

¹¹ Maura Dolan. "Court Upholds Ruling That Children Held at Border Must Have Adequate Food, Bedding, Sanitation." *Los Angeles Times*. August 15, 2019. <https://www.latimes.com/california/story/2019-08-15/children-border-sanitary-conditions-flores-agreement-9th-circuit>

¹² John Burnett. "As Asylum Seekers Swap Prison Beds For Ankle Bracelets, Same Firm Profits" November 13, 2015, *NPR* <https://www.npr.org/2015/11/13/455790454/as-asylum-seekers-swap-prison-beds-for-ankle-bracelets-same-firm-profits>

¹³ *ibid.*

The FSA has continued to be cyclically challenged and upheld since 2014. In the 2016 *Flores v. Lynch* case in the Ninth Circuit Court of Appeals, the court ruled that all children detained by the Obama Administration “should be released as soon as possible.”¹⁴ The Obama Administration began releasing women and children after detaining them together for 21 days.¹⁵ In the coming years, the Trump Administration would take multiple approaches to dismantling the FSA. One approach was to apply the FSA’s provision that children who arrived accompanied by parents must be released from detention within twenty days — even without their parents — as a rationale for the Zero Tolerance family separations.

Now, we’re going to have to examine the horrific facts of Zero Tolerance. A review of Zero Tolerance will lead us back to where we left off with HTSUC.

Zero Tolerance

If you remember, it was in April 2017 that HTSUC temporarily closed, and during its initial operation it had only housed unaccompanied migrant children. A month prior in March 2017, it was “first reported that the Department of Homeland Security (DHS) under Trump was considering a proposal to separate migrant parents from their children” at the border.¹⁶ By July, DHS had begun a brutal “pilot program” of family separation in El Paso, TX. The Trump Administration began detaining and criminally charging all adults who crossed the border without permission, and parents arriving with children were not exempt. Children were violently stolen from their parents, with no central record-keeping system in place to facilitate

¹⁴ Camila Domonoske and Richard Gonzalez, “What We Know: Family Separation and ‘Zero Tolerance’ at the Border, June 19, 2018, *NPR*, <https://www.npr.org/2018/06/19/621065383/what-we-know-family-separation-and-zero-tolerance-at-the-border>

¹⁵ *ibid.*

¹⁶ Southern Policy Law Center, “Family Separation – A Timeline,” <https://www.splcenter.org/news/2022/03/23/family-separation-timeline>

reunification. By late 2017, the government was routinely “separating families along the length of the U.S.-Mexico border,” including “families arriving through official ports of entry” to seek asylum under national and international law.

After being separated from their parents, child migrants were then reclassified as unaccompanied, “shipped...miles away from their parents,” and “scattered...among ORR shelters and other care arrangements across the country.”¹⁷ Reports evidence that parents were unlawfully coerced into relinquishing their parental rights, and “not given any information about where their children would go.”¹⁸ For example, some “children were taken away under the pretense that they would be getting a bath.”¹⁹ And an unknown number of children have become lost in the foster care system. For some deported parents, their children are in the process of being adopted by U.S. citizens against their consent. As we learned in the previous section, the Flores Settlement Agreement dictates that migrant children cannot be detained for more than 20 days. However, some children 5,000 separated from their parents during this pilot program were held for over 300 days.

As the Trump Administration targeted children for the extreme violence of separation and incarceration, it also worked to implement the documentation regime’s temporality of indefinite detention for adult migrants. In February 2018, the Supreme Court ruled in *Jennings v. Rodriguez* that migrants, including asylum seekers and migrants with permanent legal status,

¹⁷ Southern Policy Law Center, “Family Separation – A Timeline,” <https://www.splcenter.org/news/2022/03/23/family-separation-timeline>

¹⁸ Camila Domonoske and Richard Gonzalez, “What We Know: Family Separation and ‘Zero Tolerance’ at the Border, NPR, June 19, 2018, <https://www.npr.org/2018/06/19/621065383/what-we-know-family-separation-and-zero-tolerance-at-the-border>

¹⁹ *ibid.*

could be detained indefinitely without periodic bond hearings.²⁰ It would only be a matter of time before Trump attempted to also make child detention indefinite. A month later, the Trump administration reopened HTSUC without public notice. This time, Homestead would imprison children who had arrived at the U.S. southern border unaccompanied, as well as those who were forcefully torn from their parents. (It wouldn't be until June 2018 that an NBC investigative report exposed these early clandestine separations and incarcerations during the 2017 pilot program.)

Though the pilot program had already been in operation for over a year, in April 2018, the Zero Tolerance policy of family separations was officially announced:

Attorney General Jeff Sessions directed federal prosecutors “to adopt immediately a zero-tolerance policy for all offenses” related to the misdemeanor of improper entry into the United States, and that this “zero-tolerance policy shall supersede any existing policies.”²¹

The objective of the policy was to empower the government to, “criminally convict first-time offenders,” whereas “Historically [migrants crossing the border for the first time] would face civil and administrative removal, while criminal convictions were usually reserved for those who committed the felony of illegal re-entry after removal”²² According to the ORR, the agency did not receive advance notice of the April 2018 announcement. However,

“ORR officials said they were aware that increased separations of parents and children were occurring prior to the April announcement, saying the percentage of children

²⁰ Nina Totenberg, Richard Gonzalez, and Domenico Montaro, “Supreme Court Ruling Means Immigrants Could Continue to be Detained Indefinitely,” *MPR News*, February 27, 2018, <https://www.mprnews.org/story/2018/02/27/npr-supreme-court-ruling-means-immigrants-can-continue-to-be-detained-indefinitely>

²¹ Southern Poverty Law Center, “Family Separation – Timeline,” October 21, 2021, <https://www.splcenter.org/news/2022/03/23/family-separation-timeline#2021>

²² *ibid.*

referred to the agency who were known to have been separated from their parents rose by more than tenfold from November 2016 to August 2017.”²³

More and more, it was becoming public knowledge that the government was separating children from their parents with no system in place for reunification, no official database of biometric information necessary to return children to their parents. Thus, under the Trump Administration, the documentation regime adapted its logic of visibility and technology of state-sponsored data collection to mismanage official documents; the documentation regime choreographed family separations via detentions, deportations, and disappearances of children and parents. In this case, the documentation regime’s temporality of deferral adapted to become an indefinite temporality. Paradoxically, Trump’s Zero Tolerance operationalized the documentation regime’s surveillance to track and deport relatives and potential U.S. sponsors of imprisoned children, instead of releasing children to the safety of their sponsors. For instance, Palantir Technologies Inc., a software company that develops data fusion platforms, provided software to ICE called Investigative Case Management (ICM) in order to,

Target and arrest family members of children who crossed the border alone... Under the operation, sponsors — mothers, fathers, uncles, and aunts — of unaccompanied children were targeted as part of “anti-smuggling” investigations, but any undocumented people encountered by ICE agents during their investigations were arrested as well.²⁴ (Mijente 2019, 4).

Sponsors were subject to criminal background checks and immigration status checks, including fingerprinting and other biometric data collection “of all sponsors, and any other adult living in the household.” Additionally, the checks and data collection were performed by ICE and not by

²³ Government Accountability Office (GAO), “Unaccompanied Children: Agency Efforts to Identify and Reunify Children Separated from Parents at the Border” February 7, 2019. Retrieved February 8, 2019, <https://web.archive.org/web/20190207173904/https://www.gao.gov/assets/700/696788.pdf>

²⁴ Mijente, “The War Against Immigrants: Trump’s Tech Tools Powered by Palantir.” August 2019, 4, <https://mijente.net/wp-content/uploads/2019/08/Mijente-The-War-Against-Immigrants -Trumps-Tech-Tools-Powered-by-Palantir .pdf>

the ORR (Domonosk and Gonzales 2018). A Mijente report (2019) found that “over 90 days, 443 people were arrested for deportation in this operation” (Mijente 2017, 4).

In June 2018, DHS acknowledged for the first time that almost 2,000 children had been separated from their families between April 19 and May 31, but “the government’s protocol for reunifying families [had] yet to be made clear”²⁵ That same month, CBS News reported that “2,342 children were separated at the border from more than 2,200 adults between May 5 to June 9.”²⁶ The ongoing and overlapping counts by multiple sources made it challenging to make sense of data about what was happening. Misinformation proliferated in official and public discourse (including an image of caged children that went viral on social media, but was later determined to have been a photo taken during the Obama Administration). Public outrage ensued, and on June 20 President Trump signed an executive order “directing DHS to stop separating families except in cases where there is concern that the parent represents a risk to the child.”²⁷ DHS claimed it was terminating the program because Customs and Border Patrol was over capacity, but it was evident that the program ended due to mounting public pressure. Following the order, a Federal Court “ordered the government to reunify all children under five within fourteen days” and “children five and over within 30 days” (Domonosk and Gonzales 2018).

The Trump Administration claimed it would use a “central database” to reunite the thousands of children separated from their parents. (Almost a year later, NBC news would publish emails that revealed that at that time DHS only had adequate records to reunite 60

²⁵ Southern Poverty Law Center, “Family Separation – Timeline,” June 15, 2018, <https://www.splcenter.org/news/2022/03/23/family-separation-timeline#2021>

²⁶ Graham Kates, “Migrant Children at the Border – the facts,” *CBS NEWS*, June 20, 2018, <https://www.cbsnews.com/news/migrant-children-at-the-border-by-the-numbers/>

²⁷ Southern Poverty Law Center, “Family Separation – Timeline,” June 20, 2018, <https://www.splcenter.org/news/2022/03/23/family-separation-timeline#2021>

children.) In fact, the three agencies responsible for processing immigrant families — CBP, ICE, and the ORR — did not have a shared database for tracking migrant families. Beyond not having adequate records, the agencies went so far as to provide inaccurate information to family members (DHS Inspector’s Report). Secretary of Health and Human Service Alex Azar lied to the public, “There is no reason why any parent would not know where their child is located. I’ve sat on the ORR portal with just basic keystrokes, within seconds could find any child in our care for any parent.”²⁸ During this time, the DHS Office of Inspector General was conducting an investigation that wouldn’t be released until 2019. The report “cited poor data entry, data tracking, information sharing and IT systems capabilities”²⁹ More specifically, the report found that,

U.S. officials were forced to share minors’ files on Microsoft Word documents sent as email attachments because the government’s internal systems couldn’t communicate. “Each step of this manual process is vulnerable to human error, increasing the risk that a child could become lost in the system,” the report found.³⁰

In an example of the distortion of the documentation regime’s logic of visibility, CPB

Did not provide pre-verbal children with wrist bracelets or other means of identification, nor [did] Border Patrol fingerprint or photograph most children during processing to ensure that they can be easily linked with the proper file³¹

²⁸ Jacob Saboroff, “Emails Show Trump Admin had ‘no way to link’ Separated Migrant Children to Parents,” *NBC NEWS*, May 1, 2019, <https://www.nbcnews.com/politics/immigration/emails-show-trump-admin-had-no-way-link-separated-migrant-n1000746>

²⁹ *ibid.*

³⁰ Nick Miroff, Maria Sacchetti, and Seung Min Kim, “Trump’s Family Separation Policy Was Flawed from the Start, Watchdog Review Says,” *Washington Post*, October 1, 2018, https://www.washingtonpost.com/world/national-security/trumps-family-separation-policy-was-flawed-from-the-start-watchdog-review-says/2018/10/01/c7134d86-c5ba-11e8-9b1c-a90f1daae309_story.html

³¹ *ibid.*

The Inspector General’s report found no evidence of a “central database” tracking family separations:

“The OIG team asked several [ICE] employees, including those involved with DHS’ reunification efforts at ICE Headquarters, if they knew of such a database, and they did not...DHS has since acknowledged to the OIG that there is no ‘direct electronic interface’ between DHS and HHS tracking systems”³²

One CBP station even “‘used a basic whiteboard’ to keep track of the children” and “phone numbers, addresses and names for parents were missing”³³

DHS continued claiming into late 2018 that the agency was reuniting families. Again, investigative journalists exposed the administration’s disinformation. “Drawing on hundreds of court documents, immigration records and interviews in the U.S. and Central America,” the Associated Press reported “holes in the system that allow state court judges to grant custody of migrant children to American families — without notifying their parents.”³⁴ Meanwhile, Amnesty International published a report exposing “U.S. Customs and Border Patrol data” that proving that at least “6,022 ‘family units’ had been separated between April 19, 2018, and August 15, 2018 – a much greater number than previously stated.”³⁵ As I mentioned above, the Inspector General Report investigating the period of August – September 2018 wasn’t released until 2019. In response to the released reports, Department of Health and Human Services (HHS) spokesperson Evelyn Stauffer falsely stated, “HHS knows where each and every unaccompanied

³² *ibid.*

³³ Sharon Alfonsi, “Families separated by Trump administration at the border still waiting for reunification,” *CBS News*, October 10, 2021 <https://www.cbsnews.com/news/migrant-childrenfamily-separation-border-60-minutes-2021-10-10/>

³⁴ Burke et al. “The Battle for Alexa: How Deported Parents Could Lose Their Kids to U.S. Adoptions.” *AP Leads*. October 19, 2018. <https://leads.ap.org/best-of-the-week/how-deported-parents-could-lose-their-kids-to-adoption>

³⁵ Southern Poverty Law Center, “Family Separation – Timeline,” October 11, 2018, <https://www.splcenter.org/news/2022/03/23/family-separation-timeline#2021>

child in HHS custody is at any given time, and that was true during the summer of 2018.”³⁶

Meanwhile, media reports surfaced exposing that family separations had continued for months after the programs supposed end in June 2018.

Finally, the Inspector General’s report confirmed that family separations “inflicted unspeakable trauma” on migrant children. It found that “this trauma was extended as kids languished in warehouse-like facilities for months on end due to additional Trump administration policies, such as fingerprinting everyone in a sponsor’s household.”³⁷ As detained children’s sponsors were subjected to fingerprinting and background checks under an information-sharing agreement between the HHS and DHS, some detention facilities, including HTSUC, waived background checks and fingerprinting requirements for employees. Yet another distortion of the documentation regime’s logics of visibility and temporality — indefinite trauma was inflicted on migrant children due in part to the mismanagement of official data necessary to reunite families, and in part due to state-sponsored data collection of potential sponsors that would allow the release of children from prison. This returns us to HTSUC.

HTSUC Reopens

When HTSUC reopened in March 2018, the detention center became a focal point of the controversy surrounding Zero Tolerance child detention. Before reopening HTSUC,

³⁶ Jacob Saboroff, “Emails Show Trump Admin had ‘no way to link’ Separated Migrant Children to Parents,” *NBC NEWS*, May 1, 2019, <https://www.nbcnews.com/politics/immigration/emails-show-trump-admin-had-no-way-link-separated-migrant-n1000746>

³⁷ Grace Segers and Graham Kates, “Watchdog Details Psychological Trauma Among Migrant Children Separated from Families,” *CBS News*, September 4, 2019, <https://www.cbsnews.com/news/hhs-inspector-general-report-details-psychological-trauma-among-separated-migrant-children/>

The federal government was aware of at least five prior allegations of sexual abuse there, according to U.S. Department of Health and Human Services documents. The documents showed five reports of sexual abuse at the Homestead facility.³⁸

After the reopening, “at least two more children reported being sexually assaulted” at HTSUC, “resulting in the firing of one employee and the resignation of two others.”³⁹ In addition to sexual abuse, children reported “crying themselves to sleep and even self-harming” while imprisoned at HTSUC.⁴⁰ The jail was again run by private for-profit Caliburn International (CI). In a clear conflict of interest, former White House Chief of Staff John F. Kelly joined the board of CI in May 2019. Kelly had been Chief of Staff during the implementation of Zero Tolerance, from mid-2017 through 2018. Based on *Forbes* estimates, CI “pull[ed] in nearly \$400 million” during its 2018-2019 operation. This time, HTSUC’s contract with the Department of Health and Human Services was worth up to \$220 million. “The average daily cost to care for a child at an influx facility is about \$775 a day,” meaning that “with nearly 1,600 children at Homestead,” the amount was greater than \$1.2 million per day.⁴¹ As corporations garnered immense profits, the HTSUC “cost[ed] taxpayers \$500,000 a day to operate.”⁴²

As HTSUC came under increasing scrutiny, Amnesty International toured the facility in April 2019 and subsequently released a report describing HTSUC as,

A highly restrictive setting where children are required to wear bar codes, are provided with insufficient language services, inappropriate remote case management services,

³⁸ Alexi C. Cardona, “Recapping the Five Biggest Controversies at the Homestead Migrant Children’s Camp,” *Miami New Times*, February 26, 2021, <https://www.miaminewtimes.com/news/abuse-allegations-at-homestead-shelter-for-migrant-children-11886996>

³⁹ *ibid.*

⁴⁰ *ibid.*

⁴¹ John Burnett, “As Asylum Seekers Swap Prison Beds for Ankle Bracelets, Same Firm Profits,” *NPR*, November 13, 2015. <https://www.npr.org/2015/11/13/455790454/asylum-seekers-swap-prison-beds-for-ankle-bracelets-same-firm-profits>

⁴² Kristin Kumpf, “How We Shut Down the Nation’s Largest Child Detention Center.” *Yes! Magazine*. September 9, 2019. <https://www.yesmagazine.org/people-power/trump-detention-center-children-shut-down-20190905>

potentially inadequate educational services, and an inadequate system to report allegations of sexual abuse.”⁴³

Amnesty International recommended that the government shut down HTSUC as soon as possible.

This is all so heavy. Take a breath, then I want to tell you about my visit to HTSUC shortly before it closed in summer 2019.

Witness: Homestead

I’m in home Miami in June 2019, and the first democratic primary debate for the 2020 election is taking place in Homestead. Before the debate, some candidates visit the HTSUC. Then-primary candidate Kamala Harris and others climb ladders to look over the high fences into the jail, trying to see the children with their own eyes and posing for press photos. Harris declares dramatically, “We are here to stand up and say that we are not going to allow this to happen. When I am elected, one of the first things I am going to do is shut down these private detention facilities, just shut ‘em down” (Swisher 2019). It is truly a spectacle of political performance. Though I’d been closely following the violent policies and practices of the Trump Administration, the democratic party candidates’ spectacular visit was the first time I heard of HTSUC. On July 1st and 2nd, another delegation of congressional Democrats visited the facility and garnered further media attention to the dehumanizing conditions in which the children were kept. The next morning, I decide I need to witness the facility firsthand.

I arrive in the late afternoon, as Witness Homestead activists are packing up for the evening, going home to rest until the next day’s action. The purpose of Witness Homestead was to maintain a constant daily presence of activists outside HTSUC, in order to witness what was

⁴³ John Washington, “Private Companies Maneuvering to Cash in on Biden’s Child Migrant Detention,” *The Intercept*, March 14, 2021, <https://theintercept.com/2021/03/14/child-migrant-detention-biden-immigration/>

happening there. Adding to the secrecy of HTSUC, signs are posted around the perimeter of the facility prohibiting photos and videos. As I light a candle to place with other altar items surrounding a tree across from the detention facility, an activist approaches me to say hello. She tells me about the goals of Witness Homestead: “the end goal is not to shut down the facility, the end goal is to reunite the children with families. If the facility is simply shut down, children will be sent to another facility”⁴⁴ As we talk, large trucks and vans come and go throughout the parking lots surrounding the prison. The large trucks, she explains, contain industrial-size document shredders. She says that Witness activists notice the trucks before visits from journalists and government officials, and that the trucks enter the facility grounds periodically to destroy official records. Apart from this conversation, I haven’t been able to find evidence of the shredding trucks at HTSUC, but I have no reason not to believe her account.

Before I leave Homestead, she invites me to climb the ladder the look over the fence. The children sometimes play in the cement yard, she says, and Witness activists hold up signs of support. Today, though, the children are inside, out of view. When a third congressional delegation visits, they find a mysterious drop in the number of detained children by 42% in twelve days. Between March 2018 and August 2019, over 14,300 children were placed at the shelter. According to the DHS, by August 3, 2019, no children were detained at HTSUC, and dubiously claimed that all had “either been reunified with an appropriate sponsor or transferred to a state-licensed facility within the ORR network of care providers”⁴⁵ Later that month, DHS

⁴⁴ Beatriz Cortez. Interviewed by Rosanna Simons. Los Angeles. July 10, 2019. In-Person.

⁴⁵ Luke Barr and Sophie Tatum, “All Unaccompanied Children from Homestead Migrant Detention Facility: HHS,” *ABC NEWS*, August 3, 2019, <https://abcnews.go.com/Politics/homestead-facility-longer-taking-children-hhs/story?id=64754172>

and HHS announced it would end the FSA, in order to indefinitely detain migrant families. But thankfully, Judge Gee again ruled to uphold the settlement.



Photos taken by author outside the Homestead Temporary Shelter for Unaccompanied Minors July 2012

“Cosmic Dream”

A few weeks after my visit to HTSUC, I’m back in Los Angeles, cycling down Main Street to meet Cortez in her Lincoln Heights studio. There we talk more about *Trinidad/Joy Station*, and especially “Cosmic Dream.” It’s hot and starting to softly rain. As I approach through the back gate, I hear Beatriz call, “Hi!” Her hands are wrapped in bandages after a surgery for her wrists, and she extends them out in front of her body. She asks me to open the gate, and I step inside, renewed by the cool air in the studio. The minimalist space is furnished by a desk, a shelf, and a black leather couch. Near the door on the southwest corner of the building, the couch faces east, where a selection of Cortez’s sculptures adorn the walls and floor. After a moment, I notice the mylar mat from “Cosmic Dream.” I want to look closer, but we’ve just sat down on opposite ends of the couch. Cortez is wearing all black, her curls freshly moussed, dark eyeliner drawing me into the depths of her infinite eyes. There feels to be genuine interest, entertainment, pleasure in everything she speaks of. Throughout our two-hour conversation, Cortez tells me about her favorite philosophers, her work, and her visions of the future. She shifts positions frequently, sometimes facing me, sometimes forward, leaning her

head on the back of the couch, both feet on the ground legs relaxed, bandaged hands resting on her knees.

The inspirations and meanings behind the massive steel sculptures of *Trinidad/Joy Station* range from ancient Mesoamerica to Los Angeles, 2019. One such site is Joya de Cerén, a Mayan farming community preserved by a volcanic eruption circa 600 CE in what is present-day El Salvador. In 1976 a construction worker accidentally uncovered the site with a bulldozer. Then there is the geodesic dome architecture of a 1960s utopian community called Drop City, built in Trinidad, Colorado by white male art school graduates who called themselves “nomads.” The colorful salvaged car hoods welded into dome structures reference iconic imagery of LA’s immigrant neighborhoods. The materials in “Cosmic Dream” stand apart from the rest of the pieces in the exhibition. Chain-link fencing and mylar reference viral images from 2014-2018 of asylum-seeking children from Central America crowded in freezing cages, huddled under the silver blankets for warmth. I share my memory with Cortez of her and her friend’s daughter looking at their reflections in the woven mylar mat at the Craft Contemporary Museum, and she tells me the piece is called, “Cosmic Petate.”

I request that we move closer to the petate. Cortez replies with an enthusiastic, “yes!” and we get up from the couch to stand side by side on the long edge of the rectangular petate. Bent at the waist with straight legs and feet together, we gaze into the woven mylar. Cortez stands closer than I. Her feet are about an inch away from the petate’s frame, while I keep a little more distance between my toes and the sacred sleeping structure. I note that the petate is around 1’ by 3’, with nine rows and eighteen columns of woven mylar. “Let’s take a picture,” Cortez says. I hover my phone camera over the petate and capture our image. Back home later that evening, I gaze at the photo.



Figure 23 “Petate,” photo taken by author July 2019

Cortez’s black pantlegs and both of our black shoes blend into the tones of the dark concrete floor beneath us, in stark contrast to the petate’s shimmering silver. On the surface of the petate, our reflection is concentrated in the middle of the bottom half of the rectangular mat. There in the centermost square stand Cortez and I, her facial features are indistinguishable except for her smile, and mine are covered by my phone. In this square, our bodies are stretched horizontally and are merging together. In the square directly above, our heads and faces are close together and elongated so far vertically that we are blurry, looking more like two narrow cone shapes. In other squares, our bodies are separate, fragmented, and positioned at varying 90-degree angles. To the right of our merged bodies, the reflection of my camera lens, sparkly phone case, and fingers with blue nail polish is rotated on its side. In another square, my distorted fingers resemble a vortex. My facial features are nowhere present in the mylar. Looking at the image as I write, my eyes linger longest on Cortez’s face, which reappears in multiple squares. To the left of our merged bodies, one of her eyes and her nose are small while her mouth is enlarged, as if the image were captured by a fisheye lens; she is upside down. Further to the left, Cortez’s forehead, eyebrows, and eyes are squished together and positioned across the

border between two squares. Tiny fragments of her hair peek out from the corners of other squares.

Cortez says her expansive body of work conveys “That we’re becoming others, that we’re breathing each other.” “Cosmic Dream” materializes this message, as the reflective material redraws the outlines of our individual bodies and overlaps them. Our single bodies become many, repeated images; we are blurred into each other and our environment. In some ways, the woven grid of squares distorting our individual characteristics and merging our bodies, reminds of the arrangement of square pixels that made José unrecognizable in Chapter Three. In Chapter Three, we interpreted Leiva’s pixelation of José’s image in *Conversaciones* through Lepecki’s theory of choreography and relational and atemporal bodies. We discussed how Leiva’s *Conversaciones* troubles the binary between absence and presence of bodies as subjects of her work, and evades state surveillance and the citizen gaze. Before that, we looked at Alan Pelaez Lopez’s video performance *Speak*, and theorized how they trouble the binary between visibility and invisibility as they seduce their viewers in the shadows. Unlike the video works in Chapters Two and Three, Cortez’s large-scale installation is notable for its absence of bodies as subjects of the work. Despite the references to the detention of children in the mylar and chain-link, there are no images of migrant suffering to be fetishized by the citizen gaze. Instead, the viewer’s body-image is reflected on/in the mylar, altered by the woven pattern. The viewer becomes coterminous with the environment, and if there are other viewers in proximity, also becomes others.

In a moment, we will continue thinking about visibility, choreography, and temporality in “Cosmic Dream.” First I will quickly finish outlining the trajectory of HTSUC.

HTSUC faded into the background until January 2020, when rumors began circulating that the HHS intended to reopen the facility. While denying the rumors of HTSUC's reopening, HHS spokesperson Kenneth J. Wolfe stated, "Migration patterns are always unpredictable. Our job is to be prepared. Having influx care facilities available when and if there is a need is a result of our aggressive bed management strategy that allows us to expand and contract capacity as needed."⁴⁶ But HTSUC remained closed during all of 2020. Meanwhile, the ACLU filed claims in federal court that they had been "unable to reach the parents of 545 children who were separated from their families at the border," and that "about two-thirds of the parents seem to be in Central America, while their children are stuck in the U.S."⁴⁷ Again we see how the documentation regime's destruction of official databases choreographed not only the detention of child migrants, but also the deportation of parents, resulting in indefinite separations.

Shortly after his 2021 inauguration, Biden signed an executive order creating the "Interagency Task Force on Reunification of Families to identify children separated from their families by the Trump administration and to facilitate their reunification."⁴⁸ Just weeks later in February 2021, rumors resurfaced that the Administration would open the HTSUC facility. The *Miami Herald* reported that "as border crossings start to rise, two Department of Homeland Security officials with knowledge of the facility's operations confirmed to the Miami Herald Tuesday" that "the Biden administration is planning to soon reopen a Homestead detention

⁴⁶ Monique O. Madan, "Homestead May Be Reopening to House Minors, Fed's Say. If so, Who Will Land the Contract," *Miami Herald*, January 14, 2020, <https://www.miamiherald.com/news/local/immigration/article239249613.html>

⁴⁷ Southern Poverty Law Center, "Family Separation – Timeline," October 21, 2021, <https://www.splcenter.org/news/2022/03/23/family-separation-timeline#2021>

⁴⁸ *ibid.*

center for unaccompanied migrant teens.”⁴⁹ The HTSUC would be rebranded under a new name, the Biscayne Influx Care Facility. Right away, Witness Homestead resumed their activism. A post on the group’s Facebook page announced,

First day of witnessing at the site formerly known as Homestead Detention Center. The new name is Biscayne Influx Care Facility. The *Miami Herald* reports it will be opened because there is a surge of unaccompanied children arriving at the southern border. Here's a short video. We're seeing changes already.⁵⁰

The post included a short video documenting freshly painted buildings and new screens on the high fences surrounding the jail. In response to public outcry, the Biden administration claimed it had “not made a decision on whether the center for migrant teens will reopen, leaving the facility's fate in limbo.”⁵¹

Despite Biden’s “promise to humanize the country's immigration policies,” the administration continued incarcerating child migrants. According to figures released in March 2021, there were 11,900 children in HHS custody, and 5,150 in CPB custody. HHS officials added that “in more than 80% of cases, the child has a family member in the United States. In more than 40% of cases, that family member is a parent or legal guardian.”⁵² Meanwhile, Homeland Security Secretary Alejandro Mayorkas announced that “attempted border crossings are on pace to reach their highest levels in 20 years, and...any and all adults will be deported.”⁵³

⁴⁹ Monique O, Madan and Alex Daugherty, “Exclusive: Homestead Detention Center for Unaccompanied Migrant Teens to Reopen Under Biden,” *Miami Herald*, March 7, 2021, <https://www.miamiherald.com/news/local/immigration/article249449265.html>

⁵⁰ Debbie Clarke Wehking, “Day 18 of Witnessing at Homestead, Part 2.” *Facebook*, March 18, 2021, https://m.facebook.com/groups/witnessborder/permalink/874170369818314/?locale=zh_HK

⁵¹ Monique Madan, “South Florida ‘Angel Mom’ tries to reunite hundreds of migrant families as border numbers swell,” *Miami Herald*, March 30, 2021, <https://www.miamiherald.com/article250154870.html>

⁵² *ibid.*

⁵³ *ibid.*

Ultimately, Biden never reopened HTSUC. But as unaccompanied child migrant arrivals were also surging again, HHS announced it would open six new temporary influx shelters.

The Reunification Task Force issued its first progress report in June 2021. The Task Force reported it had “identified 3,913 children who were separated under Trump’s zero tolerance policy and that 1,786 have been reunited with their families... leav[ing] 2,127 children who have not been reunited.”⁵⁴ However, the majority of these reunifications had been accomplished in coordination with the ACLU prior to the task force’s formation.⁵⁵ Despite four federal agencies collaborating to reunite families, it took the force seven months to reunite just 52 families.⁵⁶ For the remaining families, separation is indefinite.

Nomadic Collectivity & Queer Migrant Futurity

Let’s close this final chapter reflecting on how Cortez’s “Cosmic Dream” subverts the visibility, choreography, and temporality of the documentation regime. Cortez performs altered recognitions to subvert the documentation regime’s logic of visibility; she performs what she calls “nomadic collectivity” to counter the logic of choreography; and queer migrant futurity as an antidote to the documentation regime’s temporality of indefinite detention. “Cosmic Dream” conjures feelings that another world is possible, a world beyond the here and now, in a futuristic outer space. In my 2019 interview with Cortez at her studio, I asked her about her process in relation to temporality. She explained,

My pieces are cut with water jet cutters, yet their frames are made by hand in the shop, and then the pieces are welded on top of the frames. So, even the little one that’s over there, [the mylar petate on the floor of the studio], is made in that same way. The small

⁵⁴ Southern Poverty Law Center, “Family Separation – Timeline,” June 2, 2021, <https://www.splcenter.org/news/2022/03/23/family-separation-timeline#2021>

⁵⁵ Southern Poverty Law Center, “Family Separation – Timeline,” June 2, 2021, <https://www.splcenter.org/news/2022/03/23/family-separation-timeline#2021>

⁵⁶ Southern Poverty Law Center, “Family Separation – Timeline,” June 2, 2021, <https://www.splcenter.org/news/2022/03/23/family-separation-timeline#2021>

pieces are cut with water jet cutters. Because I think that using different kinds of technology also is a way to cross through time and space. Or to make a warp in the timeline that a Eurocentric idea of the world, what place, in such a way, where Indigenous people would be backward, and people in Europe would be the ones moving towards the future and maybe water jet cutting technology would be theirs. And I wanted ancient Indigenous peoples to have those technologies too.⁵⁷

Though “Cosmic Dream” does not deal directly with queer identity, I interpret Cortez’s installation as a queer performance. As Muñoz says, queerness is “a temporal arrangement in which the past is a field of possibility in which subjects can act in the present in the service of a new futurity” (Muñoz 16). The multiple technologies Cortez employed to create “Cosmic Dream” enact this past as a field of possibility — a warp in time.

Cortez also spoke in our interview about the significance of her use of mylar in “Cosmic Dream”:

...The mylar, which to me was not a material that I had considered before, came through the separation of the children, and seeing all these children in cages with a mylar blanket, became like a symbol of temporariness. But I tried my best to instead of understanding that idea of TPS [Temporary Protected Status] as temporariness or being in this prison as temporariness, I tried to turn it into a symbol of nomadism, which is more empowering. Because it’s a way to move through the space. Not in the rigid diagram striated ways that the space has been diagrammed by modernity, but moving through like the nomads. So, having a cosmic view of the beds was about that. The cosmos is the limit for our movement, we can be in this prison but we’re still nomads and all those things that come with that. And I think...that was also more of a tender space than the others. More of a moving space than the others.⁵⁸

Reinterpreting mylar material from a symbol the documentation regime’s temporality of deferral (or as she says, temporariness) into a symbol of nomadism, Cortez unsettles the choreography and temporality of the documentation regime. In her installation, Cortez invites viewers into of nomadic collectivity, into futures of collective movement. In doing so, Cortez performs evasions of the documentation regime’s choreography that individuates bodies as separate and limited to

⁵⁷ Beatriz Cortez. Interviewed by Rosanna Simons. Los Angeles. July 10, 2019. In-Person.

⁵⁸ *ibid.*

the present. Weaving the reflective mylar into children's beds, Cortez subverts the documentation regime's logic of visibility. Though bodies are absent in the installation, out of view of the citizen gaze that fetishizes migrant suffering, the futuristic mylar material reflects viewers' altered images into outer space, into a world of queer migrant joy.

Cortez's nomadic collectivity reminds me of Muñoz's theories of queer futurity, and I want to end our time together in this other place and time, a queer migrant future. Muñoz theorizes how queer temporalities of futurity hold radical potential for queer recognition, for seeing and being seen as the relational "we" that cannot be individuated. "We," says Muñoz, "speak[s]...to a logic of futurity. The 'we' speaks to a 'we' that is 'not yet conscious,' the future society that is being invoked and addressed at the same moment" (2009, 20). Queer futurity is "essentially about the rejection of a here and now and an insistence on potentiality or concrete possibility for another world (Muñoz 2009, 1). Continuing Muñoz's theory of "we," Juana María Rodríguez says, "Rather than define itself through the exclusion of its others, this 'we' is continually coming together and coming undone, a precarious bond that performs its own disarticulation of desire and discontent" (2014, 1-2). Cortez's *Trinidad/Joy Station* exhibition immersed viewers into a future realm of nomadic collectivity, where all the necessities of collective living are available in outer space — plants, seeds, domes, latrines, and the beds in "Cosmic Dream." I understand Cortez's nomadic collectivity as a queer migrant interpretation of Muñoz's "we." Nomadic collectivity subverts the surveillance, choreography, and temporality of the documentation regime. Another world is on the horizon.

Conclusion

In this dissertation, I have engaged works of performance, video, and sculpture by five U.S.-based migrant artists from Central America and Mexico: Yosimar Reyes (Mexico), Julio Salgado (Mexico), Alan Pelaez Lopez (Oaxaca), Alma Leiva (Honduras), and Beatriz Cortez (El Salvador). Drawing on five years of qualitative fieldwork including interviews with the artists, participation in migrant justice actions and organizing spaces, and community-engaged performance collaborations, I employed discourse analysis and deep visual, sonic, and textual analysis to interpret these creative works against a backdrop of U.S. immigration politics and queer interventions into the migrant justice movement. Ample scholarship since the dawn of the War on Terror has centered on two sites of explicit state violence against racialized migrants: detention and deportation. I organized my analysis around a third and interrelated axis of state power: documentation. Building from scholarship in Latinx migration studies, queer of color performance and dance, governmentality, and Indigenous studies, I formulated here a theory of surveillance I termed the *documentation regime*. I defined the *documentation regime* as a system of administrative governance that surveils racialized migrants in past, present, and future temporalities, in order to restrict, predict, and produce migrant movements within and across U.S. territory. In addition to operationalizing state surveillance, the documentation regime also activates the watchful gazes of non-state entities: journalists, academics, non-profits, lawyers, artists, media producers, and citizens. I employed my documentation regime framework to analyze the distinct ways that racialized migrants are targeted for state- and non-state surveillance in the settler colonial United States — and the ways migrant artists perform queer subversions of the documentation regime. I charted four major technologies of the documentation regime, and each chapter examines one of the four: state-sponsored data

collection through temporary immigration documents; state-issued IDs containing biometric data; transnational data sharing agreements; and state-sanctioned destruction of official databases. I identified three settler colonial logics that underwrite the documentation regime: visibility, choreography, and temporality. And I argued that the artists in my study subvert the surveillance of the documentation regime in performances of queer mis/recognition, relationality, and futurity.

In each chapter, I analyzed how the documentation regime's logics, technologies, and affects manifest in select policies and programs. In Chapter One, I detailed the complex legal trajectory of DACA. In Chapter Two, I traced the origins of the *documentation regime* to European invasion, settler colonialism, and chattel slavery in the United States. In Chapters Three and Four, I investigated the international operations of the *documentation regime* in Central America and analyze two administrative programs implemented during the Trump Administration that especially affected Central American migrants: international data-sharing agreements and the destruction of official databases documenting family separations.

In Chapters One and Two, I centered undocumented and formerly undocumented queer artists and activists whose works expose how the documentation regime's logics and technologies coopt migrant affect to incorporate mainstream immigrant rights movements for the expansion of state surveillance capacities. In Chapter One, I interpreted "The Legalities of Being" by Yosimar Reyes and Julio Salgado, to analyze the documentation regime's technology of state-sponsored data collection programs. In Chapter Two, I interpreted Pelaez Lopez's "Speak" and *Intergalactic Travels* to investigate the historical origins and contemporary effects of another technology of the documentation regime: state-issued IDs. In affective performances of heartbreak and anger, Pelaez Lopez and Reyes and Salgado enact queer recognition, futurity,

and relationality to subvert the documentation regime and conjure futures beyond papers, beyond citizenship, beyond borders, and beyond the present. The artists also expose how the documentation regime not only operates via state power, but also activates the watchful gazes of non-state entities: journalists, academics, artists, documentarians, and citizen-led non-profits. These varying actors are unified by a defining characteristic: their obsession with accounts of traumatic border crossings and visions of migrant suffering. Most importantly, the artists come to see through the eyes of their elders and ancestors the reality that official immigration documents will not protect them from detention and deportation, that citizenship will not grant them freedom of movement, and that legal inclusion will not transform trauma into joy.

The artists in Chapters Three and Four of the dissertation do not necessarily center queer gender and sexual identity in their work. While Chapters One and Two allowed us to see the past and present through elders and ancestors, the artists in Chapters Three and Four envisioned queer migrant futures through the eyes of children and youth. Moving from the national to the transnational, I explored the ways in which the documentation regime operates to choreograph movements across settler borders and into and out of its U.S. territory. Chapter Three interpreted Alma Leiva's video work, *Conversaciones desde el otro lado*, and connections between U.S. neocolonialism in Honduras and the 2014 "crisis" of unaccompanied Honduran minors arriving at the U.S.-Mexico border. In Chapter Four, we looked to Beatriz Cortez's *Joy Station* in relationship to the Trump Administration's Zero Tolerance Policy to envision futures free from surveillance.

Each of the artists you have met in this dissertation enact aesthetic and affective subversions against the documentation regime's logics of visibility, choreography, and temporality. Throughout the dissertation, we experienced their visions and actions towards

protection, freedom of movement, and joy, conjuring queer migrant futures free from surveillance.

The scope of this dissertation does not reach every site of the documentation regime. There are many possibilities for further exploration, especially since anti-migrant policies, surveillance technologies, and formations of resistance against them have significantly evolved since I began this research. Immigration enforcement has come to rely on a growing digital infrastructure, expanding its reach into communities with the help of different software tools. Some of the areas for expansion in relation to each chapter include, the Temporary Protected Status and Deferred Enforced Departure programs. The operations of the Department of Motor Vehicles and the role of drivers' licenses in migrant justice organizing. Case management programs and tracking technologies, such as ankle monitors, and lastly, the new generation of Big Tech companies that are rapidly expanding surveillance, such as Palantir, Amazon, and Microsoft.

BIBLIOGRAPHY

Primary Sources

Cortez, Beatriz. *Trinidad/Joy State*. The Craft Contemporary Museum. Spring 2019.

Leiva, Alma. "Conversaciones desde el Otro Lado 1." 2015. 00:08:12.

<https://vimeo.com/120500243>

Los Joranaleros del Norte, "Serenata a un Indocumentado by Los Jornaleros" YouTube,

Directed by Alex Rivera. May 16, 2015. Music Video, 4:38.

https://www.youtube.com/watch?v=IeEOcFsw6_A

Reyes, Yosimar. "Legalities of Being," *Dreamers Adrift*, illustration by Julio Salgado, October

12, 2012, 3:54, <https://www.youtube.com/watch?v=8eSpVOw3nBo>

Oral Histories

Bautista, Claudia. Interview by Author. September 3, 2019. In-Person.

Cortez, Beatriz. Interview by Author. Los Angeles. July 10, 2019. In-Person.

Pelaez Lopez, Alan. Interview by Author. Los Angeles. August 25, 2019. Zoom.

Leiva, Alma. Interview by Author. Los Angeles. May 15, 2019. Phone.

Secondary Sources

Abrego, Leisy J. 2018. "Renewed optimism and spatial mobility: Legal consciousness of Latino

Deferred Action for Childhood Arrivals recipients and their families in Los Angeles."

Ethnicities 18, (2): 192–207.

—. 2019. "Relational Legal Consciousness of U.S. Citizenship: Privilege, Responsibility, Guilt,

and Love in Latino Mixed-Status Families." *Law & Society Review*, 53, no. 3: 641–670.

Abrego, Leisy J. and Sarah M. Lakhani. 2015. "Incomplete Inclusion: Legal Violence and

Immigrants in Liminal Legal Statuses." *Law and Policy* 37, no. 4 (October): 265-293.

- Abrego, Leisy J. and Genevieve Negrón-Gonzales. 2020. "Introduction." In *We Are Not Dreamers: Undocumented Scholars Theorize Undocumented Life in the United States*, edited by Leisy J. Abrego and Genevieve Negrón-Gonzales, 1-22. Durham: Duke University Press.
- Abbot, Jeff. 2016. "The Neo-colonization of Central America" *New Politics* Vol. 16 No. 1. https://newpol.org/issue_post/neo-colonization-central-america/
- Ahmed, Sarah. 2014a. *The Cultural Politics of Emotion*. New York: Routledge.
- . 2014b. "Making Strangers." *feministkilljoys*. <https://feministkilljoys.com/2014/08/04/making-strangers/>
- . 2000. *Strange Encounters: Embodied Others in Postcoloniality*. New York: Routledge.
- Alexander, Michelle. 2011. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: New Press.
- Alfonsi, Sharon. 2021. "Families separated by Trump administration at the border still waiting for reunification." October 10, 2021 <https://www.cbsnews.com/news/migrant-children-family-separation-border-60-minutes-2021-10-10/>
- American Immigration Council. 2021. "Deferred Action for Children Arrivals (DACA): An Overview." American Immigration Council September 30, 2021. <https://www.americanimmigrationcouncil.org/research/deferred-action-childhood-arrivals-daca-overview>
- Armus, Teo. "The Parents of 545 Children Separated at the Border Still Haven't Been Found." *The Texas Tribune*, October 21, 2020. <https://www.texastribune.org/2020/10/21/donald-trump-immigration-parents-children-separated/>

Avalos, Gina. 2021. "Recent Judge's Ruling to End New DACA Applications Affecting People on the Central Coast." *KSBY*, July 23, 2021.

<https://www.ksby.com/news/local-news/recent-judges-ruling-to-end-new-daca-applications-affecting-people-on-the-central-coast>

BAJI. 2017. "Raising the Alarm: The DACA Database is a Registry of Undocumented Immigrants." September 14, 2017.

<https://docs.google.com/forms/d/e/1FAIpQLSfxEasohwjGU6AqByqoyFUQ8Tdtzz0fHXChElKtSkjGOhzGw/viewform>

Baldwin, James. 1967. "Letter from a Region in My Mind." *The New Yorker*. November 9, 1967.

<https://www.newyorker.com/magazine/1962/11/17/letter-from-a-region-in-my-mind>

Barros, Aline. 2022. "Five Years Later, Work of Reuniting Families Separated at US-Mexico Border Remains Unfinished." *Voice of America* June 11, 2022

<https://www.voanews.com/a/five-years-later-work-of-reuniting-families-separated-at-us-mexico-border-remains-unfinished/6610677.html>

Bauer, Robin. 2014 *Queer BDSM Intimacies: Critical Consent and Pushing Boundaries*. New York: Palgrave MacMillan.

Berlant, Lauren. 1997. *The Queen of America Goes to Washington City: Essays on Sex and Citizenship*. Duke University Press.

Bravo, Doris. 2015. "Review: Object of My Affection." *Counter Archives*. April 1, 2015.

<https://counterarchives.wordpress.com/2015/04/01/review-object-of-my-affection-by-doris-bravo/>.

Browne, Simone. 2015. *Dark Matters: On the Surveillance of Blackness*. Durham: Duke University Press.

- Burnett, John. 2015. "As Asylum Seekers Swap Prison Beds for Ankle Bracelets, Same Firm Profits." *NPR*, November 13, 2015. <https://www.npr.org/2015/11/13/455790454/asylum-seekers-swap-prison-beds-for-ankle-bracelets-same-firm-profits>.
- Cacho, Lisa Marie. 2012. *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*. New York: New York University Press.
- Carmona, Armando. 2016. "Advisory: NDLON Joins University of California Undocumented Students in Chant Down the Walls Public Action." *NDLON.org*, April 22, 2016. <https://ndlon.org/advisoryndlon-joins-university-of-california-undocumented-students-in-chant-down-the-walls-publication/>
- Cha, Kathy. 2020. "'We Stand with You': An Open Letter to Undocumented Young People." *HAAS Jr Foundation*. June 18, 2020. https://www.haasjr.org/perspectives/letters-from-the-president/we-stand-with-you?gclid=Cj0KCQiAsqOMBhDFARIsAFBTN3dICFeiGu39hV59HF0FvDh0id0BmxCe1sSGMxPZSkN50K85A_xwQaAq4ZEALw_wcB
- Chambers-Letson, Joshua. 2013. *A Race So Different: Performance and Law in Asian America*. New York: New York University Press.
- Chappell, Bill. 2014. "U.S. to Open Immigrant Family Detention Centers In Response To Influx." *NPR*, June 20, 2014. <https://www.npr.org/sections/thetwo-way/2014/06/20/323980057/u-s-will-open-immigrant-family-detention-centers-target-rumors-of-laxity>
- Chavez, Karma R. 2013. *Queer Migration Politics: Activist Rhetoric and Coalitional Possibilities*. Champaign: University of Illinois Press.

- Chavez, Karma and Eithne Luibhéid. 2020. "Introduction." In *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Karma Chavez and Luibheid. Champaign: University of Illinois Press.
- Chavez, Leo R. 2008. *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*. I Stanford University Press.
- Chomsky, Aviva. 2014. *Undocumented: How Immigration Became Illegal*. Boston: Beacon Press.
- Conquergood, Dwight and E. Patrick Johnson. 2013. *Cultural Struggles: Performance, Ethnography, Praxis*. Ann Arbor: University of Michigan Press.
- Cornejo, Kency. 2020. "US Central Americans in Art and Visual Culture." *Oxford Research Encyclopedia of Latina and Latino Literature*. Oxford University Press.
- Coulthard, Glen. 2014. *Red Skin White Masks: Rejecting the Colonial Politics of Recognition*. University of Minnesota Press.
- DACA Decision in State of Texas, et al., v. United States of America, et al., 1:18-CV-00068, (S.D. Texas July 16, 2021). uscis.gov/DACA
- Dartmouth College. 2016. "Students Persuade Library of Congress to Drop the I-Word." *Dartmouth*, March 29, 2016.
<https://home.dartmouth.edu/news/2016/03/students-persuade-library-congress-drop-i-word>
- Dávila, Arlene, Leith Mullings, Renato Rosaldo, Luis FB Plascencia, Leo R. Chavez, Rocío Magaña, Gilberto Rosas et al. (2014). "On Latin@s and the Immigration Debate." *American Anthropologist*. 116(1): 146-159.

Department of Homeland Security. 2019. “U.S. and Honduras Sign More Arrangements to Expand Collaboration to Confront Irregular Migration.” *Department of Homeland Security*, September 27, 2019.

<https://www.dhs.gov/news/2019/09/27/us-and-honduras-sign-more-arrangements-expand-collaboration-confront-irregular>.

Department of Homeland Security. 2023. “Fact Sheet: A Review by the Family Reunification Task Force on the Second Anniversary of Its Establishment” *Department of Homeland Security* Press Release February 2, 2023 <https://www.dhs.gov/news/2023/02/02/fact-sheet-review-family-reunification-task-force-second-anniversary-its>

Department of Homeland Security Office of the Inspector General Report. 2019. “DHS Lacked Technology Needed to Successfully Account for Separated Migrant Families.” November, 15 2019. <https://www.oig.dhs.gov/sites/default/files/assets/2019-11/OIG-2006-Nov19.pdf>

De Genova, Nicholas, 2010. “The Deportation Regime: Sovereignty, Space, and the Freedom of Movement.” In *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*, edited by Nicholas De Genova and Nathalie Peutz, 33–66. Durham: Duke University Press.

De Genova, Nicholas, Nathalie Peutz, William Walters, and Galina Cornelisse, eds. 2010. *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Durham: Duke University Press.

Derrida, Jacques. 1996. *Archive Fever: A Freudian Impression*. Translated by and Eric Prenowitz. Chicago: University of Chicago Press.

- Domonoske, Camila, Gonzales, Richard. 2018. “What we know: Family separation and “zero tolerance” at the border.” *NPR*. June 19, 2018.
<https://www.npr.org/2018/06/19/621065383/what-we-know-family-separation-and-zero-tolerance-at-the-border>
- Downes, Lawrence. 2014. “‘Chant Down the Walls’ of the Metropolitan Detention Center.” *The New York Times*, October 17, 2014.
- Enriquez, Laura E. and Abigail C. Saguyb. 2016. “Coming out of the shadows: Harnessing a cultural schema to advance the undocumented immigrant youth movement.” *American Journal of Cultural Sociology* 4, no. 1:107–130.
- Family, Jill E. 2016. “DAPA and the Future of Immigration Law as Administrative Law” *Washburn Law Journal Widener University Commonwealth Law School Legal Studies Research Paper Series* no. 15-34.
- . 2022. “Regulated Immigrants: An Administrative Law Failure.” *Widener University Commonwealth Law School Legal Studies Research Paper Series*, no. 22-03
- Fanon, Frantz. 2008. *Black Skin, White Masks*. Trans. Charles Lam Markmann. London: Pluto Press.
- Foucault, Michel. 1995. *Discipline and Punish: The Birth of the Prison*. 2nd ed. Translated Alan Sheridan. New York: Random House.
- Frank-Vitale, A., Martínez d'Aubuisson, J.J. 2020. “The Generation of the Coup: Honduran Youth at Risk and of Risk.” *The Journal of Latin American and Caribbean Anthropology*, 25: 552-568.
- Gonzales, Alfonso. 2013. *Reform without Justice: Latino Migrant Politics and the Homeland Security State*. New York: Oxford University Press.

- Gonzales, Roberto G., and Leo R. Chavez. 2012. "Awakening to a Nightmare: Abjectivity and Illegality in the Lives of Undocumented 1.5-Generation Latino Immigrants in the United States." *Current Anthropology* 53 (3): 255–81. <https://doi.org/10.1086/665414>.
- Guskin, Emily. 2013. "'Illegal,' 'Undocumented,' 'Unauthorized': News Media Shift Language on Immigration." *Pew Research Center*.
- Guterman, Gad. 2014. *Performance, Identity, and Immigration Law*. New York: Palgrave MacMillan.
- League of United Latin American Citizens. n.d. "Historic Latino Voter Turnout Helps Elect Barack Obama." *League of United Latin American Citizens*.
https://lulac.org/news/pr/historic_turnout/
- Hernández, Kelly Lytle. *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965*. Chapel Hill: University of North Carolina Press.
- Honey B, Goddess and Kharyshi Wiginton. 2022. "'Finding Freedom in Black BDSM.'" *Yes!* May 18, 2022.
<https://www.yesmagazine.org/issue/pleasure/2022/05/18/finding-freedom-in-black-bdsm>
- Iannelly, Jerry. 2019. "Homestead Migrant Camp Sits Dangerously Close to Polluted Superfund Sites, Activists Say." *Miami New Times*, September 13, 2019 Iannelly, Jerry. Homestead Migrant Camp Sits Dangerously Close to Polluted Superfund Sites, Activists Say. *Miami New Times* September 13, 2019
- Inda, Jonathan. 2008. *Targeting Immigrants: Government, Technology, and Ethics*. Hoboken: Wiley.
- Jian, Hanna, and Robin Lindsay. 2020. "How Mylar Blankets Went from Cutting-Edge Space Technology to a Polarizing Symbol of the US-Mexico Border Crisis." *Insider*, April 17,

2020. <https://www.businessinsider.com/mylar-space-blanket-border-migrants-space>
2020-4
- Kopan, Tal. 2018. "Justice Department: Use 'illegal aliens,' not 'undocumented.'" *CNN*. July 24, 2018. <https://www.cnn.com/2018/07/24/politics/justice-department-illegal-aliens-undocumented/index.html>
- Lepecki, Andre. 2006. *Exhausting Dance: Performance and the Politics of Movement*. New York: Routledge.
- Lilliston, Bill. 2019. "Climate Change, CAFTA, and Forced Migration." Institute for Agriculture & Trade Policy, May 16, 2019. <https://www.iatp.org/blog/201908/climate-change-cafta-and-forced-migration>.
- Lind, Dara. 2020. "ICE Has Access to DACA Recipients' Personal Information Despite Promises Suggesting Otherwise, Internal Emails Show." *ProPublica*. April 21, 2020. <https://www.propublica.org/article/ice-has-access-to-daca-recipients-personal-information-despite-promises-suggesting-otherwise-internal-emails-show>
- Luibhéid, Eithne. 2020. "Treated neither with Respect nor with Dignity: Contextualizing Queer and Trans Migrant 'Illegalization,' Detention, and Deportation." In *Queer and Trans Migrations: Dynamics of Illegalization, Detention, and Deportation*, edited by Karma Chavez and Luibheid, 19-40. Champaign: University of Illinois Press.
- Martinez, Katherine. 2018. "BDSM Role Fluidity: A Mixed-Methods Approach to Investigating Switches Within Dominant/Submissive Binaries." *Journal of Homosexuality* 65, no. 10, 1299-1324. <https://doi.org/10.1080/00918369.2017.1374062>
- McKenzi, Jon. *Perform Or Else: From Discipline to Performance*. 2001. New York: Routledge Press.

- Menjívar, Cecilia and Leisy J. Abrego. 2012. “Legal Violence: Immigration Law and the Lives of Central American Immigrants.” *American Journal of Sociology* 117, no. 5:1380–1421.
- Merolla, Jennifer, S. Karthick Ramakrishnan, and Chris Haynes. 2013. “‘Illegal,’ ‘Undocumented,’ or ‘Unauthorized’: Equivalency Frames, Issue Frames, and Public Opinion on Immigration.” *Perspectives on Politics* 11, no. 3: 789-807.
- Mijente, 2019. “The War Against Immigrants: Trump’s Tech Tools Powered by Palantir”
https://mijente.net/wp-content/uploads/2019/08/Mijente-The-War-Against-Immigrants_Trumps-Tech-Tools-Powered-by-Palantir_.pdf
- Miroff, Nick. 2019. “U.S. announces asylum deal with Honduras, could send migrants to one of world’s most violent nations.” *Washington Post*. September 25, 2019.
https://www.washingtonpost.com/immigration/us-announces-asylum-deal-with-honduras-could-send-migrants-to-one-of-worlds-most-violent-nations/2019/09/25/cc94a86-dfb6-11e9-8fd3-d943b4ed57e0_story.html
- Miroff, Nick, Maria Sacchetti, Seun Min Kim “Trump’s Family Separation Policy Was Flawed from the Start.” *Washington Post*, October 1, 2018.
https://www.washingtonpost.com/world/national-security/trumps-family-separation-policy-was-flawed-from-the-start-watchdog-review-says/2018/10/01/c7134d86-c5ba11e8-9b1c-a90f1daae309_story.html?noredirect=on
- Monico, Gabriela. 2020. “American’t: Redefining Citizenship in the U.S. Undocumented Immigrant Youth Movement.” In *We Are Not Dreamers: Undocumented Scholars Theorize Undocumented Life in the United States* edited by Leisy J. Abrego and Genevieve Negrón-Gonzales, 87-109. Durham: Duke University Press.

- Montoya-Galvez, Camilo. 2020. "Court Refuses to Further Restrict Administration's Power to Separate Migrant Families." *CBS News*, January 13, 2020.
<https://www.cbsnews.com/news/family-separation-court-refuses-to-further-restrict-administrations-power-to-separate-migrant-families-2020-01-13/>
- Moreno, Marisel. 2017. "The 'Art of Witness' in US Central American Cultural Production: An Analysis of William Archila's *The Art of Exile* and Alma Leiva's *Celdas*." *Latino Studies* 15.3: 287-308
- Morris, Susan L.; Johnson, John R.; Schwartz, Steven J.; Vellano, Rene L.; Farris, Glenn J.; Schwebel, Sara L. 2016. "The Nicoleños in Los Angeles: Documenting the Fate of the Lone Woman's Community." *Journal of California and Great Basin Anthropology*, 36 1: 94–97
- Muñoz, José Esteban. 1999. *Disidentifications: Queers of Color and the Performance of Politics*. Minneapolis: University of Minnesota Press.
- . 2009. *Cruising Utopia: The Then and There of Queer Futurity*. New York: New York University Press.
- Napolitano, Janet. 2012. "Exercising Prosecutorial Discretion Memorandum" U.S. Department of Homeland Security. Official Memorandum. Washington, DC: Department of Homeland Security, June 15, 2012. <https://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>
- National Center for Youth Law. Nd. "Enforce the Flores Settlement Agreement."
<https://youthlaw.org/initiatives/enforce-flores-settlement-agreement#:~:text=The%20Flores%20Settlement%20was%20created,to%20care%20fo%20dependent%20children>

National Immigration Justice Center. 2022. “The Biden Administration Routinely Separates Immigrant Families” January, 19 2022 <https://immigrantjustice.org/staff/blog/biden-administration-routinely-separates-immigrant-families>

National Immigration Law Center. 2017. “DREAM ACT 2017 Summary and Answers to Frequently Asked Questions.” *National Immigration Law Center* (NILC), November 28, 2017. <https://www.nilc.org/issues/immigration-reform-and-executive-actions/dream-act-2017summary-and-faq/>

NDLON Videos. 2014. “Chant Down the Walls with Ana Tijoux & Los Jornaleros del Norte.” *YouTube.com*, October 15, 2014. <https://www.youtube.com/watch?v=PMxC-Dp-wUg>

NDLON Staff. 2014. “Concerts Highlighting Urgency for Deportation Relief Continue Outside LA Detention Center with a Son Jarocho Performance.” *NDLON.com*, October 17, 2014. <https://ndlon.org/son-concert/>

—. 2015. “Groundbreaking New Music Video Highlights Injustice Faced by Immigrants and Marks Launch of New ‘Concert Tour’ for Jailed Migrants.” *NDLON.com*, March 19, 2015 <https://ndlon.org/groundbreaking-new-music-videohighlights-injustice-faced-by-immigrantsand-marks-launch-of-new-concert-tour-forjailed-migrants/>

—. 2015. “Chant Down the Walls and Free the People at Mesa Verde Detention Center.” *NDLON.org*, May 30, 2015. <https://ndlon.org/chant-down-the-walls-and-free-the-people-at-mesaverde-detention-center/>

—. 2015. “Local and National Musicians, Advocates Gather Outside Etowah Jail to Serenade Detainees.” *NDLON.org*. June 17, 2015. <https://ndlon.org/local-and-national-musicians-advocates-gather-outside-etowah-jail-to-serenade-detainees/>

Neale Hurston, Zora. 2008. *Mules and Men*. Harper-Collins

- Nevins, Joseph. 2010. *Operation Gatekeeper and Beyond*. New York: Routledge.
- .2016. “How U.S. Policy in Honduras Set the Stage For Today’s Mass Migration.” *The Conversation*. October 31, 2016. https://theconversation.com/how-us-policy-in-honduras-set-the-stage-for-todays-mass-migration65935?utm_source=facebook&utm_medium=fac
- Nicholls, Walter J. 2013. *The DREAMers: How the Undocumented Youth Movement Transformed the Immigrant Rights Debate*. Stanford: Stanford University Press.
- Nolasco, Luis and Yessica Gonzalez. 2016. “An Open Letter to Our ‘Allies’: Stop Telling Us What We Can and Can’t Identify As.” *Dreamers Adrift*. February 12, 2016
- Out.com*. n.d. “The 5 Dos and 5 Don’ts of Cruising.” *Out*.
<https://www.out.com/lifestyle/2018/7/26/5-dos-and-5-donts-cruising#media-gallery-media-1>
- Parenti, Christian. 2003. *The Soft Cage: Surveillance in America from Slavery to the War on Terror*. Basic Books.
- Peck, Raul, director. 2017. *I am Not Your Negro*. Velvet Film, February 3, 2017. 1:35.
- Pelaez Lopez, Alan. <http://www.alanpelaez.com/about-me/>
- .2014. “Speak.” *(Un)documenting*. <https://undocumenting.tumblr.com/post/62167990017/alan>
- . 2015. “Speak.” *Vimeo*. 2015. <https://vimeo.com/106227983>
- . 2017a. “Black and Indigenous Lives: Why Are We Always Running?” *Medium*, March 28, 2017. <https://medium.com/how-is-black-art/black-and-indigenous-lives-why-are-we-alwaysrunning-7ef3fd695f05>
- . 2017b. “Undocumented Artists Exist, But When Will We Center Their Narratives?” *Medium*. October 26, 2017. <https://medium.com/@Migrantscribble/undocumented-artist-exist-11d9be204d5>

- . 2018a. “Lessons from an Immigrant Rights Organizer: We Are Not Our ‘Productivity.’” *Rewire*, January 2, 2018. <https://rewirenewsgroup.com/2018/01/02/lessons-immigrant-rights-productivity/>
- . 2018b. “The X in Latinx is a Wound Not a Trend.” *Colorbloq*. September 2018. <https://www.colorbloq.org/article/the-x-in-latinx-is-a-wound-not-a-trend>
- Peutz, Nathalie and De Genova. 2010. “Introduction.” In *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*, edited by Nicholas De Genova and Nathalie Peutz, 1-29. Durham: Duke University Press.
- Phelan, Peggy. 2004. *Unmarked: The Politics of Performance*. London: Routledge.
- Portillo Villeda, Suyapa. 2011. *Multicultural America: An Encyclopedia of the Newest Americans, Volume 2*. Santa Barbara: Greenwood Press.
- Puar, Jasbir K. 2007. *Terrorist Assemblages: Homonationalism in Queer Times*. Durham: Duke University Press.
- Reyes, Yosimar. 2020. “We Never Needed Papers to Thrive.” *SpeakOut*. Zoom. April 16, 2020. —. <http://yosimarreyes.com/>.
- Rivera-Servera, Ramon. 2012. *Performing Queer Latinidad: Dance, Sexuality, Politics*. Ann Arbor: University of Michigan Press.
- Rodríguez, Juana María. 2014. *Sexual Futures, Queer Gestures, and Other Latina Longings*. New York: New York University Press.
- Rozensky, Jordyn. 2022. “The Biden Administration Routinely Separates Immigrant Families.” *National Immigrant Justice Center* (NIJC), January 19, 22. <https://immigrantjustice.org/staff/blog/biden-administration-routinely-separates-immigrant-families>.

Salgado Julio. www.juliosalgadoart.com

Samuels, Brett. 2020. "Trump says undocumented immigrants can get tested for coronavirus without fear of deportation." *The Hill*. March 22, 2020.

<https://thehill.com/homenews/administration/488940-trump-says-undocumented-immigrants-can-get-tested-for-coronavirus/>

Sarmiento, Salvador G. 2015a. "Immigrant Rights Groups to Hold Concert & Rally in Front of Private Incarceration Facility." *NDLON.org*. March 27, 2015.

<https://ndlon.org/immigrant-rights-groupsto-hold-concert-rally-in-front-of-private-incarceration-facility/>

—. 2015b. "Immigrants Serenade outside Fed Detention Facility in Houston, Demand "ICE Out of Harris County." *NDLON.org*., June 29, 2015. <https://ndlon.org/immigrants-serenade-outside-fed-detention-facility-in-houston-demand-new-sheriff-end-deportation-agreement/>

—. 2015c. "Grammy Award-Winning Quetzal Joins Community Concert Outside Immigrant Prison." *NDLON.org*., July 31, 2015.

<https://ndlon.org/release-grammy-award-winning-quetzal-joins-community-concert-outside-immigrant-prison/>

Schneider, Rebecca. 2011. *Performing Remains: Art and War in Times of Theatrical Reenactment*. New York: Routledge.

Schnookal, Deborah. 2020. *Operacion Pedro Pan and the Exodus of Cuba's Children*. Gainesville: University of Florida Press.

Schreiber, Rebecca. 2018. *The Undocumented Everyday: Migrant Lives and the Politics of Visibility*. Minneapolis: University of Minnesota Press.

- Seif, Honda. 2014. “‘Layers of Humanity’: Interview with Undocuqueer Artist Julio Salgado.” *Latino Studies*, 12, 300–309.
- Sen, Rinku. 2015. “Let’s Drop the I-Word Again.” *Colorlines*, November 6, 2015.
<https://colorlines.com/article/lets-drop-i-word-again/>
- Shammas, Brittany. “Children at the Homestead Migrant Shelter Share Stories of Grief, Trauma, and Fear.” *Miami New Times*, June 20, 2019.
<https://www.miaminewtimes.com/news/children-at-the-homestead-migrant-shelter-in-miami-share-stories-11199439>
- Sharpe, Christina. 2010. *Monstrous Intimacies: Making Post-Slavery Subjects*. Duke University Press.
- Simpson, Audra. 2014. *Mohawk Interruptus: Political Life Across the Borders of Settler States*. Durham: Duke University Press.
- Southern Poverty Law Center 2022. “Family Separation- A Timeline.”
<https://www.splcenter.org/news/2022/03/23/family-separation-timeline#2022>
- Spade, Dean. 2011. *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of the Law*. Brooklyn: South End Press.
- Suddenly Submissive. 2020. “Switching 101” *Suddenly Submissive*, July 15, 2020.
<https://suddenlysubmissive.com/2020/07/15/switching-101/>
- Swisher, Skyler. “They Don’t Belong Here.” *Sun Sentinel*, June 26, 2019. <https://www.sun-sentinel.com/2019/06/26/they-dont-belong-here-democratic-candidates-use-homestead-migrant-shelter-as-backdrop-to-blast-trump-immigration-policies/>
- Taylor, Diana. 2003. *The Archive and the Repertoire: Performing Cultural Memory in the Americas*. Durham: Duke University Press.

- Undocumented Film Collective. 2019. <https://medium.com/@undocufilmmakerscollective/an-open-letter-from-undocumented-filmmakers-to-the-producers-of-living-undocumented-and-the-cc19d314c70b>
- US Citizenship and Immigration Services. “Consideration of Deferred Action for Childhood Arrivals (DACA).” <https://www.uscis.gov/DACA>
- Valdivia, Carolina. 2020. “Undocumented Young Adults’ Heightened Vulnerability in the Trump.” In *We Are Not Dreamers: Undocumented Scholars Theorize Undocumented Life in the United States*, edited by Leisy J. Abrego and Genevieve Negrón-Gonzales, 127-145. Durham: Duke University Press.
- Washington, John. 2019. “He fled his homeland for safety in the US. After his death, who was to blame?” VOX. December 19, 2019. <https://www.vox.com/the-highlight/2019/12/20/21024684/ronal-trump-ice-asylum-refugee-central-american-honduras-immigration>.
- Zengerle, Patricia. 2017. “Obama administration ends special immigration policy for Cubans” *Reuters*. January 12, 2017. <https://www.reuters.com/article/us-usa-cuba-immigration/obama-administration-ends-special-immigration-policy-for-cubans-idUSKBN14W2ZO>