

# UC San Diego

## UC San Diego Electronic Theses and Dissertations

### Title

Weaponizing opacity: the Employment Authorization timeclock as a method of Prevention Through Deterrence

### Permalink

<https://escholarship.org/uc/item/3c5500v5>

### Author

Cornejo, Ash M.

### Publication Date

2024

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA SAN DIEGO

Weaponizing opacity: the Employment Authorization timeclock as a method of Prevention  
Through Deterrence

A Thesis submitted in partial satisfaction of the requirements  
for the degree Master of Arts

in

Anthropology

by

Ash M. Cornejo

Committee in charge:

Professor Thomas J. Csordas, Chair  
Professor Janis H. Jenkins  
Professor Steven M. Parish

2024

Copyright

Ash Cornejo, 2024

All rights reserved.

The Thesis of Ash M. Cornejo is approved, and it is acceptable in quality and form for publication on microfilm and electronically.

University of California San Diego

2024

## DEDICATION

For my mom and dad.

TABLE OF CONTENTS

THESIS APPROVAL PAGE ..... iii

DEDICATION ..... iv

TABLE OF CONTENTS.....v

ACKNOWLEDGEMENTS ..... vi

ABSTRACT OF THE THESIS ..... vii

INTRODUCTION .....1

Chapter 1 OPERATION BLOCKADE AND BEYOND: THE INCEPTION OF PREVENTION THROUGH DETERRENCE .....7

Chapter 2 THE EMPLOYMENT AUTHORIZATION DOCUMENT TIME CLOCK .....14

Chapter 3 LETTING DIE BY DESIGN .....23

CONCLUSION.....33

REFERENCES .....40

## ACKNOWLEDGEMENTS

I would like to acknowledge and thank Professor Thomas J. Csordas for his support, thoughtful and inspiring conversation, and invaluable advice. Thank you to Professor Janis H. Jenkins for her support, and for the wealth of inspiration gleaned from the UC San Diego Psychological & Medical Anthropology Seminar Series. Thank you to Professor Steve M. Parish for his support, and for teaching me the value of a spacious mind.

Thank you to the anthropologists and other scholars who inspired and motivated this thesis, especially those who took the time to speak with me personally, answering questions, giving insight and encouragement, and listening. I especially would like to acknowledge and thank Dr. Brenda Wilson, Dr. Bridget Haas, and Dr. Jason De León.

Thank you to my cohort for your sympathetic ears, fascinating conversations, and endless beach days and barbeques. Thank you to Paul, for everything.

## ABSTRACT OF THE THESIS

Weaponizing opacity: the Employment Authorization timeclock as a method of Prevention  
Through Deterrence

by

Ash M. Cornejo

Master of Arts in Anthropology

University of California San Diego, 2024

Professor Thomas J. Csordas, Chair

Prevention Through Deterrence is a Customs and Border Patrol immigration policy that focuses on weaponizing the natural landscapes of the southern border in order to prevent migration by “funneling” migrants into “hostile terrain” meant to injure and kill (U.S. Customs and Border Patrol 1994). The stated goal of this policy is not only to prevent migration through



deaths in hostile terrain like deserts and bodies of water, but to prevent migration through fear of the hostile terrain that must be traversed, and the inevitable risk. While Prevention Through Deterrence is an immigration enforcement policy that is literally about weaponizing the physical landscape, this philosophical approach to preventing immigration plays out in many contexts in U.S. immigration and asylum processes, including in bureaucratic and administrative contexts. I examine additional ways in which migrants' entry to the United States and migrants' rights to live are prevented by the U.S. immigration regime through forms of systematic deterrence that weaponize fear and death, as well as temporality and opacity. Specifically, the Employment Authorization Document asylum time clock is a site to consider the bureaucratic extension of the philosophy and practice of Prevention Through Deterrence. I argue the Employment Authorization Document time clock is an intentional deterrence to residency and to life, playing out in conceptual and in corporeal ways in the lives and bodies of asylum seekers. What do these bodies and the violence they endure tell us about the culture of the U.S. immigration regime? In critically analyzing the culture of this regime I examine that which is structurally fundamental to the functioning of such a system, including xenophobia, racism, fear, and violence.

## INTRODUCTION

It is September 2023. The lobby of the “Iconic Midtown Manhattan Hotel”, The Roosevelt, is packed with hundreds of people, some crying, some sleeping on the floor, some staring numbly into space. The hotel is hosting nearly a thousand migrants, many of whom are asylum seekers from Venezuela, Haiti, and Cuba, overcrowding the hotel, requiring people to sleep on the lobby floors in tight spaces (Newman 2023). Twenty-five miles away in Brooklyn a similar scene plays out at Floyd Bennett Field, a former airfield, except that migrants face the rapidly cooling fall weather outdoors (Duddridge 2023). These migrant shelters are only two of the hundreds that cities like Chicago, New York, and Boston are scrambling to erect and maintain as tens of thousands of migrants enter the city limits, desperate for safety and for work (Calvan 2023, Roberts 2023, Khawaja 2023). That same month the CEOs of Pfizer and JPMorgan Chase, along with around one hundred other business leaders in New York, penned a letter to President Biden and to Congressional leaders, demanding that the federal government assist the cities and states that are dealing with the on-the-ground needs of migrants. Specifically, they demanded that the federal government give work authorization permits to asylum seekers (Andersen 2023, Partnership for New York City 2023).

Asylum seekers are not able to work legally in the United States until their asylum case has been pending for six months. This six-month period, in reality, is often stretched into many more months or even years, as the Employment Authorization Document time clock can be “paused” at any time, for a variety of difficult to discern reasons (Human Rights Watch [HRW] 2013, A.B.T. et al. v. USCIS, et al. 2013, Penn State Law Immigrants' Rights Clinic and American Immigration Council's Legal Action Center 2010). During this time asylum seekers have no legal right to work, no access to healthcare, and no federal benefits (Haas 2023). The

EAD asylum clock causes asylum applicants to encounter “excessive delays” in receiving work authorization and, in some instances, results in them never receiving one at all (HRW 2013).

City officials claim this is an untenable crisis they are unprepared financially and logistically to confront. Non-governmental organizations, legal aid foundations, and human rights scholars have called for decades for an upheaval of the employment authorization process for asylum seekers. The EAD asylum clock potentially affects more than 50,000 asylum applicants every year (Penn State Law Immigrants' Rights Clinic and American Immigration Council's Legal Action Center 2010). In the face of this wave of asylum seekers and other migrants into cities in which they are ineligible to work, politicians, business leaders, and the average citizen have joined the voices questioning the intention, motivation, and real-life consequences of the Employment Authorization Document time clock (Pritzker & Johnson 2023, Ramirez Uribe 2023, Hochul 2023).

While the general public, including business owners and city residents, have recently become more aware of the time clock due to the crises playing out in New York, Chicago, and other cities, the history of the time clock and its effects on the lives and bodies of asylum seekers is something human rights, labor, and migration scholars have been concerned with for decades. Depression, hypertension, gastrointestinal issues, insomnia, homelessness, malnutrition, and untreated chronic illness and injury have been documented as consequences of the effects of the Employment Authorization time clock (Haas 2023, HRW 2013, A.B.T. et al. v. USCIS, et al. 2013).

The time clock can stop without discernable or controllable reason, thereby preventing the right to work and also keeping that possibility intangible and opaque (HRW 2013). My thesis can be explained in two parts; first, that time and ambiguity are weaponized by the U.S.

immigration regime in bureaucratic and administrative spaces as an extension of the philosophy undergirding a deadly Customs and Border Patrol immigration enforcement policy called Prevention Through Deterrence (PTD). Secondly, that the effects of this weaponization constitute forms of symbolic and structural violence, which I support through analysis of the embodied experiences of asylum seekers.

PTD is a Border Patrol immigration enforcement policy that intentionally weaponizes the natural landscape by “funneling” migrants into “mortal danger” in “hostile terrain”, such as expansive and scorching deserts (U.S. Customs & Border Patrol 1994). This weaponization of nature is intended as a deterrent to successful migration, with the success of the policy measured by migrant lives lost (U.S. General Accounting Office [GAO] 1997). The policy aims to deter migration numbers through literal deaths, but also relies on these deaths to act as a warning to would-be migrants with threats of death and despair.

The quantitative effect of PTD, a reduction in migration numbers, is actually its least important effect— migration numbers have not dropped since the implementation of this policy; in fact, they have greatly risen. While the U.S. immigration regime has no qualms with official claims that the success of PTD policy can be measured by lives lost, the main success of the program is not deterring migration or killing migrants, but pushing migration to unseen, less visible spaces. Referencing Agamben’s notion of “spaces of exception”, scholars like Jason De León have pointed to the southern border as one such space- “physical and political locations where an individual’s rights and protections under law can be stripped away (2015: 27)”. Scholars such as Achille Mbembe have shown that these spaces or “states” of exception are critical to the “normative basis of the right to kill (Mbembe 2019: 70)”. In fact, the powers that rely on states/spaces of exception, such as the U.S. immigration regime, “continuously refer and

appeal to the exception, emergency, and a fictionalized notion of the enemy [and] also labor to produce these same exceptions, emergencies, and fictionalized enemies (ibid.)”.

The philosophies underlying PTD policy are applied to spaces outside of the natural landscape, including bureaucratic and administrative spaces. The Employment Authorization Document (EAD) time clock is an example of one such site. Through the EAD time clock asylum seekers are “funneled” into “hostile terrain” --not scorching deserts but “purposeful impoverishment” (Mayblin 2019). Asylum seekers cannot financially support themselves until they are awarded an EAD, nor are they eligible for federal assistance or healthcare (Haas 2023). In fact, attorneys and non-governmental human rights organizations note that asylum seekers are greeted in the U.S. with information resources for their likely impending homelessness (pers. comm. Haas). Anthropologists, beginning with Achille Mbembe, have called this systematically enforced social death “necropolitics” -- a form of what Michel Foucault first identified as “biopower”, wielded by the state with the power to “let live or let die by design (Mbembe 2019, Wilson et al. 2023, Haas 2023)”. Social, economic, and sometimes physical death are the consequences of the inability of asylum seekers to support themselves financially, with no clear end-date to their enforced suffering.

Tales of this enforced suffering have lives of their own, and, just as stories of loved ones lost to the heat or thirst in the desert may deter some from making the constrained choice to migrate through the southern border, stories of loved ones who face homelessness, sustain life altering injuries or illnesses they cannot treat, or commit suicide on the streets of a strange country far from home may also deter others from migrating. This weaponization of suffering is a form of “gibbeting”, the act of publicly displaying the dead or dying bodies of criminals

(usually through lynching or gallows) to deter other potential criminals (Priestley 2020). These tales of suffering act as a form of gibbeting to other potential asylum seekers.

Asylum seekers are funneled into the hostile terrain of purposeful impoverishment, into spaces of exception, spaces where non-consensual subjectification occurs (Mayblin 2019, De León 2015, Li 2007, U.S. Customs & Border Patrol 1994). Political subjects are produced by the U.S. immigration regime, and the asylum seekers subjectified by this system have very little control over the process of their subjectification, what scholars like Aihwa Ong (1996: 737) and Judith Butler (2006) have called “self-making and being-made within webs of power” or constrained agency within “matrices of power”. While we all experience intersubjectivity and constrained agency within structures and systems, unique to the experience of asylum seekers in the context of the EAD is that this process of subjectification is taking place in a space of exception, one where “rights and protections” may be “stripped away” or ignored, where invisibility and normalization/routinization allow for unique forms of violence to take place (De León 2015, Haas 2023, Mbembe 2019). This process of subjectification is also non-consensual, as asylum seekers’ lives are in danger by definition (Li 2007). The “choice” to become an asylum seeker is an act of constrained agency.

Recent scholarship focused on necropolitics and structural violence points to the intertwining of politics and war, such that politics can be considered a form of war and examines “...the place that is given to life, death, and the human body, in particular when it is wounded or slain (Mbembe 2019: 66)”. How are these aspects (life, death, the wounded or slain body) “inscribed in the order of power (ibid.)?”. This thesis seeks to show that the politics of PTD policy are a form of war, and that the politics, philosophies, and practices underlying the policy play out in bureaucratic and administrative sites, including in the Employment Authorization

Document time clock. By viewing the EAD time clock in the context of PTD we can recognize the clock as a technology of power, specifically a technology of exclusion, inscribed in the order of power as an intentional deterrence to life (Haas 2023). I support this argument through an analysis of the effects of this exclusion on the bodies of asylum seekers, including the corporeal effects, social effects, and effects on the construction of the self.

## Chapter 1 OPERATION BLOCKADE AND BEYOND: THE INCEPTION OF PREVENTION THROUGH DETERRENCE

In September 1993 Silvestre Reyes, newly appointed Border Patrol Chief of the El Paso, Texas sector, made a creative career choice that would swiftly revolutionize the way immigration was handled at the United States' southern border. This choice would result in a staggering loss of life, incredible violence and dehumanization, and a radical display of colonial right to foster life or let die by design, all largely hidden from the public eye (Mbembe 2019, De León 2015).

Before September 1993 Border Patrol immigration policy operated under *voluntary-departure complex*, in which migrants were apprehended after crossing the border, and waived their rights to a deportation hearing so that they could avoid a lengthy detention. This process was a bit like a revolving door, with migrants quickly becoming accustomed to the “relatively useless” process (De León 2015). The policy was also problematic in that it relied heavily on racial and ethnic profiling in order to determine who might have recently crossed the border illegally. This was a particularly difficult to enforce policy in El Paso, where many of the citizens are Latino, and didn't appreciate being regularly stopped and harassed about their citizenship status on their way to work. Reyes had a revolutionary idea. Apprehension tactics would fundamentally change. He posted four hundred Border Patrol agents at highly visible, short-distance intervals, from fifty yards to half a mile apart, all along the twenty-mile stretch along Ciudad Juárez and El Paso. This wall of agents did not prevent migrants from entering into Texas, but it did push the crossings to outside of the city and out of the visible, urban spaces. While migration numbers didn't change, politicians quickly picked up on this new approach, deemed Operation Blockade, touting it as a successful method of preventing immigration through physical deterrence, instead of picking people up after the fact. The other southern



border states soon followed suit: California's Operation Gatekeeper, Operation Safeguard in Arizona, and Operation Rio Grande in South Texas (De León 2015, Nevins 2006).

By 1994 the former Immigration and Naturalization Services<sup>1</sup> had made Reyes' approach official policy: Prevention Through Deterrence. INS's publicly available 1994 Strategic Plan nationalized Reyes' idea: "The Border Patrol will improve control of the border by implementing a strategy of 'prevention through deterrence'...The prediction is that with traditional entry and smuggling routes disrupted, illegal traffic will be deterred, or forced into more hostile terrain...violence will increase as effects of strategy are felt (U.S. Customs & Border Patrol 1994: 4-7)". At its core, PTD policy is a weaponization of nature. The Strategic Plan states that migrants should be "funneled" to "hostile terrain", where "Temperatures ranging from sub-zero...to searing heat...effect [sic] illegal entry traffic as well as enforcement efforts. Illegal entrants crossing through remote, uninhabited expanses of land and sea along the border can find themselves in mortal danger U.S. Customs & Border Patrol 1994: 2)". A 1997 report from the U.S. General Accounting Office writes that "deaths of aliens attempting entry" is one of the "Indicators for Measuring the Effectiveness of the Strategy to Deter Illegal Entry Along the Southern Border (United States General Accounting Office 1997: 84)". To the U.S. Border Patrol, the success of PTD policy can be measured by lives lost.

Prevention Through Deterrence policy was enacted at a time when Clintonian neoliberalism was wreaking havoc on Black and Brown bodies the world over, and Mexico was no exception (García 2019, Nevins 2006). The southern border was a site where the socioeconomic and political effects of this neoliberalism were playing out in highly visible ways.

---

<sup>1</sup> The Homeland Security Act of 2002 disbanded Immigration and Naturalization Services (INS) on March 1, 2003. Its constituent parts contributed to three new federal agencies serving under the newly formed Department of Homeland Security (USCIS History Office and Library, 2012).

In 1993 NAFTA, the North American Free Trade Agreement, was signed by the United States, Canada, and Mexico, and came into effect on January 1, 1994. Its stated primary goal was to eliminate trade barriers and promote economic integration among the three countries. In reality, NAFTA opened up Mexico's agricultural sector to increased competition from subsidized and mechanized agricultural products from the United States and Canada (Cameron & Tomlin 2002). This influx of imported goods, especially maize, posed serious challenges for traditional farmers and agricultural workers, who made up a large portion of Mexico's labor population. These farmers faced difficulties competing with the large-scale production and lower prices of imported, genetically modified maize. As a result of increased competition, prices for maize in Mexico drastically declined; within five years the price of maize had fallen 70%.

Before the implementation of NAFTA, Mexico limited imports of maize to times when its own production fell short of domestic needs. NAFTA prevented this, while preserving U.S. maize subsidies totaling billions of dollars in the form of direct payments, crop insurance, and other financial support to American maize producers who flooded Mexico's market with their harvests (Ramirez 2003). This directly affected the ability of maize farmers throughout Mexico to support themselves the way their families had for generations, and millions of agricultural workers left Mexico to look for work in the U.S. (De León 2015). NAFTA crashed Mexico's maize market and forced the migration of millions of farmers through the influx of cheap, commodity maize that is imported by the U.S. The effects of NAFTA on migration were staggering. In 1990, 4.5 million Mexican migrants were living in the U.S. By 2008 the number reached 12.67 million—roughly 10 percent of Mexico's total population. An estimated 1.3 million jobs were lost in Mexico due to NAFTA from 1994-2002 (Nevins 2006).

These effects were not unexpected. In 1993, two months before NAFTA was implemented, INS Commissioner Doris Meissner warned during testimony to Congress that she believed NAFTA would lead to an increase in unauthorized migration to the U.S., stating, “Responding to the likely short-to-medium-term impacts of NAFTA will require strengthening our enforcement efforts along the border, both at and between ports of entry’ (Nevins 2006: 168)”. The liberalization of Mexico's economy forced the migration of those displaced in the name of economic efficiency, which, in turn, required an increase in boundary policing and enforcement (ibid.). In the months and years following the implementation of Silvestre Reyes’ wall of Border Patrol agents from Ciudad Juarez to El Paso, many of those attempting to cross the border were former farmers or other agricultural workers, pushed out of their industry and their homes by NAFTA. The effects of NAFTA forced Mexican laborers into U.S. dependency, and, by 2005, approximately one in seven Mexican laborers, or around 15 percent of the Mexican labor force had migrated to the U.S. for work (ibid., Mittelstadt 2006).

Another major inflection point in border policing was the 9/11 terrorist attacks. According to the United States Citizenship and Immigration Services’ (USCIS) publicly available History of the Immigration and Naturalization Service, “The events of September 11, 2001, injected new urgency into INS’ mission and initiated another shift in the United States’ immigration policy (USCIS History Office and Library 2012: 11)”. Border security and deportations became militarized, with the stated intention the prevention of terrorist attacks on U.S. soil. A string of Acts that would continue to alter the landscape of border policing were passed in the years following 9/11. In 2001 Congress passed the Patriot Act, tripling the number of Border Patrol and Customs agents, as well as INS inspectors. The Homeland Security Act of 2002 disbanded INS on March 1, 2003, and the Department of Homeland Security (DHS) was

founded, the umbrella department of three new federal agencies: Customs and Border Patrol (CBP), Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS) (ibid.). The USCIS History Office and Library writes, “CBP prevents drugs, weapons, and terrorists and other inadmissible persons from entering the country. ICE enforces criminal and civil laws governing border control, customs, trade, and immigration. USCIS oversees lawful immigration to the United States and naturalization of new American citizens. Although now separate, these agencies continue to cooperate, benefitting from and building upon the legacy of INS (ibid.)”.

Joseph Nevins, an author, activist, and scholar of geography, describes this restructuring of the INS post 9/11: “...the Border Patrol has redefined, at least rhetorically, its ‘priority mission’--one it represents as a ‘tremendous change’. Along with its ‘parent agency’ CBP, the BPs focus is ‘nothing less than preventing terrorists and terrorists’ weapons—including weapons of mass destruction—from entering the US’. The agency still sees its ‘traditional mission’ of interdicting unauthorized immigrants and illegal drugs as ‘important’. In fact, it represents the ‘new’ and traditional missions as complementary. As such, the wars on unauthorized immigrants, drug smuggling, and terrorism come together in the border region (Nevins 2006: 5)”. This is reflected in the statistics related to border policing. The number of Border Patrol agents in 1994 was 4,200. By 2009, there were 20,000 agents. Under the Bush Administration, 2003 saw a \$2 billion increase for border security, much of which was designated for the Southwest border. The federal budget for Customs & Border Patrol soared from \$5.9 billion to \$11.8 billion in 2011. An explosion of enforcement technologies changed border policing tactics, with underground sensors, infrared scopes, and long-range cameras becoming regular tools in enforcement (Nevins 2006, De León 2015, García 2019). This militarization of the southern

border is an example of the role of terror in displays of power by the state. Killing has become “precision targeted”, with “infrastructural warfare” a critical tool in the U.S. immigration regime’s weaponization of terror (Mbembe 2019).

An iconic symbol of the U.S. southern border is, of course, fencing, or “The Wall”. The Clinton administration was the first to introduce barricades as a staple in the enforcement toolbox, but they expanded following 9/11, accompanied by a variety of plans and acts aimed at enhancing boundary security in the name of national security (Nevins 2006). Post 9/11, the Secure Border Initiative, Secure Fence Act, Consolidated Appropriations Act, and the Real ID Act all bolstered this physical barrier on the southern border. The Real ID Act grants the secretary of Homeland Security the ability to “waive any law as is necessary to ensure expeditious construction of the boundary barriers and related infrastructure (Nevins 2006: 213)”. The liberalization of the Mexican market and the subsequent flood of migration, climate change resulting in forced climate migration, the effects of COVID-19, as well as socioeconomic instability, organized crime, and corruption in places like Venezuela, Honduras, Guatemala, El Salvador, Haiti, and parts of Africa, coupled with the hyper-militarization at the southern border physically and within the DHS philosophically has created a very dangerous crisis playing out at the southern border. The U.S. government has responded with technologies of violence. Jason De León, ethnographically documenting the lives of human smugglers—*coyotes*—who move people across the border, writes, “Border walls, anti-smuggling task forces, and heightened security measures are expensive and ineffective tactics to deal with this world-wide crisis that has deep economic, political, and environmental roots (De León 2024: 329)”. Yet, instead of attempting to “deal with” these intricate processes—global social and economic instability (often due to U.S. intervention), climate change, and globalization—during his presidency, Donald

Trump replaced more than 400 miles of fencing that ranged from eight to 17 feet in height with 30-foot-tall steel barriers. Since then, the number of patients with border wall injuries admitted to the trauma center at the nearby U.C. San Diego Health, a center that focuses on severe traumatic injuries, has increased sevenfold. This has required the health center to convert a postpartum unit into a ward specifically for traumatic injuries incurred from the border wall (Karlman 2023).

The philosophies of the Border Patrol immigration policy Prevention Through Deterrence play out in domains other than the natural environment, as time and ambiguity are weaponized in bureaucratic and administrative spaces within the USCIS. While many scholars have written extensively about PTD in its intentional iteration— a weaponization of nature and of the physical landscape (De León 2015, Nevins 2006), I argue that PTD is theoretically ripe to build out, and allows us to consider the other ways in which migrants' entry to the United States and migrants' rights to live are systematically prevented through intentional forms of deterrence by the U.S. immigration regime. An iteration of PTD I examine here is The Employment Authorization Document asylum time clock, which weaponizes temporality and opacity. Importantly, this form of deterrence is not accidental, but is necessary to the functioning of the system.

## Chapter 2 THE EMPLOYMENT AUTHORIZATION DOCUMENT TIME CLOCK

The right to employment was afforded to refugees and asylum seekers in 1951 by the United Nations and under international refugee and human rights law, including the Universal Declaration of Human Rights, which states that, “[e]veryone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment (HRW 2013; 7.” The Compliance Committee for the International Covenant on Economic, Social and Cultural Rights (which the United States has signed) has said that the right to work applies “to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation (ibid.)”. While asylum seekers may, under international law, have the right to employment, in the United States that right is deeply complicated, and difficult to procure.

The U.S. has a lengthy history of denying immigrants the right to work, and of denying immigration on the basis of race or ethnicity, especially in the context of labor. In fact, labor and race/ethnicity seem impossible to decouple in the context of U.S. immigration policy history. There have been tensions around the immigrant right to work and fear of “native labor displacement” since at least the 1800’s. The industrialization that followed the Civil War served to foster nativism in organized labor. A group of laws enacted by Congress in the late 19th century aimed at controlling immigration with “qualitative controls”, or restrictions based on race, ethnicity, social, economic, or political conditions in the country of origin. Organized labor acted as a major force in the passing of the Chinese Exclusion Act of 1882, one of such laws (Nevins 2006, García 2019). Carter et al. write that with the Chinese Exclusion Act the U.S. “codified in immigration law the elision of racist and nationalist discourse (Carter et al. 1996, 139)”. The Chinese Exclusion Act was the first significant federal law restricting immigration

into the U.S., providing an absolute 10-year ban on Chinese laborer immigrants. However, prior to federal assumption of responsibility regulating immigration, states passed immigration restriction laws based on labor and ethnicity; elected officials in California pressured Congress to enact the Chinese Exclusion Act (García 2019). The temporary act expired in 1892, when Congress extended it a further ten years. This extension was made permanent in 1902, as the Geary Act, continuing to regulate Chinese immigration. Following World War I, Congress adopted new forms of regulation, including quotas and requirements related to national origin, effectively limiting immigration from a variety of countries, including all of Asia (Nevins 2006).

Around the same time as the implementation of these acts, the crucible of a growing increase in racist and xenophobic ideologies, industrialization, a decrease in available domestic labor, and economic precarity was fostering fears of immigrant caused labor displacement. Later, the Mexican “repatriation” campaigns of the 1930’s would be motivated by such fears. As unemployment resulting from the Great Depression and the Dustbowl swept the U.S., hostility to immigrant workers again reached a fever-pitch, and the federal government began a program of “repatriating” immigrants to Mexico. Many were either tricked or coerced into repatriation, and some U.S. citizens were deported on suspicion of being Mexican. Hundreds of thousands of Mexican immigrants were forcibly deported (Library of Congress).

Major changes to immigration law have taken place throughout the 20th and 21st centuries in the U.S., but its history has remained foundational to its present-day functioning, with xenophobia and fears of immigrant forced economic disruption at the heart of nearly every new piece of legislation. Xenophobic scapegoating and “othering”, especially in respect to labor, has been a part of the U.S. immigration system for as long as it has existed; in fact, they are built into the immigration system, inherent to its intended functionality, and this is important to



acknowledge in order to situate the Employment Authorization Document (EAD) historically and conceptually.

Alluding to the fundamental role of racism in Western expressions of bio/necropower, Mbembe writes, “That *race* (or indeed *racism*) figures so prominently in the calculus of biopower is easy to understand. After all, racial thinking...has been the ever-present shadow hovering over Western political thought and practice, especially when the point was to contrive the inhumanity of foreign peoples and the sort of domination to be exercised over them (Mbembe 2019: 71)”. Mbembe writes that the politics of race are ultimately linked to a politics of death, with “their roots in the shattering experience of otherness (ibid.)”. This “otherness” is at the core of the philosophies and practices of the U.S. immigration regime. The conflation of war/politics and terror/policy so that they become seemingly impossible to distinguish or untangle relies on this “otherness”. Mbembe describes this perception of the “Other” as, “...an attempt on my life, as a mortal threat or absolute danger whose biophysical elimination would strengthen my life potential and security” as an “imaginary characteristic” of sovereignty in modernity; this perception is at the core of U.S. immigration philosophy, policy, and practice (Mbembe 2019: 72). We can see this philosophy of “otherness” as a threat to sovereignty in the policies related to the Employment Authorization Document (EAD).

Asylum seekers must have an EAD in order to work legally in the U.S. while they await refugee status adjudication. For a period in the 20th century, until 1994, the Congressionally enacted Refugee Act empowered the Attorney General to grant asylum to people who met the definition of a refugee. During this time, the government operated under interim regulations wherein it could, “...at its discretion, grant employment authorization to an asylum seeker upon filing a ‘non-frivolous’ asylum application (HRW 2013: 8)”. In 1990, the INS ratified these

regulations, allowing an applicant to file for both asylum and employment authorization simultaneously. These regulations approved the granting of work authorizations for asylum applicants whose asylum cases were deemed “non-frivolous”. A “frivolous” application was one that was found to be “manifestly unfounded or abusive”. After the filing of an application for asylum and work authorization, the INS had 90 days to determine whether the asylum application was frivolous. If the INS could not determine this within 90 days, the asylum applicant was automatically granted work authorization for an interim period of no more than 240 days, allowing INS more time to process the asylum claim (HRW 2013: 9).

Chronically understaffed, issues soon arose with this timeframe and the lack of resources at INS to promptly process all applications. INS claimed that this backlog was leading to abuses of the asylum system and work authorization system. Former general counsel to the INS David A. Martin claimed that undocumented migrants were filing fictitious asylum applications in order to get work authorization permits (HRW 2013).

Around the same time that Silvestre Reyes was testing out his new apprehension tactics on the ground in El Paso, Texas, and the ink was drying on the NAFTA agreement, the Clinton administration began dissecting and reconstructing the existing asylum and work authorization application systems, pressed by the INS to respond to the alleged avalanche of fictitious asylum applications. The administration responded by “decoupling” the asylum and work authorization processes, and establishing the “asylum clock,” which requires that an asylum seeker wait a minimum of 150 days after filing an asylum application before submitting a request for work authorization (ibid). The INS had 30 days to consider the application, and could not issue a work authorization before the clock reached 180 days, unless it granted asylum to the applicant before that time (USCIS 2023).

Today, following the dissolution of INS through the Homeland Security Act, USCIS and the Executive Office for Immigration Review (also known as EOIR, the agency that conducts removal proceedings in immigration courts and adjudicates appeals) enforce this time clock. While their stated timeline is 180 days from the day an asylum claim is filed to EAD adjudication, human rights organizations, attorneys, and ethnographic accounts show that this process often actually takes many months, sometimes years, and is sometimes indefinitely “paused”. The asylum time clock may be “paused” at any time within the 180-day period for a number of extremely opaque reasons, causing delays. USCIS public documents do not list a complete set of reasons the clock may be paused, but do say that it should only be stopped by a claimant caused delay, such as requesting more time to prepare for a case, or missing a scheduled appointment. However, reports have found that the clock is often stopped due to government caused delays, such as limited docket availability and a chronic understaffing of Immigration Judges, often resulting in the clock stopping indefinitely. Furthermore, the reasons for time clock stoppages are often unknowable, as reasons for stoppages are not comprehensively documented, are ambiguous, and are confusingly enforced (Haas 2023, HRW 2013, A.B.T. et al. v. USCIS, et al., Penn State Law Immigrants' Rights Clinic and American Immigration Council's Legal Action Center 2010).

A study by Penn State University Dickinson School of Law and the Immigration Council’s Legal Action Center attributed confusion surrounding the EAD time clock to a “lack of transparency in the management of the clock”, a “lack of clarity and comprehensiveness” of the government’s manuals detailing what causes a delay, as well as how to stop and restart the clock; “misinterpretation of the manuals; and misapplication of the guidelines as immigration judges stop the clock for different reasons (Penn State Law Immigrants' Rights Clinic and

American Immigration Council's Legal Action Center 2010: 4)”. The study ultimately noted that until the USCIS and EOIR develop a comprehensive Operating Policies and Procedures Memorandum (OPPM) that reflects their policy, it will likely continue to be misinterpreted and misapplied. In respect to the EOIR, the OPPM should “develop clear guidelines detailing when IJs [immigration judges] should stop and restart the EAD asylum clock”; “create a clear and consistent process for internally appealing or contesting an IJ’s application of the EAD asylum clock”; “correctly interpret ‘delay requested or caused by the applicant’ ”; and “require that decisions to stop the EAD asylum clock be made on the record”. Simultaneously, USCIS must “implement a policy correctly interpreting the regulations relevant to the EAD asylum clock”, widely disseminate this information to employees, and create a task force ensuring proper administration and application (HRW 2013: 4, 26, 31). A general lack of transparency is identified by the study as the key problem allowing for the misapplication of the policy.

Weaponizing opacity in a byzantine, Kafkaesque manner is not a new or isolated tactic employed by the U.S. government, especially in respect to immigration. In 2023 Al Otro Lado and Haitian Bridge Alliance, two immigrant rights organizations, filed a lawsuit challenging the federal government’s use of the CBP One app, a smartphone application created by the federal government. Currently, border-wide policy requires that CBP “turn back” asylum seekers who are not able to make a processing appointment via CBP One. Asylum seekers are no longer technically able to present themselves as ports of entry and request asylum, as United States immigration law requires, but must rely on a smartphone app that is only available in English, Spanish, and Haitian Creole, is unfinished, was never intended for use by asylum seekers, and often does not work properly (Kocher 2023, USCIS 2024, AOL et. al v. Mayorkas 2023, American Immigration Council 2023). In the short amount of time since the implementation of

this application, many organizations, attorneys, and scholars have demonstrated the extreme “glitchiness” of the app, which creates new, difficult to navigate, “digital barriers” to asylum. Scholars do not accept these glitches as accidental or incidental, but rather argue that these glitches are “the result of a political decision to force already vulnerable migrants to rely upon experimental technologies that hinder rather than facilitate their asylum-seeking process (Kocher 2023: 1)”. CBP One is an example, like the EAD timeclock, of the U.S. government’s weaponization of confusion, ambiguity, and opacity. Like Kafka’s *Castle* (1926), access is prevented through surreal, unintelligible authorities who rely on confusion and alienation.

In fact, many U.S. immigration policies depend on ambiguity and confusion, and a lack of clear, enforceable interpretation. Another example of CBP’s weaponization of ambiguity is the enforcement of Zero Tolerance Policy (ZTP), a 2018 Trump era policy that criminalized anyone who crossed the border without permission, including asylum seekers. Undocumented asylum seekers and other migrants were imprisoned by the Department of Justice (DOJ) and any accompanying children under the age of eighteen were remanded to the U.S. Department of Health and Human Services (HHS). These children were then shipped, often hundreds or even thousands of miles from their parents, scattered by the Office of Refugee Resettlement (ORR) (Southern Poverty Law Center 2022). Families were forcibly separated with no cohesive or coherent oversight. The decision to separate children from their parents was sometimes made based on the availability of beds in a particular detention center, and children as young as eight months old were forcibly taken from their parents, often without warning. Parents were sometimes woken from sleep as their child was physically torn from them, with no information for reunification provided. As the Government Accounting Office (GAO) and other oversight committees have documented, there were “no regulations that stipulate the importance of

weighing humanitarian considerations, or the impact on children and family units, and there was no systemic approach to which families would be detained and which would be released (Jones et al. 2017, GAO 2018, Muñiz de la Peña et al. 2019: 155)”.

Complicating reunification, in addition to the arbitrary manner in which families were separated, the Office of Inspector General (OIG) for the U.S. Department of Health and Human Services (HHS) has claimed that “HHS had never been required to identify, categorize, or track separated children as distinct from any other children entering ORR care (U.S. Department of Health & Human Services Office of the Inspector General Testimony 2019: 2)”. Therefore, no integrated data system exists to identify and track separated children. The absence of data about separated children has severely complicated efforts to comply with a court order demanding the HHS reunify families, and HHS admits they do not know how many children are still currently separated from their families, but estimates are in the thousands. Much of the work reunifying families is now done in the non-profit sector, by organizations such as Al Otro Lado, the leading non-profit organization seeking to reunify families separated before and during ZTP (U.S. Department of Health & Human Services Office of the Inspector General Testimony 2019, Ms. L v. ICE 2018). The byzantine CBP One app requirements and the arbitrary manner in which families were separated under ZTP demonstrate the continued and intentional weaponization by the federal government of confusion, ambiguity, and opacity against asylum seekers.

The Penn study and the ABT class action lawsuit settlement found that permanent EAD time clock stoppages were often the result of the opacity and of misapplication of the time clock (Penn State Law Immigrants' Rights Clinic and American Immigration Council's Legal Action Center 2010). During this time the asylum seeker is unable to work legally in the United States and is ineligible for healthcare or government benefits. This protracted period of time is

described by some asylum seekers as a sort of limbo, and a social, economic, and sometimes literal death sentence (Haas 2023). Much as Jason De León (2015) describes the southern border under Prevention Through Deterrence as a “space of exception”, asylum seekers awaiting the EAD are also in a space of exception—one where bureaucracy is unknowable, rights are ephemeral, and the truth is subject to change at any moment, in any interpretation.

### Chapter 3 LETTING DIE BY DESIGN

In a report to Congress, Human Rights Watch Organization documents the journey of Eric N., an asylum seeker from Cameroon. Eric had been experiencing high levels of “stress associated with his asylum application and his lack of work authorization (HRW 2013: 28)”. One day, the stress became too much, and Eric was rushed to the emergency room, convinced he was dying of a heart attack. He was diagnosed with hypertension related to stress, and left with an expensive medical bill he had no way of paying for, let alone means to procure the recommended treatments. As asylum seekers attempt to integrate themselves in the U.S. and to embark on independent, fulfilling lives, they are often faced with insurmountable medical debt due to not qualifying for health insurance or having a legal form of income. This purposeful impoverishment forces asylum seekers into unsafe, risky, and unsustainable situations, including illegal labor, chronic illness and injury, overuse of emergency health services, and homelessness (HRW 2013, Machado et al. 2022, Haas 2023).

In this section I will situate the experiences of asylum seekers within Bourdieu’s concept of habitus and Foucault’s concept of governmentality, arguing that these experiences provide examples of these concepts playing out in real lives and bodies. Next, I draw on the works of anthropologists including Bridget Haas, Achille Mbembe, Janis Jenkins, Paul Farmer, and others, to frame these experiences as mediated by governmentality and habitus within a continuum of violence, arguing that these experiences constitute symbolic and structural violence, forms of what Mbembe (2019) calls necropower. In order to support this argument, I draw on the works of anthropologists concerned with self and subjectivity, and argue that, in addition to the structural violence asylum seekers awaiting an EAD are subject to, an additional form of symbolic violence plays out in the lives and bodies of these asylum seekers, namely, the non-consensual



construction of self and subjectivity, constrained within matrices of power outside one's control (Li 2007, Butler 2006, Farmer 2004, Farmer et al. 2006).

First, I want to situate within the anthropological literature my correlation of a bureaucratic process like the EAD time clock with illness, somatic experiences, and subjecthood. Janis Jenkins, in her work with Salvadoran refugees, wrote that discourses on culture, self, and emotion were not adequate to interpret the experiences and feelings of people facing chronic political violence and other forms of extreme and unrelenting trauma and loss, and, that, "...the role of the state and other political, religious, and economic institutions must be examined to interpret the dominant ethos of a people (Jenkins 2015: 144)". Suggesting the framework of a "political ethos", Jenkins writes that state, economic, and domestic environments are not external or independent of this dominant ethos, but should be understood as "...coordinate dimensions of a single political ethos (Jenkins 2015: 146)". The notion of a political ethos references "the culturally standardized organization of feeling and sentiment pertaining to social domains of power and interest (Jenkins 2015: 143)." Jenkins writes that this recognition of the role of the intertwining of the personal and the political has long been of interest to feminist theory scholars, but that psychological and medical anthropology could also greatly benefit from this understanding of intersubjectivity, phenomenology, embodiment, and subjectification. The notion of political ethos facilitates the development of an anthropological understanding of "...the premise that social domains are constitutive of emotional experience and expression (Jenkins 2015: 168)". The EAD time clock is part of a larger apparatus that both reflects and reinforces the political ethos of the U.S.-Mexico border and U.S. immigration policy. By way of this political ethos, the "state induction of fear, anxiety, and terror" (and, as this essay argues, confusion and opacity) is deployed as "a means of social control (Jenkins 2015: 146)".

Analyzing notions of social organization and dispositions, and citing Durkheim, Bourdieu wrote that, "...social life must be explained, not by the conception of those who participate in it, but by deep causes which lie outside of consciousness...their habitus, that is, the mental structures through which they apprehend the social world, are essentially the product of the internalization of the structures of that world (Bourdieu 1989: 15-18)". While it is true that systems and structures direct what we often mistake for personal agency, agency also affects the formation of systems and structures. Bourdieu grapples with this, writing, "...legitimation of the social world is not, as some believe, the product of a deliberate and purposive action of propaganda or symbolic imposition; it results, rather, from the fact that agents apply to the objective structures of the social world structures of perception and appreciation which are issued *out of these very structures...* (Bourdieu 1989: 21)". Bourdieu is saying that it would be myopic, undialectical to assume that we are ruled by anonymous, unseen forces of social hierarchy, or that we are hapless ragdolls, tossed into place according to a system or shadow-government we have no control over; rather, we have shaped the system, the "objective structures", through internalized values and norms dictated to us *by* those structures: "structures of perception and appreciation which are issued out of these very structures".

Related to what Bourdieu called habitus, Foucault (1991, 2007) identified as governmentality. Defined as the "conduct of conduct", governmentality is the attempt to shape human conduct by "calculated means (Li 2007: 275)". Li, describing governmentality, writes, "At the level of population it is not possible to coerce every individual and regulate their actions in minute detail. Rather, government[ality] operates by educating desires and configuring habits, aspirations, and beliefs. It sets conditions, 'arranging things so that people, following only their own self-interest, will do as they ought' (Scott 1995) ...When power operates at a distance,

people are not necessarily aware of how their conduct is being conducted and why, so the question of consent does not arise (ibid.)”. Within the notion of governmentality is the idea that governments are not limited to state politics alone, but include a wide range of control techniques that apply to a wide variety of objects. In other words, the U.S. government can achieve its ends or fulfill its desires/goals using a variety of tools and means, many of which exist outside of literal political spaces, such as the norms, beliefs, and values instilled in individuals and communities through the state. Like habitus, these ways of being become routinized and ingrained, to the point that they become invisible, or obscured in opacity. And like Bourdieu, Foucault argues that what is at play is cyclical— a tug of war between structure and agency, a dialectical making and unmaking. Systems and structures, here the government, have “educated” desires and configured “habits, aspirations, and beliefs”, so that in fulfilling what they believe to be their own desires, individual state subjects are in fact fulfilling the desires of the state (Li 2007).

Governmentality relies on the notion of the role of government as the “right manner of disposing things”, not necessarily in pursuit of one dogmatic goal, but, rather, a “whole series of specific finalities” that can be achieved through “multiform tactics”. “Thought and technique together comprise the ensemble of ‘institutions, procedures, analyses and reflections, the calculations and tactics’ through which governmental interventions are devised, and conduct conducted (Li 2007: 276)”.

Prevention Through Deterrence policy is one example of one of these “right manners” in which to achieve an “appropriate finality”, namely a white homogeneity and hegemony, vehemently anti-immigrant. As policy and as a technology, PTD acts as a moral excuse, or the “right manner” for anti-human behavior; a cold, removed, bureaucratic response, deemed

appropriate within society. These philosophies—white supremacy and anti-immigrant notions—have been instilled in us by the very systems that enforce them. As Foucault, Mbembe, and others have written, racism is a technology that facilitates the exercise of biopower, the right to kill, or the right to let die by design. Racism, in the context of biopower, regulates the distribution of death/life, and “make[s] possible the state’s murderous functions, or in Foucault’s words, ‘the condition for the acceptability of putting to death’ (Mbembe 2019: 71)”, establishing the “right manner” in which to treat asylum seekers, or the “Other”.

Also, perhaps each of us has contributed to building a system that relies, inherent to its functioning, on hate and cruelty. Mbembe writes that, in the context of necropolitics, “the tension between the public’s passion for blood and notions of justice and revenge is critical (Mbembe 2019: 72)”. We have, consciously or not, bought into the “othering” sold to us, ingrained it into our habitus, and built it into our governments and systems. And what are the lived consequences of this hate and cruelty, manifest in the bodies of asylum seekers awaiting an EAD? They are illness, pain, suffering, anguish, and sometimes death.

Depression, sleep issues, stress, and exacerbated anxiety disorders are some of the health-related issues asylum seekers describe as a consequence of the EAD time clock, but equally relevant and common are the medical consequences or “somatic manifestations” of such disorders, including hypertension and gastrointestinal issues like ulcers. Asylum seekers complain of “numb[ness]”, “headaches, intense body heat, [and] weakness...” associated with the stresses of the USCIS procedures (Haas 2023: 83). Haas writes that these symptoms and illnesses are not produced by previous experiences of violence, but by the limbo and precarity produced by the asylum process (Haas 2021, Haas 2023). While these bodily experiences may be dismissed as simple “somatic manifestations of stress”, scholars of psychological and medical

anthropology concerned with violence and abuse of power have reflected that “such a reductive interpretation obscures the forms of violence of these bodily ways of being-in-the-world (Haas 2023: 83)”. These symptoms are best understood as “embodied metaphors” (Low 1994) or the “corporeal effects” (Vogt 2018) of a continuum of violence (Scheper-Hughes & Bourgois 2004), namely, that of the U.S. immigration regime.

These “corporeal effects” are not unintentional. Like with PTSD, a landscape is being weaponized in order to deter immigration; here, the landscape is bureaucracy. Haas writes, “...the cruel effects of these technologies are integral to its power...asylum claimants’ state-produced economic precarity is not a side effect of asylum policy but part of its design, what Lucy Mayblin (2019) has described as ‘purposeful impoverishment’ (Haas 2023: 101)”. This is not power as an anonymous process, but intentional weaponization of “socioeconomic exclusion” via constraining asylum seekers’ employment opportunities.

Medical anthropologist Paul Farmer, drawing on liberation theologian Johan Galtung, called for an “anthropology of structural violence” in considering the myriad ways people endure forms of suffering and injustice that are embedded in the ordinary, often unseen patterns in the world and in societies (Farmer et al. 2006, Farmer 2004). Scheper-Hughes and Bourgois (2004) argued that the framework of structural violence was too broad, and unable to support the varying experiences of violence, suggesting a “continuum of violence”, which includes but differentiates between forms of violence ranging from genocide to poverty and both symbolic and structural violences. Asylum scholars have examined the “institutional techniques of governing associated with the U.S. asylum system” as constituting a continuum of violence (Haas 2023: 6). By theoretically arguing that this system constitutes a continuum of violence, scholars aim to reveal “bureaucratic forms of governing within the asylum system—often

normalized and/or invisible— as forms of violence (Haas 2023: 7)”. Haas writes that the “routinization” and normalization of these policies and practices that “comprise the asylum system’s violence continuum [are] integral to the operation and effectiveness of the system. In other words, these bureaucratic practices work as technologies of power in part because of their normalization and, often, their invisibility...the opacity and illegibility of asylum bureaucracies are fundamental to state power (Haas 2023: 7-10)”. In the context of the EAD, “...waiting and temporal uncertainty can be mobilized as forms of social control or mechanisms of state power...Asylum seekers are embedded in an institutional process of subjectification (Haas 2017: 3, 10-11)”. Haas examines waiting (for asylum adjudication, for an EAD, for the opportunity to live the American Dream) not only as a weapon, or “institutional technology of power”, but simultaneously as a lived, phenomenological experience that contributes to subject building and the process of subjectification (ibid.).

Temporality and opacity are technologies of power wielded by the state, as Haas, Mayblin, Vogt, and others have shown. Opaque practices and policies, such as the EAD timeclock, and indefinite, undefinable, and often impossible timelines for obtaining a work permits, healthcare, and financial independence are purposeful obstructions to asylum seekers’ attempts to integrate themselves into their new country. Haas is equally concerned with the lived effects of these technologies in the bodies and experiences of asylum seekers. Ong describes “...a dual process of self-making and being-made within webs of power (Ong 1996: 738)”, an allusion to the roles of intersubjectivity and constrained agency in subjectification/subject building. Indeed, Hage (2009) writes that the “stuckedness” asylum claimants experience through technologies of power related to temporality provide important insight into examining agency

and experience “in sites of confinement and (hyper)regulation (Haas 2023: 10)”, or, the interplay between agency and structure; agency confined within matrices of power.

Agency cannot be forgotten or ignored. Academic reflection within anthropology often risks obscuring *people* through obsession with “the body”. Admittedly, it is inherent to my fundamental argument that we consider the body as “the existential ground of culture and self” (Csordas 1994: 4)”. But I intentionally avoid allowing myself to confuse the “body” as synonymous with “self” or “person”. This “dissipates the force of using the body as a methodological starting point” and runs the risk of “objectifying bodies as things devoid of intentionality and intersubjectivity. It thus misses the opportunity to add sentience and sensibility to our notions of self and person, and to insert an added dimension of materiality to our notions of culture and history”. The body as an “object” or “theme of analysis” is crass, cruel, and myopic (ibid.). Therefore, in my considerations of the effects of the continuum of violence within the bodies and lived experiences of asylum seekers, I reject the notion that these somatic and affective ailments are being thrust upon asylum seekers’ bodies blindly or randomly by unseen forces—rather, I argue that it is the intentional functioning of a cruel and “othering” system we have created that lets people die by design, and that these bodily responses—insomnia, hypertension, ulcers, depression—are the death rattle that the self releases *through* the body. They are the desperate cry of humanity demanding to be recognized; in the most basic way these responses scream through the bodies of asylum seekers, “I am here, I am real”.

These death rattles are not somatization, or “the relegating of bodily processes to psychological mechanisms presumed to be of a higher order”, rather, as psychological anthropologists have argued, bodily experiences of pain and illness can often be considered “correspondents or equivalents of emotion”, a notion which “...repositions the construct of

emotion within the lived body, quite the opposite of the more typical psychosomatic strategy that describes transformation of an essentially psychological event into a secondary somatic expression (Jenkins 2015: 166)”. Csordas (1993) calls these bodily expressions “somatic modes of attention”, a “mode of attending to and with the body in an intersubjective environment (Jenkins 2015: 166)”, for, “To attend to a bodily sensation is not to attend to the body as an isolated object, but to attend to the body's situation in the world... Attention to a bodily sensation can thus become a mode of attending to the intersubjective milieu that gives rise to that sensation. Thus, one is paying attention *with* one's body (Csordas 1993: 138)”. While it may sound esoteric, it is a fundamental understanding that the “language of loss and mourning...is often communicated through somatic means, as insomnia, lack of appetite, fatigue... (Jenkins 1991:150)”. This understanding of the role of the body and its expressions of subjective experience rejects a “tabula rasa” perspective, in which culture or politics are simply inscribed on a blank slate, instead positing “...the body as a seat of agency and intentionality through resistance, denial, and reactivity (Jenkins 2015: 168)”.

Haas refers to Foucault’s “power to foster life or let die” in her examination of the opacity and degradation asylum seekers are subject to within the U.S. immigration system, writing of the “power to make (things and people) ...in/visible”. Foucault’s “technologies of power” are Haas’s “technologies of in/visibility”, where “opaqueness is strategically used” to create a space of exception (Haas 2023: 9-10, 37). The bodies of asylum seekers afflicted with bodily manifestations of stress and trauma resulting from the EAD timeclock are caught in this space of exception, and they are screaming and fighting against invisibility and for their humanity.



In a report detailing the effects of the EAD time clock on asylum seekers, Human Rights Watch tells of Khaled M., an asylum seeker whose wife and small children migrated with him to the U.S. Khaled details the shame and sorrow he felt one day, when his wife begged him to steal apples from a residential tree; the family was starving. Munyiga M., a former child soldier from Uganda seeking asylum in the U.S., tells of sustaining a serious injury one day while working illegally, without authorization. Munyiga fell from a roof and was rendered unconscious. When he awoke, his boss told him to run—to leave the scene so the employer could not be implicated in illegally hiring Munyiga. These instances reveal the dehumanization asylum seekers must face due to the inability to work legally. As Munyiga summarizes, without work authorization, “You are a piece of nothing; you are a nobody (HRW 2013: 32-33)”. Forcing asylum seekers into states of dependence often results in abuses of power and coercion. The International Institute of New Jersey tells the story of a young woman seeking asylum made to prostitute herself by her family members. If she refused, she would be homeless and have no options to legally support herself financially (HRW 2013: 34). These stories of abuses of power, agency within hyper constraint, dehumanization, and suffering are the lived effects of the EAD time clock on the social, corporeal, and the self. The EAD is a weapon “deployed in the interest of maximally destroying persons and creating death-worlds...unique forms of social existence in which vast populations are subjected to living conditions that confer upon them the status of the living dead (Mbembe 2019: 92)”.

## CONCLUSION

Historically, the United States has legislated immigration policy that is impossible to decouple from forces of xenophobia, racism, and othering (García 2019, Nevins 2006). This xenophobia, racism, and othering are, as scholars like Foucault (2007, 1991) and Mbembe (2019) have argued, built into modern western life; biopower is the manner in which they are exercised over the population—who will live and who will be let to die. The U.S. immigration regime relies on xenophobia, racism, and othering as inherent to its functioning; they are infused into modern western policy and practice, or perhaps more accurately, policy and practice are built upon them. As citizens of the United States, we are to understand the multiform tactics employed by the state as the “right manner” in which to “dispose of” or deal with the Other. The cruelties of these tactics are often largely hidden from the public eye, and a wide range of control techniques—including the control of habits, aspirations, beliefs, and what is visible or invisible—are deployed by the state in order to achieve the “appropriate finality” sought—a controlled white homogeneity and hegemony, collectively anti-Other (Foucault 2007, Foucault 1991, Mbembe 2019, Li 2007).

Through Prevention Through Deterrence (PTD) policy an appropriate finality is orchestrated--bodies are made invisible, lost in the space of exception that is the southern border. In its original form, PTD policy weaponizes the natural landscape, pushing migrants into more dangerous, less visible terrain, simultaneously killing migrants and using those killed as a form of gibbeting to prevent migration, while also ensuring this all occurs out of sight and out of mind for the majority (U.S. Customs & Border Patrol 1994, De León 2015, Nevins 2006). The abuses of power possible in spaces of exception also occur in spaces outside of the natural environment,

under policies influenced by the same norms, values, and philosophies (*habitus*) influencing Prevention Through Deterrence, including in bureaucratic and administrative spaces, such as the USCIS office or an EOIR hearing. Asylum is prevented through intentional roadblocks, byzantine and impassable, weaponized to ensure the inability of success, and done so in office buildings outside of public engagement or awareness. The admonition of the EAD process by newly informed city officials and business leaders in cities facing waves of asylum seekers, such as New York and Chicago, demonstrates that part of the power of this system of exclusion is that the majority of citizens don't *know* about it, and therefore aren't decrying it.

Invisibility is critical to this examination of bureaucratic weaponization. Invisibility, ambiguity, and temporality are together weaponized to forge a situation in which asylum seekers are in limbo, in states and spaces of exception, where rights and protections are unclear and unpredictably enforced. This imposed limbo ensures, through wholly unbalanced distribution of power, the inability to support oneself or to live a socially, corporeally, subjectively autonomous life—instead, one's financial life, social life, physical body and health, identity, and self-building are held at the whim of the immigration system and in the hands of others—illegal employers, friends and family members often already financially and socially strained, and overburdened non-profit and religious organizations.

And what is the role each of us as citizens of the United States has played in building this system? While we shouldn't forget that these roles are often played outside of consciousness or awareness, our *habitus*, or, “the mental structures through which [we] apprehend the social world”, is the result of the internalization of the existing structures of the social world. We internalize the racist structures and systems as “right manners”, cyclically reinforcing and legitimating them in ourselves, in our beliefs, norms, and values, and in our systems and

structures—our policies, practices, and who lives and who is let to die. This legitimation is not the result of a “deliberate and purposive action of propaganda”, but rather, results “from the fact that agents apply to the objective structures of the social world structures of perception and appreciation which are issued *out of these very structures* (Foucault 2007, Foucault 1991, Bourdieu 1989: 21)”. This is governmentality, multiform methods of achieving the state’s desired ends, or “appropriate finalities”—in this case, the construction of values and norms that fear the Other, and social systems and structures that represent and reinforce this.

Simultaneously, the public’s “passion for blood and notions of justice and revenge” cannot be ignored (Mbembe 2019: 72). Links between modernity, terror, dehumanization, and power are critical to this examination. Physical gibbeting on gallows, “[t]he long procession of the condemned through the streets prior to execution, the parade of body parts...the display of a severed head mounted on a pike...(Mbembe 2019: 73)” have been replaced by broken bodies fallen from a 30-foot tall steel wall reinforced with razor wire, makeshift refugee camps exposed to the elements, and Home Depot parking lots crowded with skilled and educated men and women desperate for any form of work, no matter how back-breaking, how degrading.

Though this analysis has focused on the role of the U.S. immigration regime in enacting and enforcing a continuum of violence, the actions of the state are driven by western notions of safety, labor rights, sovereignty, xenophobia, and white supremacy that have been cyclically reinforced in and by each of us. Racism and fear of the other clothed in western thinking is the ultimate power in this context, the “discursive formation”, our habitus, the taken for granted power distributions, normalized and routinized (Foucault 2007, Haas 2023).

In this analysis of the roles of governmentality and habitus in embodied experiences I have focused on the effects of the habitus of the enforcers (including the U.S. immigration

regime and the average citizen) on the bodies and lives of asylum seekers. However, it is critical to also consider the roles of agency and intersubjectivity in the habitus and embodied experiences of asylum seekers. It is important not to reify foisted identities and experiences that give disproportionate power to the oppressor. In describing the “death-worlds” of the “living-dead”, Mbembe (2019) is not himself conferring upon groups of people this identity, or claiming they have as little autonomy as a zombie, rather, Mbembe points to the structural ways in which certain populations are treated as though they are already dead, as though anticipating that they will be let to die. This is where the ability of the state to relegate asylum seekers to spaces of exception lies: the presumption that this population has less of a right to life.

While the “death-worlds” Mbembe writes of are a fair assessment of the inhumane cruelty of “letting die”, it is absolutely critical that we do not further strip those subject to symbolic and structural violence of their agency, their choices (constrained though they may be), and the power they hold over their own subjecthood. Angela S. García, in conducting ethnographic work with undocumented Mexicans living in southern California, writes that “broad brush portrayals” as a “hunted people in hiding” does not come close to describing the rich and full lives of undocumented people, even when living under extremely oppressive and restrictive conditions (2019). This is true of any people--undocumented people, asylum seekers, anyone experiencing abuses of power--everyone has rich, layered inner experience, and it is important not to give disproportionate power to suffering or to the effects of violence, serious and real though they may be. For this reason, I propose that future research concerned with violence and abuse of power can take inspiration from Native American and Indigenous studies, in which a paradigm shift over the last couple of decades has redirected scholarship towards “survivance” or “desire-centered” versus “damage-” or “deficit-” centered analysis and

exploration (Tuck 2009, Gone 2021, Vizenor 1999). Critically, in order for this to be possible, the crisis of *survival* must first be acknowledged and addressed.

As an example of a “damage-based” understanding, Joseph Gone writes about the effects of the framework of intergenerational historical trauma (IHT) on American Indians, and says that IHT centers on “human fragility, injury, and risk in the face of adversity (Gone 2021: 3)”. He offers, as a counter framework for American Indians, coup tales, orated stories of great achievements in battles. Gone writes that coup tales center on “human agency, mastery, and triumph” in adversity, and contrasts them with “deficit-based” understandings of experience and of selfhood, especially in the context of health, and the often “paralyzing” effects of such self-blame and loss-oriented understandings of health status and health experiences (ibid.). Other American Indian scholars have also noted the value of developing “desire-based” frameworks versus “damage-based” for understanding constrained agency and experiences within traumatic contexts (Tuck 2009). They emphasize that desire-based frameworks allow us to understand traumatic experiences in a more layered and nuanced way than damage-based frameworks, and ultimately allows for “eruptions of liveliness” in these contexts (Gone 2021: 7). Indeed, asylum seekers subject to the EAD timeclock are, in spite of what the state may direct, not dead. They are alive, and they experience both death worlds and eruptions of liveliness, sometimes simultaneously.

These desire-based frameworks are greatly influenced by Gerald Vizenor’s concept of *survivance*, which he defines as “a native sense of presence.... Native *survivance* stories are renunciations of dominance, tragedy and victimry (Vizenor 1999: 93)”. While it is true that asylum seekers awaiting an EAD are victims of an unfair, racist, xenophobic, othering system, this is not their only story, or their only identity; they are active constructors, not passive

recipients of subjectivity. They are mothers, fathers, children, wives, husbands. They are dancers, writers, and athletes. The webs of intersubjectivity they weave include family, friends, colleagues, and community. Their interactions with the U.S. immigration regime are not their only interactions.

There are many reasons to recognize these multifaceted identities and experiences, not the least of which is to avoid the reification of foisted identities and perpetuation of uneven power dynamics and the effects of structural and symbolic violence. Another reason is the individual and community effects on desire-based representation—seeing one’s own community uplifted and supported in beautiful contexts is empowering and gives strength. Like Gone’s coup tales for American Indians, stories of perseverance, of overcoming, and of beauty and mastery feed the soul, nourishing the body through the spirit. Gone writes of attending a funeral in which a military veteran was invited to publicly share his personal account of war stories, and surviving to return home. This veteran’s stories had nothing to do with the deceased, and Gone writes that he was not related to the family, but that his narration was “a modern effort” of a coup tale, told for the benefit of the community. Coup tales are meant to give power, strength, and resilience to the audience hearing the story (2021: 11).

Survivance stories and coup tales are meant to imbue power, strength, and joy. In considering the capacities of these stories, anthropologists can ask what *their* stories bring to the communities they center on. Do our stories spark righteous indignation, heartbreak, sorrow, and a fiery passion for change? Do they also spark love, pride, and the ability to thrive? Do they allow for the multifaceted human experience to shine through, or do they reduce people to their victimhood, their oppression? Let us tell the stories of the communities we want to uplift in a true way, a real way, that honors our shared humanity.

In telling this story, I have shined a light on the corporeal, affective, and subjective effects of the weaponization of bureaucracy and opacity by the U.S. immigration regime. Asylum seekers are held in limbo, in states and spaces of exception, where abuses of power occur, and structural and symbolic violence affect constructions of subjecthood. I have compiled detailed recommendations by human rights centers, researchers, and legal professionals on how to begin to ensure the EAD asylum timeclock ceases to act as a technology of exclusion (HRW 2013, A.B.T. et al. v. USCIS, et al. 2013, Penn State Law Immigrants' Rights Clinic and American Immigration Council's Legal Action Center 2010, Haas 2023). Lastly, I have suggested future directions for research related to abuses of power and of violence, taking inspiration from American Indian/Indigenous studies, namely a shift away from “damage” or “deficit” centered research to research that centers on desire, survivance, and acts of thriving. I have stated the critical role of first acknowledging the violence, abuse, and injustice asylum seekers endure via the EAD asylum timeclock; once this violence has been acknowledged, and the consequences examined, we can look to the recommendations made by researchers and legal professionals to improve the functioning of the clock, and, finally, we can begin to think about how we as anthropologists might tell the stories of the communities we want to in a respectful, true, and sustainable manner, illuminating eruptions of liveliness while also condemning death-worlds.



## REFERENCES

- American Civil Liberties Union. *Ms. L v. ICE*. 18-cv-00428, 16 Oct. 2023, <https://www.aclu.org/documents/ms-l-v-ice-settlement-document-dec-1-2023?hidebanner>.
- Andersen, Stuart. “New York Businesses: Give Immigrant Work Permits To Asylum Seekers.” *Forbes*, 1 Sept. 2023, <https://www.forbes.com/sites/stuartanderson/2023/09/01/new-york-businesses-give-immigrant-work-permits-to-asylum-seekers/?sh=4d7cad584219>.
- AOL v Mayorkas. *Challenging CBP One Turn Back Policy, Al Otro Lado v. Mayorkas*. :23-cv-01367-AGS-BLM, Open.
- Bacon, David. “NAFTA the Cross-Border Disaster.” *The American Prospect*, 7 Nov. 2017, <https://prospect.org/power/nafta-cross-border-disaster/>.
- Bourdieu, Pierre. *Reproduction in Education, Society and Culture*. Sage Publications, 1977.
- . “Social Space and Symbolic Power.” *American Sociological Association*, vol. 7, no. 1, Spring 1989, pp. 14–25.
- Burchell, Graham, Gordon, Colin, Miller, Peter, editors. *The Foucault Effect in Governmentality*. University of Chicago Press, 1991.
- Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. 10th ed., Routledge, 2006, <https://doi.org/10.4324/9780203824979>.
- Calvan, Bobby Caina. “After Sending Busloads of Migrants to NYC, Texas Governor Visits City to Fault Biden for Crisis.” *Associated Press*, 27 Sept. 2023, <https://apnews.com/article/migrants-new-york-adams-abbott-colombia-58d423ab3e84e5692d50f773803254ee>.
- Cameron, Maxwell, and Brian Tomlin. *The Making of NAFTA- How the Deal Was Done*. Cornell University Press, 2001.
- Carter, Bob, Green, Marci, Halpern, Rick. “Immigration Policy and the Racialization of Migrant Labor: The Construction of National Identities in the USA and Britain.” *Ethnic and Racial Studies*, vol. 19, no. 1, 1996, pp. 135–57, <https://doi.org/10.1080/01419870.1996.9993902>.
- “Challenging CBP One Turnback Policy.” *American Immigration Council*, 2023, <https://www.americanimmigrationcouncil.org/litigation/challenging-cbp-one-turnback-policy>.
- Csordas, Thomas. “Embodiment as a Paradigm for Anthropology.” *Ethos*, vol. 18, no. 1, Mar. 1990, pp. 5–47, <https://doi.org/10.1525/eth.1990.18.1.02a00010>.

- . “The Body as Representation and Being in the World.” *Embodiment and Experience: The Existential Ground of Culture and Self*, edited by Thomas Csordas, Cambridge University Press, 1994, pp. 1–26.
- . “Somatic Modes of Attention.” *Cultural Anthropology*, vol. 8, no. 2, May 1993, pp. 135-156, <http://www.jstor.org/stable/656467>.
- De León, Jason. *Soldiers and Kings: Survival and Hope in the World of Human Smuggling*. Viking, 2024.
- . *The Land of Open Graves*. University of California Press, 2015.
- Duddridge, Natalie. “New York City Builds Shelter for at Least 500 Asylum Seeking Families at Floyd Bennett Field in Brooklyn.” *CBS News*, 30 Oct. 2023, <https://www.cbsnews.com/newyork/news/nyc-asylum-seekers-shelter-floyd-bennett-field-brooklyn/>.
- Farmer, Paul. “An Anthropology of Structural Violence.” *Current Anthropology*, vol. 45, no. 3, June 2004, pp. 305–25, <https://doi.org/10.1086/382250>.
- Farmer, Paul, Nizeye, Bruce, Stulac, Sara, Keshavjee, Salmaan. “Structural Violence and Clinical Medicine.” *PLoS Medicine, Policy Forum*, vol. 3, no. 10, Oct. 2006, pp. 1686–91, <https://doi.org/10.1371/journal.pmed.0030449>.
- Foucault, Michel. *Security, Territory, Population: Lectures at the Collège de France 1977-1978*. Springer, 2007.
- . *The History of Sexuality*. Vintage, 1990.
- Garcia, Angela S. *Legal Passing: Navigating Undocumented Life and Local Immigration Law*. University of California Press, 2019.
- Gone, Joseph P. “Recounting Coup as the Recirculation of Indigenous Vitality: A Narrative Alternative to Historical Trauma.” *Transcultural Psychiatry*, Dec. 2021, pp. 1–14, <https://doi.org/10.1177/13634615211054998>.
- Government Accountability Office. “Unaccompanied Children: Agency Efforts to Reunify Children Separated from Parents at the Border.” *Government Accountability Office Reports*, Oct. 2018, <https://files.gao.gov/reports/GAO-19-163/index.html>.
- Haas, Bridget. “‘Asylum Is the Most Powerful Medicine’: Navigating Therapeutic Interventions in Limbo.” *Culture, Medicine, and Psychiatry*, vol. 45, no. 2, 2021, pp. 193–217.
- . “Citizens-in-waiting, Deportees-in-waiting: Power, Temporality, and Suffering in the U.S. Asylum System.” *Ethos*, vol. 45, no. 1, 2017, pp. 75–97, <https://doi.org/https://doi.org/10.1111/etho.12150>.

- . *Suspended Lives: Navigating Everyday Violence in the US Asylum System*. UC Press, 2023.
- Hage, Ghassan. "Waiting Out the Crisis: On Stuckedness and Governmentality." *Anthropological Theory*, vol. 5, no. 1, 2009, pp. 463–75.
- Hochul, Kathy. *State of New York Executive Chamber Letter from the Governor to President Biden*. 24 Aug. 2023.
- Holmes, Seth. *Fresh Fruit, Broken Bodies: Migrant Farmworkers in the United States*. University of California Press, 2023.
- Human Rights Watch (HRW). "*At Least Let Them Work*": *The Denial of Work Authorization and Assistance for Asylum Seekers in the United States*. Seton Hall University School of Law Center for Social Justice's Immigrants' Rights/International Human Rights Clinic and Human Rights Watch, 12 Nov. 2013, <https://www.hrw.org/report/2013/11/12/least-let-them-work/denial-work-authorization-and-assistance-asylum-seekers-united>.
- Jenkins, Janis. "The Impress of Extremity among Salvadoran Refugees." *Extraordinary Conditions and Experience in Mental Illness*, 1st ed., University of California Press, 2015, pp. 141–79, <http://www.jstor.org/stable/10.1525/j.ctt198941g.9>.
- . "The State Construction of Affect: Political Ethos and Mental health among Salvadoran Refugees." *Culture, Medicine, Psychiatry*, vol. 15, June 1991, pp. 139–65, <https://doi.org/10.1007/BF00119042>.
- Jones, Jessica, Obser, Katharina, Podkul, Jennifer. *Betraying Family Values: How Immigration Policy at the United States Border Is Separating Families*. Kids In Need of Defense, Women's Refugee Commission, Lutheran Immigration and Refugee Service, 10 Jan. 2017, [https://supportkind.org/wp-content/uploads/2017/03/BetrayingFamilyValues\\_Feb2017.pdf](https://supportkind.org/wp-content/uploads/2017/03/BetrayingFamilyValues_Feb2017.pdf).
- Kafka, Franz. *The Castle*. Oxford University Press, 1926.
- Karlamangla, Soumya. "Border Wall-Related Falls Are Increasing in California." *New York Times*, 27 Nov. 2023, <https://www.nytimes.com/2023/11/27/us/border-wall-related-falls-are-increasing-in-california.html>.
- Khawaja, Noorulain. "Migrant Tells of 'very Difficult' Wait for Work and Asylum." *Spectrum News 1*, 30 Aug. 2023, <https://spectrumlocalnews.com/nys/central-ny/news/2023/08/30/migrant-shares-story-of--very-difficult--wait-for-work-and-asylum>.
- Kocher, Austin. "Glitches in the Digitization of Asylum: How CBP One Turns Migrants' Smartphones into Mobile Borders." *Societies*, vol. 13, no. 6, 2023, p. 149, <https://doi.org/https://doi.org/10.3390/soc13060149>.
- Li, Tanya Murray. "Governmentality." *Anthropologica*, vol. 49, no. 2, 2007, pp. 275–81.

- Library of Congress. “Depression and the Struggle for Survival.” *Library of Congress, Immigration and Relocation in U.S. History*, <https://www.loc.gov/classroom-materials/immigration/mexican/depression-and-the-struggle-for-survival/>. Accessed 20 Apr. 2024.
- Low, Setha. “Embodied Metaphors: Nerves as Lived Experience.” *Cambridge Studies in Medical Anthropology* 2, edited by Thomas Csordas, Cambridge University Press, 1994, pp. 139–62.
- Machado, Stefanie, Tayyar, Elmira, Berry, Nicole S., Lavergne, Ruth, Wiedmeyer, Mei-Ling, Krüsi, Andrea, Goldenberg, Shira. “‘It’s Not Just about Being Here, but What Brought You Here’: A Qualitative Study of the Role of Migration Experiences in Shaping Im/Migrant Women’s Access to Healthcare.” *Health & Place*, vol. 77, 2022, <https://doi.org/10.1016/j.healthplace.2022.102888>.
- MassLegalServices, The Online Resource for Massachusetts Poverty Law Advocates. *A.B.T. et al. v. USCIS, et al., Also Known as B.H. et al. v. USCIS, et al., A Nationwide Class Action to Fix the “Asylum Clock” Amended Settlement*. June 2012.
- Maxwell, Ann. *Examining the Failures of the Trump Administration’s Inhumane Family Separation Policy*. U.S. Department of Health & Human Services Office of the Inspector General, 7 Feb. 2019, [https://oig.hhs.gov/documents/testimony/61/20190207\\_-\\_Maxwell\\_Testimony.pdf](https://oig.hhs.gov/documents/testimony/61/20190207_-_Maxwell_Testimony.pdf).
- Mayblin, Lucy. *Impoverishment and Asylum: Social Policy as Slow Violence*. 1st ed., Routledge, 2019.
- Mbembe, Achille. *Necropolitics*. Duke University Press, 2019, <https://doi.org/10.2307/j.ctv1131298>.
- Mittelstadt, Michelle. “One in Seven Mexican Workers Are in the United States, Sending Billions Home.” *Migration Policy Institute*, 30 Nov. 2006, <https://www.migrationpolicy.org/news/one-seven-mexican-workers-are-united-states-sending-billions-home>.
- Muñiz de la Peña, Cristina, Pineda, Lisa, Punskey, Brenda. “Working with Parents and Children Separated at the Border: Examining the Impact of the Zero Tolerance Policy and Beyond.” *Journal of Child & Adolescent Trauma*, vol. 12, May 2019, <https://doi.org/10.1007/s40653-019-00262-4>.
- Nevins, Joseph. *Operation Gatekeeper and Beyond: The War on “Illegals” and the Re-Making of the U.S.-Mexico Boundary*. 2nd ed., Routledge, 2010, <https://doi.org/10.4324/9780203857731>.
- Newman, Andy. “House Democrats Visit a Migrant Hotel as Political Tensions Erupt.” *New York Times*, 15 Sept. 2023, <https://www.nytimes.com/2023/09/15/nyregion/migrant-shelter-roosevelt-hotel-aoc.html>.

- Ong, Aihwa. "Cultural Citizenship as Subject-Making: Immigrants Negotiate Racial and Cultural Boundaries in the United States [and Comments and Reply]." *Current Anthropology*, vol. 37, no. 5, Dec. 1996, pp. 737–62, <https://doi.org/http://www.jstor.org/stable/274441>.
- Partnership for New York City. *Open Letter to the President & Congressional Leaders from Concerned Business Leaders Regarding the Asylum-Seekers Humanitarian Crisis*. 28 Aug. 2023, [https://pnyc.org/news/open-letter-to-the-president-congressional-leaders-from-concerned-business-leaders-regarding-the-asylum-seekers-humanitarian-crisis/?campaign\\_id=4&emc=edit\\_dk\\_20230829&instance\\_id=101400&nl=dealbook&regi\\_id=67763199&segment\\_id=143149&te=1&user\\_id=90cb5c047b0b50670096063229c178a1](https://pnyc.org/news/open-letter-to-the-president-congressional-leaders-from-concerned-business-leaders-regarding-the-asylum-seekers-humanitarian-crisis/?campaign_id=4&emc=edit_dk_20230829&instance_id=101400&nl=dealbook&regi_id=67763199&segment_id=143149&te=1&user_id=90cb5c047b0b50670096063229c178a1).
- Penn State Law Immigrants' Rights Clinic and American Immigration Council's Legal Action Center. *Up Against the Asylum Clock: Fixing the Broken Employment Authorization Asylum Clock*. Center for Immigrants' Rights Clinic Publications, 2010, [https://elibrary.law.psu.edu/irc\\_pubs/7](https://elibrary.law.psu.edu/irc_pubs/7).
- Priestley, Samantha. *The History of Gibbeting: Britain's Most Brutal Punishment*. Pen and Sword History, 2020.
- Pritzker, JB, and Brandon Johnson. *Joint Letter Office of Governor/Office of Mayor, Chicago, Illinois*. 28 Aug. 2023.
- Ramirez, Miguel D. "Mexico under NAFTA: A Critical Assessment." *The Quarterly Review of Economics and Finance*, vol. 43, no. 5, Winter 2003, pp. 863–92.
- Ramirez Uribe, Maria. "Who Is Responsible for Helping Migrants in Chicago and New York City? Leaders Say Biden Can Do More." *Politifact, The Poynter Institute*, 15 Sept. 2023, <https://www.politifact.com/article/2023/sep/15/who-is-responsible-for-helping-migrants-in-chicago/>.
- Roberts, Gerorgett. "Migrants Warn Families to Stay Away from Floyd Bennett Field Tent City Shelter: 'There Is Nothing There.'" *NY Post*, 14 Nov. 2023, <https://nypost.com/2023/11/14/metro/migrants-warn-families-to-stay-away-from-floyd-bennett-field-tent-city-shelter/>.
- Scheper-Hughes, Nancy, and Philippe Bourgois. "Introduction: Making Sense of Violence." *Violence in War and Peace: An Anthology*, edited by Nancy Scheper-Highes and Philippe Bourgois, Blackwell Publishing, 2004, pp. 1–27.
- Southern Poverty Law Center. *Family Separation- A Timeline*. 2022, <https://www.splcenter.org/news/2022/03/23/family-separation-timeline>.
- The U.S. National Archives and Records Administration. "Chinese Exclusion Act (1882)." *National Archives*, 17 Jan. 2023, <https://www.archives.gov/milestone-documents/chinese-exclusion-act#:~:text=It%20was%20the%20first%20significant,immigrating%20to%20the%20United%20States>.

- Tuck, Eve. "Suspending Damage: A Letter to Communities." *Harvard Educational Review*, vol. 79, no. 3, 2009, pp. 409–28, <https://doi.org/10.17763/haer.79.3.n0016675661t3n15>.
- United States General Accounting Office. *Report to the Committee on the Judiciary, U.S. Senate and the Committee on the Judiciary, House of Representatives; ILLEGAL IMMIGRATION Border Strategy Results; More Evaluation Needed*. 1997.
- U.S. Border Patrol. *1994 Strategic Plan*. 1994.
- U.S. Customs and Border Protection. *CBP One™ Mobile Application*. 9 Apr. 2024, <https://www.cbp.gov/about/mobile-apps-directory/cbpone>.
- USCIS. *The 180-Day Asylum EAD Clock Notice*. updated 2023.
- . *USCIS Service-Wide Forms Quarterly Report*. June 2023.
- USCIS History Office and Library. *History of INS*. 2012.
- Vizenor, Gerald. *Manifest Manners: Narratives on Postindian Survivance*. Bison Books, 1999.
- Vogt, Wendy. *Lives in Transit: Violence and Intimacy on the Migrant Journey*. University of California Press, 2018.
- Zahniser, Steven, Fernando López López, Nicolás, Motamed, Mesbah, Silva Vargas, Zully Yazmin, Capehart, Tom. *A Report from the Economic Research Service; The Growing Corn Economies of Mexico and the US*. USDA, Aug. 2019.