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Fugitive Authorships: Social Contracts and the UndocuBlack Everyday

By

Alan Carlos Pelaez Lopez

A dissertation submitted in partial satisfaction of the

requirements for the degree of

Doctor of Philosophy

in

Ethnic Studies

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Beth H. Piatote, Chair
Professor Juana María Rodríguez
Professor Leigh Raiford

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Abstract

Fugitive Authorships: Social Contracts and the UndocuBlack Everyday

by

Alan Carlos Pelaez Lopez

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Professor Beth H. Piatote, Chair

Fugitive Authorships: Social Contracts and the UndocuBlack Everyday is an interdisciplinary project that engages discourse analysis, auto-ethnography, memoir-writing, poetry, affect theory, and Black performance theory, alongside textual analysis to critically examine literary and visual culture produced by undocumented Black immigrants ("undocuBlack") living and producing work in the United States between 2005-2020. The research asks: *what are the social contracts that undocuBlack migrants must abide by in the United States despite their lack of political representation and legal protection?* Through this question, I examine what I term the *undocuBlack everyday*, and read for moments of *undocuBlack nonperformance,* described as acts that dislocate and unsettle the nonconsensual performance contracts of meritocracy, innocence, patriotism, "good moral character," compulsory heterosexuality, monogamy, and binary gender roles that undocuBlack migrants are measured against. This dissertation often takes the form of the cultural artifacts analyzed. *Fugitive Authorships: Social Contracts and the UndocuBlack Everyday* contributes to the fields of undocumented studies, Black and Indigenous cultural studies, settler-colonial studies, and transgender studies.

Dedication

for

undocumented / unauthorized / irregular / illegalized migrants

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Foremost, I thank the Pacific Ocean, the landscape that made me, the first to teach me about relationality, community, and mutual aid. Then, I thank the clouds. Legend goes that we are people of the clouds, shapeshifters who can manage to survive on land, water, and air. And then, the mountains. For two decades, they were the only memory I had of home.

I thank my mother, Maria Magdalena Lopez Santos, the woman who gifted me with poetry, poetry, *poetry*. Leonel Gonzalez Hernandez, the man who taught me to be soft as cotton. And my grandmother Belem Ines de los Santos, the woman who never let me forget that despite forced migration, the land would always be there to welcome her kin; the woman who let me audio record her stories, dreams, and yearnings. Gracias, abuela.

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Through two earthquakes in my homeland, a rainstorm that tore apart my family home and took with it almost all documentation of my past, a deportation order, fraudulent criminal charges, and new medical diagnoses, I thank the kin who taught me how to extend my family unit: Kemi Bello, Sonia Guiñansaca, Ola Osaze, Lorn Kategaya, Dillon Sung, Valeria Suarez, Jennif(f)er Tamayo, Ariana Brown, Jess X. Snow, Nicole Ramsey, Omi Salas Santa Cruz, Ebony Bailey, Laura Marcela, Andres del Castillo, Jaselia Gratini, Sandra Martinez, Lorraine Avila, Marcelo Felipe Garzo Montalvo, Kim Tran, Eri Oura, Vanessa Rochelle Lewis, Brecklyn Walters, Zahira Kelley, Katelina Eccleson (Gata), Olga Garcia, and Eniola Abioye.

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Preface

Overalls

On a visit to my Amá's, she drives us to the DMV.
She must renew her license every few months.
The asylum case has not yet been approved.
Not enough evidence that home is *unsafe*.
The line is long. The DMV is inside a mall.
In America, everything is for sale. Migrants
pay for safety. We pay people to believe
that what we tell them is true, especially
when we have spared them the hardest
facts to hold. Immigration, DMV, school,
and medical forms ask for our stories.
We pay for our stories too. We pay in smiles,
pretend laughs, head nods, empty stomachs,
panic attacks reserved for elevators,
migraines that will last four days but go
unnamed :: unuttered. After thirty-eight, or
forty minutes, we advance seven or so people
and the Carter's window is visible from where
Amá and I stand. *Overalls*. My heart raises.
Eyes begin to shake. Mall lighting hurts
my eyes. I see five Carter's logos and know
there is only one. I slam my back against the
glass windows. People look (and pretend they
don't). I try to find my inhaler. It's not in my
pockets. I close my eyes. I think about a boy.
Kissing a boy. I think about him more. I open
my eyes and look for my mother. Avoid looking
at the Carter's *again*. The DMV does not
renew the license. Something about an error
or a glitch :: a document and migration :: (maybe)
a mother and a child. At five, I wore a pair of
overalls. Crossed a border in them too.

Introduction

Flee[t]ing Moments, Fugitive Escapes, and Alternative Authorships

Flee[t]ing Moment(s)

Let's begin with a story:

In 2012, a silent video was uploaded to YouTube. The video depicted a young West African man sitting and holding a set of flashcards, each filled with a few words. The young man held the flashcards close to the camera and began to show them one by one. In between flashcard flipping, YouTube watchers could catch glimpses of his face, arms, and hands. His body was not the focal point; the story that the flashcards architected was: the young man had received a deportation order from the United States and only had a few days left to fight for his stay in the country. The video ended with a call to action: to uplift his story in the hopes that visibility would urge U.S. Immigration and Customs Enforcement (ICE) to drop his deportation order, a process that is legally termed as "prosecutorial discretion."

Soon after the YouTube video was uploaded, I inscribed a link of the video to an anonymous blog I ran accompanied by a brief write-up regarding the conditions of undocumented life as a racialized Black subject in the United States, and the absence of Black perspectives in the migrant justice movement. The blog post received the most interactions of any of the other pieces I had uploaded in two years.

Days after the video was released, the YouTube video disappeared from the internet. I remember looking for the video on Facebook, YouTube, and Google searches. None of my attempts were successful. I, too, was undocumented and for some reason, the disappearance of the YouTube video scared me. Soon after, I deleted every anonymous blog post I had uploaded to the internet and permanently deleted the blog. My self-erasure was informed by a sense of kinship I felt with the young man in that we both shared the precarious conditions of undocumented life as Black migrants ("undocuBlack"). I didn't know the young man's reason(s) for deleting the video, but my gut instinct was to do as he had done.

A decade has passed, and I think about the video on a semi-regular basis. The young man received an order of removal from the United States just months before President Barack Obama introduced Deferred Action for Childhood Arrivals (DACA) through a presidential memorandum. DACA is an immigration policy that was announced on June 15, 2012, that allows certain undocumented immigrants to receive a two-year deferral from deportation, and if they are of legal employment age, a temporary two-year work authorization permit. Eligible migrants are those who entered the United States before the age of 16, were 31 years old or under in 2012, had been present in the country since 2007, and had no felony convictions, or previous criminal charges.

I do not know if the young man was deported, granted prosecutorial discretion, stayed in the country despite the order of removal, benefitted from DACA, or if he has since migrated elsewhere. What I do know is that the disappearance of the YouTube video felt twofold: his archival trace disappeared and in that loss, I felt like there was also a disappearance of his physical presence :: body :: aliveness. In *Create Dangerously: The Immigrant Artist at Work* (2010), Edwidge Danticat explains that in some countries of the Global South, artists are some of the first to be disappeared by their governments. I do not know if the young man was disappeared but I hold Danticat's words each time I think of him. Danticat argues that art is one of the tools by which to challenge and potentially shift society and culture, which raises the political stakes of contemporary artmaking. Over the last decade, I have wondered not only about the whereabouts of the young man and his video, but *why* the sudden disappearance. What did the video activate that prompted immediate deletion? Who or what was the danger? Whom or what was in danger? Did the artist delete the video or another entity? What does this fleeting cultural artifact say about migration, deportation, Black life, and the law?

Fugitive Authorships: Social Contracts and the UndocuBlack Everyday is dedicated to the young man who sought to fight his deportation order with a silent video on YouTube. His efforts to secure his safety and avoid capture by ICE through art informed the development of this project. As an art practitioner who lived as an unauthorized/irregular/unlawfully present migrant in the United States for almost twenty years, this project attends to the quotidian abstraction of living in the simultaneous illegalization of one's presence through the term "illegal alien," and the criminalization of Black personhood by the virtues of white supremacy.[1] *Fugitive Authorships* analyses online essays, self-published poetry collections, self-nude portraits, YouTube videos, and one memoir by undocuBlack migrants living in the United States. The writing on these pages also examines my own relationship with and to undocuBlack migrants to understand how they/we create cultural authority while not having access to legal status in the United States. To explore cultural authority produced by undocuBlack migrants, the dissertation mobilizes and expands two key analytics: fugitivity and authorship.

Fugitivity and the Law:

"Aliens are we in our Native Land…"
–Frederick Douglass, "Speech before American and Foreign Anti-Slavery Society, May 1854."

U.S. citizenship is first conceptualized as a legal category in the U.S. Constitution of 1787, where reference to the concept of the "citizen" is continuously named without identifying the exact parameters of citizenship. Three years later, the Nationality Act of 1790 explicitly outlined the U.S. citizen as a white, male property owner. In the 1787 Constitution, Indigenous peoples are named twice: first in Article 1, Section 2, Clause 3, where "Indians" are acknowledged as existing in the "U.S.," but without legal recognition. In Article 1, Section 8, the Constitution grants the U.S. government authority to regulate

[1] When I use *abstraction* in relation to undocuBlack life, I am referencing Dylan Rodríguez's argument that the criminal subject in the United States is a "legal cultural creation" of an "abstracted category of human social deviancy" (2018: 57).

commerce amongst Indigenous tribes but again does not name their legal category within the nation, making Indigenous peoples extra-constitutional subjects. Enslaved peoples also make an appearance in the Constitution and their legal category is more explicit: Article 1, Section 2, Clause 3 identified enslaved subjects as "three fifths of all other persons." In Section 9 of Article 1, the "importation" of enslaved peoples was to be protected and not prohibited by congress. The Fugitive Slave Clause (Article IV, Section 2, Clause 3) guaranteed slaveholders that any "escape[d]" subject could not be discharged from chattel even if the subject resides in a non-enslaving state. U.S. citizenship, as a racialized, classed, and gendered politically produced status is threatened by Black, Indigenous, and non-male personhoods as these three categories are written in opposition to citizenship. This dissertation therefore also contributes to Indigenous studies, Black studies, and gender studies.

I begin with the U.S. Constitution and the Nationality Act of 1790 to call attention to the fungibility of U.S. citizenship and attend to its social organizing structure. When both documents are read together, contemporary scholars of undocumented migration may be able to map the political struggle for legal recognition in the U.S. not solely as a contemporary migration issue, but as a byproduct of settler-colonialism.

I begin this section with an epigraph by Frederick Douglass (1854) because when he writes "Aliens are we in our Native Land…," what I understand as an African diasporic reader is that regardless of citizenship status, freedom papers, or liberal law, the African diasporic subject who is a descendant of enslaved Africans will always be alien in their country of birth. Douglass' "Speech before American and Foreign Anti-Slavery Society" is delivered eleven years before the official abolition of chattel slavery in the United States, and the verbiage of "alien," from the Latin *alius* (other) and *alienus* (belonging to another), identifies the production of a legal foreignness that has no redress, chattel slavery. The elegance of the first three words, "Aliens are we," speaks to the fact that Black personhood *is made* alien and foreign as opposed to "We are aliens," which would bind Blackness and alienhood as matter of fact. "Aliens are we" stresses Douglass' reality: he is no longer enslaved in the South, but the institution of slavery still exists, which means that his safety and freedom from capture cannot be guaranteed. "Aliens are we in our Native Land" contextualizes U.S. citizenship as a category that necessitates the alien position of racialized non-white subjects residing inside the nation.

My use of fugitivity through this project stems from the material realities of alienhood and alienation as they relate to the legal conditions of Black presence, Black labor, Black personhood, and Black aliveness in the United States. I take "fugitivity" from the Fugitive Slave Acts of 1793 and 1850 because both Acts parallel the contemporary fugitivity of undocuBlack migrants in the United States. Gerald Lenoir (2013), founding Executive Director of the Black Alliance for Just Immigration (BAJI) argues that "Enslaved Africans were the first undocumented people to be criminalized. The 1850 Fugitive Slave Act mandated that law enforcement agents arrest and 'deport' runaway slaves back to their southern plantations. In 1857, the Supreme Court ruled in the Dred Scott Decision that black people were not citizens and 'had no rights which the white man was bound to respect.'" Through this analysis, Lenoir found the first and only organization in the U.S led by African Americans who understand their legal conditions as interrelated to the legal conditions of Black migrants despite African Americans being legal citizens of the United States. By linking contemporary undocuBlack migration with the fugitivity of enslaved subjects in the United States, larger histories of settler-colonialism, anti-

Blackness, and Black resistance can surface in the fields of Black studies, Indigenous studies, and migration studies.

BAJI's analysis is critical because the fourteenth amendment passes Congress in 1866 and is ratified in 1868, which assigns U.S. citizenship to "[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof." Through the fourteenth amendment, the condition of possibility for U.S. citizenship is a legal "hereness," but in the original Constitution, the condition is the status of both free and white. The fourteenth amendment's assignment of citizenship to "[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof" drafts a complicated understanding of U.S. citizenship because the new production of a new U.S. citizen-subject requires a total re-orientation to the social lives of the former citizen alongside the new citizen. Following American Studies scholar Lauren Berlant, U.S. citizens are asked to "love their country" and "recognize certain stories, events, experiences, practices, and ways of life as related to the core of who they are, their public status, and their *resemblance to other people*" (2014, 41 emphasis mine). In the legal archive of citizenship, the fourteenth amendment overturns the Dred Scott Decision, but the racialized Black subject does not resemble the racialized white subject, which abstracts the privileges that U.S. citizenship supposedly affords racialized Black subjects.

Although the fourteenth amendment utilizes the language of "[a]ll persons born or naturalized in the United States," and Frederick Douglass' speech claims "Aliens are we in our Native Land," both statements reveal the fugitivity of Indigeneity.[2] In Douglass' statement, American Indians are not conceptualized as Natives of the land. This omission may not have been intentional but what is particularly important to name is that the omission exposes the logic of settler colonialism: occupation and dispossession of Indigenous land must be normalized and expected for the settler to maintain claims to territory (Wolfe 1998 and 2006, Cheyfitz 2002, Veracini 2012).[3] In not conceptualizing American Indians as "Natives," Douglass' speech reveals Indigenous fugitivity as a perpetual choreography of dispossession.[4]

Although the fourteenth amendment is passed in 1866 and ratified in 1868, Indigenous peoples are not assigned U.S. citizenship until 1924 through the Indian

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[2] Jarrett Martineau and Eric Ritskes define a fugitive Indigeneity as follows: "Fugitivity finds its energetic potency in remaining illegible to power, incommensurable with colonialism, and opaque to appropriation, commodification and cultural theft. That which is fugitive proposes an insurgent force of dissident visibility; it is the hidden that reveals itself in motion. The fugitive aesthetic is thus an overflowing of borders and bordered-thinking, a liminal praxis whose generative effects activate art in a transversal re-presencing of indigeneity throughout Indigenous lands, languages and territories. The cultural and aesthetic production that emanates from these positions is a strategic motion of refusal: to evade capture, resist cooptation, and renew Indigenous life-ways through the *creative negation* of reductive colonial demarcations of being and sensing" (v, emphasis in original). For more on fugitivity and Indigeneity, see Gerald Vizenor's *Fugitive Poses : Native American Indian Scenes of Absence and Presence* (1998) and Joy James' "Afrarealism and the Black Matrix: Maroon Philosophy at Democracy's Border" (2013).

[3] When I type *the logic of settler colonialism*, I do so to highlight the fact that anyone can perpetuate its logic and not that Douglass, for example, is a settler.

[4] "As Deborah Bird Rose has pointed out, to get in the way of settler colonization, all the native has to do is stay at home. Whatever settlers may say—and they generally have a lot to say—the primary motive for elimination is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory. Territoriality is settler colonialism's specific, irreducible element" (Wolfe 2006, 388).

Citizenship Act. In "Jurisdiction, Civilization, and the Ends of Native American Citizenship: The View from 1866" (2021), historian Stephen Kantrowitz argues that while 1866 is a historical moment in which to think of racialized Black citizenship, 1866 is also a moment where practices of Indigenous dispossession mobilized through the Indian Removal Act of 1830 are extended to further conquer Indigenous territories and maintain governance over Indigenous subjecthood.[5] Furthermore, Kantrowitz argues that the U.S.'s "jurisdiction" of Indigenous peoples made it so that uneven citizenship existed where some American Indians were assigned citizenship through the selling of their land and participation in military service, while other Indigenous peoples were removed and relocated from their lands. Until 1924, U.S. courts interpreted the fourteenth amendment as nonapplicable to American Indians.[6]

In *The Narrative of Sojourner Truth* (1850), abolitionist and women's rights activist, Sojourner Truth writes about the impossibility of rights and freedom within the context of antebellum America. Early in the narrative, Truth writes, "…the slaveholders are TERRIBLE for promising to give you this or that, or such and such a privilege, if you will do thus and so; and when the time of fulfillment comes, and one claims the promise, they, forsooth, recollect nothing of the kind; and you are, like as not, taunted with being a LIAR; or at best, the slave is accused of not having performed *his* part or condition of the contract" (26, emphasis in original). In this quote, Truth highlights not only the plantation state as a nonconsensual contract between enslaved peoples and slaveholders, but the impossibility of consent within the legal grammars of citizenship. I don't think that Truth's words foreground Black (and/or Indigenous) citizenship as an impossibility, but Truth understands that Black (and/or Indigenous) citizenship threatens national citizenship precisely because U.S. citizenship is racialized, gendered, and classed. I argue that citizenship for racialized non-white subjects is a promise that has yet to be delivered and cannot be delivered unless white supremacy ends. I narrate Truth's sentiment extensively because when re-read in the twenty-first century, one can begin to understand the political and social experiences of Black, Indigenous, and undocumented migrants as interrelated. To academically address this intersectional experience, African American literature and migration studies scholar, Esmeralda Arrizón-Palomera (2021) coins the term "(un)documented person," defined as "a person with legal status who is denied some, or all, of the rights and privileges their legal status confers" (112).[7] Arrizón-Palomera's "(un)documented person," parallels what American Historian Mae Ngai describes as "alien citizens," defined as people "who are citizens by virtue of their birth but who are presumed to be foreign" (2004, 2). Therefore, the legal experiences of undocumented/ unauthorized/ unlawfully present migrants in the United States are not

[5] "During the 1880s, wardship grew ever more concrete, becoming in effect the answer to the question of citizenship" (Kantrowitz 2021, 207).

[6] Legal scholarship suggests that the understanding of U.S. citizenship comes from "extraterritorial jurisdiction," defined as the framework that "allowed Westerners to be treated as if they remained in the sovereign territory of their home states," meaning that citizenship is an imported European technology dependent on settler-colonial law (Volpp 2015, 295). Citizenship promises security to settlers and their descendants by denying Indigenous people land and freedom, making "invasion… a structure not an event" (Wolfe 2004, 388).

[7] In early writings, I use the term "(un)documented" to reference migrants who are formally undocumented. I no longer use this term to center and uplift the crucial scholarship of undocumented scholar, Esmeralda Arrizón-Palomera, and her theorizations of African American citizenship vis-à-vis the experiences of contemporary undocumented Black migrants in the United States.

independent of Black American and American Indian communities but informed by the production of Black and Indigenous U.S. citizenship, constructions that following Kevin Bruyneel are "a direct colonial imposition, worthy of resistance and refusal" (2007, xxiii).[8]

Through this project, my writing of fugitivity is rooted in the judicial experience of formerly enslaved subjects in antebellum America, where freedom is presupposed by a physical escape from slavery, but freedom is also foreclosed in the criminalization of fugitivity. I follow Gerald Lenoir's (2013) analysis of formerly enslaved runaway subjects as the "first undocumented peoples to be criminalized." I also find it crucial to name that Indigenous peoples—as Leti Volpp (2015) has written—are made "aliens" in their own lands, producing both dispossession and the settler attempt that Patrick Wolfe names as a "structural genocide" against Indigenous peoples (2006, 389). If fugitive subjects in the antebellum are the first undocumented peoples, then figures like Quaker abolitionist Issac T. Hopper and formerly enslaved abolitionist Harriet Tubman can be understood as some of the first coyotes (individuals who smuggle undocumented peoples) in the United States.[9] Fugitive Slave Acts, therefore, can be situated as iterations of the detention and deportation of undocumented peoples in the country in similar ways as the Trail of Tears created massive dispossession of Indigenous lands from the "Five Civilized Tribes," where Indigenous peoples were essentially deported (forcefully relocated)—under President Andrews orders—to what is now known as Oklahoma, "Indian Territory" (Foreman 1953, Remini 1988, Gilbert 1996). At their core, the Indian Removal Act of 1830 and the Fugitive Slave Act of 1850 governed the everyday lives of enslaved subjects and Indigenous subjects. In one, the Indigenous subject was deported from their land for the purpose of settler expansion, and in the other, the enslaved subject was deported to a plantation to advance capital. Both acts protected the citizenship of property-owning, free, white men. This comparative analysis most closely resembles a method of association that Jack Halberstam (2011) names as "a detour around 'proper' knowledge" (25).

I write about contemporary undocuBlack migration and antebellum fugitivity because I am most provoked by Samira Kawash's (1997) argument that the production of racialized slavery and fugitivity gave way to a "liberal humanism" (23) that understands escape from a plantation as freedom without considering the material realities of racialization. Kawash considers fugitivity as a crucial moment in legal history that interrogates the legal production of property, where the subject that is understood as property is momentarily given a subject-formation for the purposes of outlawing their fugitivity to re-objectify the aliveness of the fugitive and reproduce them as property. From a discursive analysis of object, outlaw, and fugitive, Kawash suggests that freedom cannot exist, and therefore what fugitive slave narratives reveal, for example, are the intricacies of unfreedom while narrating literal escapes towards liberal freedom.[10] When Black fugitivity is understood through this vector, migration scholars can more accurately

[8] Beth H. Piatote, in *Domestic Subjects: Gender, Citizenship, and Law in Native American Literature* (2013), argues that "the illegal alien replaced the domestic subject and that some form of impossible subjectivity has been a feature of U.S. citizenship from the origins of the nation" (9).

[9] For more on the relationship between the underground railroad and contemporary undocumented migration, see Noelle K. Brigden's "Underground Railroads and Coyote Conductors: Brokering Clandestine Passages, Then and Now" (2019).

[10] Fred Moten's *Stolen Life* (2018) is in a similar line of thinking with Kawash where Moten asks, "What if the value of African American life and thought is the example of life in statelessness and not a supposedly triumphant emergence into citizenship?" (211).

speak to the intersection of race and forced migration, especially when analyzing undocuBlack subjects who are also descendants of enslaved Africans. By making this detour, I argue that any legal recognition that the undocuBlack subject might be assigned in the United States should be at the minimum, questioned.[11]

Stefano Harney and Fred Moten conceptualize Black fugitivity as the ontology of Black diasporic life and "a work still to do," which gives nuance and depth to Kawash's early writings on slavery and fugitivity (2013, 50). In "The Black Outdoors" (2015), Saidyia Hartman explains that the Black diasporic subject's desire/wanting to "produce an outside, create an opening… is marked as crime." Therefore, fugitivity speaks to the criminalization of imagining alternative conditions of Black freedom. In the same lecture, Fred Moten adds to Hartman that "the thought of the outside can only occur in the inside," and while both are speaking about fugitivity in relation to plantation geographies, I mobilize their conversation to question what the position of an undocuBlack interiority may say about alternative social and legal imaginaries that non-Black migrants cannot speak to because they do not live in the simultaneous criminalization of Black life and illegal alienage.

Within Black studies, fugitivity is not always the ideal analytic in which to theorize and think about Black life. I have been recently captivated by George Shulman's (2021) departure from Fred Moten's antagonism between Black fugitivity and democratic politics where Shulman argues that "Rather than disavow or delegate it [democracy], we can struggle over its creative transfiguration" (302). Shulman's push for a democratic politic within fugitivity is useful to me as a community organizer because the material reality of undocuBlack life is that people *are* captured, detained, deported, and sometimes murdered in the process. Shulman's call for thinking of Black fugitivity and democratic politics is necessary because to put it simply, the law governs the lives of those who are present and although the law does not protect the unlawfully present, the unlawfully present must navigate the social, cultural, and legal realities of the law, which means that democratic politics may be inescapable. Temporally speaking, democratic politics can alleviate the ongoing experience of capture faced by undocuBlack subjects. For this reason, I move towards an understanding of fugitive authorships, which I conceptualize by asking: What do undocuBlack migrants have to say about their social, legal, and political conditions in the United States?

Authorship:

"Who do we think we are?"
–Edwidge Danticat, *Create Dangerously: The Immigrant Artist at Work*

"Telling a story is, of course, in and of itself an act of agency and an effort to control a life story; but this does not mean that the story told is *necessarily* one of ideological difference; further, challenging some forms of discourse may in the process confirm others."

[11] I do not argue that legal recognition produces unfreedom because in many ways, legal recognition may temporarily alleviate the suffocating texture produced by the illegalization of one's presence. What is crux here is that the relief is *temporal*, as the former undocuBlack may have some type of legal recognition but that does not change their racial reality. Again, I return to Esmeralda Arrizón-Palomera's (2021) framework of the "(un)documented person" as opposed to the (un)documented migrant.

–Marta Caminero-Santangelo, *Documenting the Undocumented: Latino/a Narratives and Social Justice in the Era of Operation Gatekeeper*

My decision to seriously consider the role of cultural production stems from three places: my own experience as a cultural producer; the desire to understand the connection that undocuBlack migrants and Black Americans have to resistance; and to extend care to the imagination and articulation of my comrades :: kin :: colleagues :: co-agitators.

The first time I thought about the role of culture in fusing together an undocuBlack politic was in 2011 when I witnessed a Black woman in her mid-twenties testify at the Massachusetts courthouse. The young woman opened her testimony by stating she arrived at the United States as a toddler and has lived undocumented ever since. She reached for her bag and took out a book made from construction paper. She read poems for two minutes, as she only had three minutes to speak, and then urged the State House to take a position: decide if they wish to deport people like her, a young poet, or open opportunities for her to live well. As an undocuBlack migrant, the young woman did not have an audience in a court of law because she was unlawfully present in the United States. However, when the young woman reached for her bag, took out a hand-made poetry book, and positioned herself as a poet, the young woman's poetry demanded an audience. Here, I echo and chant Edwidge Danticat's words: "Who do we think we are?" "Who do we think we are?" "Who do we think we are?" I chant Danticat repeatedly because her sentiment is not as a question—in this case— but an emphasis on the audacious and transgressive impact of mobilizing one's own art to plot alternative narratives of undocumented life than the narratives that federal immigration law plots on behalf of migrant subjects.

I had never witnessed a racialized Black migrant out themselves as undocumented to a room of elected officials and use their poetry to demand justice.[12] In *Art of Protest* (2005), T.V. Reed argues that "scholars of social movements have, until rather recently, had little to say about culture, while cultural studies scholars have had, with a few exceptions, surprisingly little to say about movements" (287). This rupture exists according to Reed because "culture is a messy business; it is clearly a less easily measured object of analysis than the Supreme Court rulings, congressional bills, or income patterns" (297). There is no way to measure the effect that the young woman's poetry had on each of the elected officials who heard her testimony, but I can say that the impact on me was monumental. Political scientist Amalia Pallares (2014) calls for a study of "the specific agency of the undocumented—that is, on the relationship between the exclusion from citizenship and the forms of political representation, strategies, and identities that undocumented people can potentially deploy," which is why this project focuses on the ways that undocuBlack migrants produce their own authority (4).

[12] Saidiya Hartman and Stephen Best (2005) argue that "a 'plan' for the redress of slavery is what is urgently needed, but any plan, any legal remedy, would inevitably be too narrow, and as such it would also prove necessarily inadequate" because "justice is beyond the scope of the law" (1). Hartman and Best describe this material condition as one that could be addressed through "fugitive justice" (3) which requires that scholars no longer understand the enslaved subject as a "stable subject" (12), but as a subject that is always changing and adapting, which speaks to an attention to what fugitivity produces outside the desire for legal recognition.

Fugitive Authorships borrows methodological frameworks from Alicia Schmidt Camacho (2008) who argues that "literature has been an imaginative space for reckoning with the wounding divisions that the geopolitical border imposed on transborder communities" (6). Although this project does not center on transborder communities, Schmidt Camacho's attentiveness to Latino/a cultural production opens the opportunity for me to think about what Black cultural production might contribute to undocumented scholarship. Schmidt Camacho's notion of the "migrant imaginary" as a framework that demands the examination of "a range of oral, literary and visual texts" to trace the ways in which undocumented migrants access "forms of agency" while occupying spaces of "opposition and displacement" is especially useful when thinking about the juxtaposition and material conditions of undocuBlack migrants to non-Black undocumented migrants (15). Through Schmidt Camacho's contributions, I can ask: What new critiques, narratives, and/or imaginaries might open when critically attending to art and literature produced by migrants who are simultaneously racialized as Black and identified as "illegal aliens"?

This dissertation is not the first scholarly inquiry to seriously consider the cultural production of undocumented migrant communities. To date, there have been no book-length studies focused solely on undocumented cultural producers but there have been eight anthologies about, for, and by undocumented immigrants (Andes and Orner 2008, Madera et al 2008, Wong et al 2012, Manuel et al 2012, Flores 2014, Vazquez 2019, Kuklin 2019, Guiñansaca and Grande 2022). Full-length books that center on undocumented narratives and unauthorized border-crossings have predominately been written by journalists who turned investigative assignments into monographs (Martínez 2001, Urrea 2004, Ramos 2006, Nazario 2007, Regan 2010, Ferguson et al 2010, Villalobos 2019). In the fall of 2015, *Harvard Educational Review* published the first critical scholarly issue that solely asked questions about undocumented migrant experiences in the education system. Although none of the articles focused on art or cultural production, the journal included one photo essay, a personal essay by formerly undocumented visual artist and scholar, Alberto Ledesma, and one poem. Art was central to the first-ever scholarly journal issue that centered on undocumented experiences including a formerly undocumented artist, but there was no research about what types of interventions, philosophies, or insight might be uncovered by thinking with art and literature. My project offers cultural studies scholars a detailed examination of how undocuBlack migrants mobilize art as an alternate form of authorization in the United States.[13]

Marta Caminero-Santangelo's (2016) scholarship has been crucial to the intellectual development of *Fugitive Authorships*. In *Documenting the Undocumented,* Caminero-Santangelo explores the relationship that Latino/a writers who are U.S. citizens have to undocumented peoples, characters, and experiences. One of Caminero-Santangelo's most striking contributions is that the figure of the undocumented migrant has architected its own home in the Latino/a literary imaginary including Puerto Rican and Cuban-American literature, canons where one wouldn't immediately expect undocumented life to be part of the plot since Puerto Ricans are birthright citizens, and

[13]I want to note that this dissertation project is in scholarly kinship with *We Are Not Dreamers: Undocumented Scholars Theorize Undocumented Life in the United States* (2020) edited by Genevieve Negrón-Gonzales and Leisy J. Abrego. Although the edited volume is primarily on research positions and methods, this dissertation honors *We Are Not Dreamers* as a critical artifact that solidified what is now referred to as "undocustudies" in the humanities.

the Cuban Adjustment Act (signed into law by President Lyndon B. Johnson in 1966), granted work authorization permits and Green Cards to any Cuban citizen who settled in the United States for one year, protecting Cuban's from any long-term undocumentedness. Caminero-Santangelo argues that undocumented representation by U.S. citizens forges "panethnic solidarity around the issue" of illegal immigration, thus constructing "ethical communities" that can identify federal immigration law as responsible for creating "cultural trauma" in Latino/a communities regardless of community members' status as "legal" or "illegal" (25, 29).

Caminero-Santangelo concludes her monograph with an analysis of literature produced by undocumented migrants themselves. Her research is led by the question, "How in sum, do the narrators of life stories who are 'undocumented' make *literature* of their lives?" (194, emphasis in original). Part of my theorization of a "fugitive authorship" is informed by Caminero-Santangelo's *making literature of life*, which is why the cultural production I examine is contextualized as fugitive. Although Caminero-Santangelo's work analyses Latino/a culture, her analysis centers on ethnicity and culture, but the research does not critically analyze race and racialization. *Fugitive Authorships* extends Caminero-Santangelo's conversation by critically thinking about Blackness, Indigeneity, and undocumentedness.[14]

Fugitive Authorships is also invested in the everyday, a framework adapted from Rebecca M. Schreiber's *The Undocumented Everyday: Migrant Lives and the Politics of Visibility* (2018). Schreiber describes "the undocumented everyday" as the "ordinary existence" of life as undocumented in the United States in conjunction to "their indispensability to everyday economies, and their everyday 'counter-conducts'" (15).[15] I introduce the "undocuBlack everyday" to emphasize the racialized experience of Blackness as always already conversant with the everyday of undocumentedness/unlawfulness.[16] Although everyone has a different everyday life, there are shared conditions produced by the racialization and criminalization of Blackness across African and African diasporic communities regardless of legal immigration status.

Routes

> "The need to locate cultural or ethnic roots and then to use the idea of being in touch with them as a means to refigure the cartography of dispersal and exile is perhaps best

[14] A critical examination of race is important for my work because the public may believe that undocumented Black immigrants navigate society unchallenged because their bodies will not be read as "illegal." However, Blackness may not be a signifier of unauthorized presence in the U.S., but Blackness *is* a signifier of criminality (Gilmore 2007, Alexander 2010, Cacho 2012, Moran 2016).

[15] Schreiber's scholarship on "counter-conducts" is rooted in the theorization of Jonathan X. Inda and Julie Dowling (2013) who define "migrant counter-conducts" as "acts or forms of comportment that contest the criminalization and exclusion of the undocumented" (3).

[16] Another concept I find rather useful when thinking of authorship, undocumentedness, and Black life together is Schreiber's (2018) notion of the "counter-document," understood as pieces of cultural production that employ documentary aesthetics to demand social justice for undocumented communities (236). While I do not extend or mobilize Schreiber's "counter-document," *Fugitive Authorships* addresses cultural production by undocuBlack migrants as *neglected documents*. As explained earlier, I categorize their art production as fugitive artifacts that directly speak to the racialized condition of Blackness in the United States.

understood as a simple and direct response to the varieties of racism which have denied the historical character of black experience and the integrity of black cultures."
–Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness*

Fugitive Authorships: Social Contracts and the UndocuBlack Everyday is organized as four discursive chapters that attempt to chart what cultural studies scholar Paul Gilroy names "the cartography of dispersal and exile" experienced by Black communities living in diaspora. In attending to the cultural artifacts of African and African diasporic migrants who have lived as "illegal aliens" in the United States, *Fugitive Authorships* contends that undocuBlack migration is not an ahistorical coincidence, but a transnational condition brought upon by the trans*Atlantic slave trade.[17]

One of my primary commitments in the approach to *Fugitive Authorships* has been to employ everyday language and reduce the usage of academic jargon with the hope that the chapters in this project can serve as materials that migrant justice organizers can read and repurposes for their own community work. I write with a community organizing pedagogy in mind by asking myself: can these chapters serve as case studies that link contemporary migration to the struggle for Black liberation? And can these chapters be taught in political development workshops by community organizers in relation to Black American, American Indian, and undocumented migrant solidarity?

Chapter one, "UndocuBlack Nonperformance in the Modern Memoir," traces the legal experiences of noncitizen subjects in the United States, which include Black Americans, American Indians, and undocumented migrants to understand their conditions as interrelated. Through an engagement with the news story ("Illegal at Princeton"), the biography (*Enrique's Journey*), the memoir (*Undocumented*), and my own life-writing, I interrogate what it may mean to demand a story from an undocumented subject. The chapter ends with an engagement with the legal archives of the antebellum and assimilation eras to draft a theory of nonconsensual performance contracts that Black, Indigenous, and migrants are expected to follow. It is this archival engagement that leads me to an analysis of *undocuBlack nonperformance*, identified as acts that dislocate and unsettle the nonconsensual performance contracts of meritocracy, innocence, patriotism, and "good moral character" that undocuBlack migrants must rehearse and perform.

To extend the framework of *undocuBlack nonperformance,* **chapter two**, "Good Moral Character& Nonconsent in the UndocuBlack Everyday," examines how undocumented migrants utilize visual culture (the poster, photojournalism, live news broadcasting) to perform "good moral character," juxtaposed with the visual art practice of an undocuBlack-Zapotec-Mixtec artist and their practice of nude self-portraiture. In analyzing nude portraiture, the chapter extends an analysis of gender and sexuality to the analytic of undocuBlack nonperformance and alternate citizenship.

Within the realm of gender and sexuality**, chapter three**, "Poetry's Romantic & Patriotic Contracts" examines the relationship that two self-published undocuBlack poets

[17] My activism, art, and this project have taken me to Nicaragua, Mexico, Spain, Senegal, and South Africa. In these five countries, I have forged communities with Black migrants who have no legal status in the country they reside in, except for Senegal, where I have forged friendships with people who have been deported to Senegal from the United States and various countries in Europe. The book version of this dissertation project will examine global Black illegalities and their connections to settler conquest, occupation, and the imagination.

from Kenya and the Dominican Republic have to romantic, platonic, and non-monogamous love. The chapter argues that federal immigration law demands an aestheticized form of love from undocumented migrants that depend on compulsory heterosexuality, monogamy, and patriotism. In exploring poetics, the chapter argues that some undocuBlack writers turn to self-publishing and social media to nonperform patriotism, and what this nonperformance may tell us about racialized, gendered, and queer liberation.

In a turn toward transgender studies, **chapter four,** "*trans*imagination* as UndocuBlack Nonperformance," attends to the articulations, dreams, and teachings that undocuBlack trans* migrants have offered the migrant justice movement. The chapter places my experience as an undocuBlack trans* community organizer in relation to the stories that have been shared with me while visiting detention centers, federal prisons, and in the co-founding of Familia: Trans Queer Liberation Movement and the Black LGBTQIA+ Migrant Project. The chapter ends by analyzing the essays of a Yoruba-Edo undocuBlack trans migrant and examining the radical possibilities of sex, drugs, alcohol, honesty, and reflection.

To honor the theorization of the *trans*imagination*, the **Coda**, "The Afterlife of Illegality," opens with quotes from an undocuBlack trans-Venezuelan migrant living in Madrid, Spain, and her demand to be deported to the future; and a formerly undocumented Black trans artist living in the Dominican Republic who argues that there are undocumented Black women criminalized across continental borders. In thinking with their articulations, I describe my experience of temporary detainment and interrogation in Senegal and what deportation to a future might look like: who might we—as a society—be at the end of illegality and the beginning of sociality?

Chapter 1

The DREAM Act & Black NonPerformance
Performative Narrativity, Plot Development, & Nonconsent

On April 15, 2006, senior special writer of the Wall Street Journal (WSJ), Miriam Jordan, published an exposé titled, "Illegal at Princeton." The title's dark bolded typeface, about six times larger than the rest of the script, stands out as much as the word choice, "Illegal at Princeton." Underneath the title, a long line of text reads, "Dan-el Padilla [Peralta] beat poverty and homelessness to become a star student. He still may have to leave the county." The tagline that decorates the title makes it clear that what is "[i]llegal at Princeton" is not an event, a decision, an action, or an object but a person. Furthermore, the language "beat poverty and homelessness to become a star student" assumes that one cannot be poor, homeless, and a "star student" at the same time.

As readers scan the article, the eye is introduced to a photo of the 21-year-old young man wearing a wrinkled blue and white striped oxford with the first two buttons undone that reveal a white t-shirt underneath, topped by a grey unzipped hoodie. Padilla Peralta stands tall, his head angled to the left and eyes staring to the northwest of the frame, gothic buildings embellish the backdrop that at first sight appear to be the same height as the subject. Finishing the frame, are two trees with pink blossoms that decorate each side of Padilla Peralta's formidable body. The photograph resembles a superhero comic book cover where the hero is larger than life, or a Benny Andrews painting where everyday Black people are depicted as marvelous and important as the backdrops behind them.[18] The interaction between the grandiosity of the subject, the institutional power produced by the building's architecture paired with the photograph's caption—"Dan-el Padilla on Princeton campus"—and the title that labels the photograph's subject as "illegal" while naming him "at Princeton" appear to be in narrative tension with one another. First, the prepositions "at Princeton" (tagline) and "on Princeton" (photograph's caption) name a hyper-presence—a legally admitted presence by Princeton—and yet, the word that carries the narrative forward is "illegal." A more obvious tension may be the reproduction of the photograph that reveals Padilla Peralta's dark Black skin, troubling the notion of what an undocumented immigrant looks like. But that's not all. The fifth sentence reads, "He turned himself in." Jordan's verbiage, Padilla Peralta's photograph, his turning in, and the concept of an undocumented Black student at Princeton University don't make immediate sense. Or at least, this is not the digestible narrative that circulates about undocumented immigrants. These contradictions represent the nonsensical reality of the

[18] See Benny Andrews, *The Long Rows*, 1966, oil on canvas, Smithsonian American Art Museum; *Walking the Dog Blues*, 1998, oil on canvas; and *Morning Song*, 1999, oil on canvas.

undocumented migrant subject in the United States, or in American Historian Mae Ngai's words, the "impossible subject," defined as "a person who cannot be and a problem that cannot be solved" (2004: 5).

The DREAM Act as a National Stage

The timing of Miriam Jordan's WSJ news story is significant. Eleven days before the story is published, the American Dream Act is introduced, a legislative proposal that would open a pathway for Padilla Peralta to adjust his immigration status in the United States.[19] The American Dream Act is the sixth variation of the Development, Relief, and Education for Alien Minors (DREAM) Act.[20] Originally proposed in 2001, the DREAM Act would grant "conditional resident status" to youth of "good moral character" who arrived in the United States preceding their sixteenth birthday, had been in the country for five years before the enactment of the Act, were not admissible or deportable, and could prove status as either a pupil at an institution of higher education or proof of a U.S. high school (or equivalent) degree. The 2006 American Dream Act and the failed DREAM Act of 2001 are both in Padilla Peralta's favor if he narrates his life under the law's requirements.

The requirements demanded by the 2001 DREAM Act introduced to the national imaginary three key undocumented performances: assimilation/patriotism, productivity, and innocence (Nicholls & Fiorito, 2015).[21] These performances midwife very specific cast members (young and innocent), value systems (pro-education, pro-military, and pro-nation), plots (strong work ethic that leads to success and ultimately an achievement of the American dream), and landscapes (the school, the military, and the job force). Through a literary lens, the DREAM Act engineers a "one-act play," which twenty-first-century poetics scholar, Evie Shockley (2017), defines as a play that "is about a million acts, but we'll play like it was just one. [E]ach person has lines to give. [A]nyone who knows it can write the script" (15). Simply put: the DREAM Act produces a single subject known to the nation as a "dreamer" who in exchange for an abstract conditional assignment must follow a script—a performance contract— of youthful innocence, a love for the nation-state that has yet to offer them membership, and a commitment to be a dedicated worker (at school, the military, or the job force). This singular story produces what Walter J. Nicholls and Tara Fiorito identify as the "bounded dreamer," an undocumented youth whose mere narrative voice is bound to the verbiage of whatever version of the DREAM Act is last proposed in their temporal timeline (2015: 86).[22]

Both the 2001 DREAM Act and the American Dream Act of 2006 recognize the impossibility of the undocumented: undocumented migrants are present in the United States but are not recognized as present until legislation selectively authors that presence.

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[19] H.R.5131, 109th Cong. (2005)

[20] S. 1291, 107th Cong. (2001)

[21] Assimilation is precisely where race, racialization, and transgender, nonbinary, and agender experiences trouble the narrative of the DREAM Act.

[22] Undocumented journalist, Jesús A. Rodriguez, explains that "[m]any news outlets have held up Tereza Lee… as 'The Original Dreamer' because of her role in inspiring the original DREAM Act. But today Lee says, 'I've never personally identified myself as a Dreamer. That was a label that was pasted onto me for political purposes.'" In rejecting the notion that Lee is "The Original Dreamer," Lee highlights the bounded conditions of such identity and makes it clear that the "Dreamer" like the "illegal alien" is a politically produced status that cannot speak to the nuanced experiences of undocumented life in the United States ("The Supreme Court Case That Created the 'Dreamer' Narrative").

In this chapter, I argue that both Acts would agree with Mae Ngai's notion that the undocumented are "a problem that can't be solved" since the Acts would offer conditional residency, encoding a precarity that anticipates the future denial/foreclosure of said residency (2004: 5).

Eleven days after the American Dream Act of 2006 is introduced, Dan-el Padilla Peralta, according to Jordan, turns himself in. It is in this action that I ask us to consider the narrative friction between Padilla Peralta's decision and Miriam Jordan's reporting. In "Illegal at Princeton," Padilla Peralta's migration story is briefly outlined: he and his family arrived at the United States from the Dominican Republic with a visa in 1989 and lost legal status in the U.S. six months later. His brother was born shortly after they arrived at the U.S. and when they lost legal immigration status, his father self-deported. Padilla Peralta, his mother, and his brother fell into homelessness and were eventually admitted into a homeless shelter where he met a volunteer who helped Padilla Peralta secure a full scholarship to Collegiate School, an independent school for boys in New York City. Eventually, Padilla Peralta earned admission and enrolled at Princeton University. As a senior at Princeton, Padilla Peralta must decide: 1) leave to the United Kingdom to pursue studies that would trigger a 10-year ban from the United States; 2) stay in the country in the hopes that the American Dream Act of 2006 passes; or 3) "convince the government that 'extraordinary circumstances'… explain why he didn't file a request to change his status earlier" (Jordan).

In the hopes of the latter, journalist Miriam Jordan highlights a 236-page petition to immigration services accompanied by letters of support, school records, SAT scores, and Padilla Peralta's acceptance to Princeton and Oxford. Each signature performs the act of validating Padilla Peralta's existence in the United States by gesturing that each signee can imagine him as part of their community, which should prove his value as an "American." The physical and emotional labor of collecting a 236-page petition paired with letters of support required Padilla Peralta to narrate his entire existence in the law's terms to everyone who has signed and any institution who has also vouched in support of him. Before Padilla Peralta speaks in a courtroom, his narrative is bound to the grammars of the DREAM Act and not to the quotidian realities of undocumented life as a young Black Dominican man.

Jordan's reporting narrates Padilla Peralta's life through the framework of meritocracy, transforming him into a hyper-productive bounded dreamer whose story revolves around his strong work ethic and aspirations to continue to be a laboring body. Every document Padilla Peralta submits to immigration services further obscures the burdens of living as legally undocumented in the country failing to address the legal histories that produce the status of the "illegal alien." An analysis of race, culture, and affect would not only be useful in rallying support for the American Dream Act of 2006, but also serve as a moment in which to build solidarity between Black Americans and Black migrants, mental health practitioners and immigrant communities, and Caribbean Americans with Caribbean migrants.

Because Padilla Peralta's social conditions as a Black subject are not attended to in Jordan's reporting, it becomes clear that the political economy of meritocracy strategically replaces conversations of racial, class, and gender conditions with conversations exclusively regarding productivity and value. The DREAM Act demands that undocumented youth tell a curated story of their exemplary domestic character as the reason to why they should earn membership into the citizenry of the United States in

opposition to other undocumented migrants. This dichotomy not only creates the binary between the good immigrant and the bad immigrant, but it also depends on the "controlled image" of the educated negro versus the uneducated negro (Hills Collins 1999). The DREAM Act offers theoretical and conditional belonging, meaning that no matter how much an undocumented subject performs productivity and value, it is law makers, immigration officials, and judges who ultimately decide who they believe is worth the "conditional residency" that the DREAM Act provides. When theorizing the legal and social realities of undocumented migrants, ethnic studies scholar Lisa Marie Cacho (2012) explains that migrant subjects must continually face "the violence of value," which is a legal narrative that binds undocumented subjects to narratives of capital and criminality (31). Dan-el Padilla Peralta, for example, is valuable because he is a student at Princeton, but in being named an "illegal alien," he is no longer of value.

The DREAM Act, then, is not only legislation; the DREAM Act is a script that breathes, directs, and surveils undocumented youth and the larger undocumented community. The DREAM Act has never passed, indicative of its progressive failure, but each proposal has served as a rehearsal of how dreamers are to render their stories legible. The dreamer cannot go off-script because to do so is to risk being ineligible for conditional residency based on a subject's inability to prove "good moral character," a precarious legal requirement that I flesh out in Chapter 2. For the purposes of this chapter, I want to make clear that the 2001 DREAM Act, although dead, serves as a ghost in the lives of undocumented youth. The Act produced the dreamer, and in doing so, the Act produced a nonconsensual performance contract, one that I argue, journalists and activists try to hold, but that certain undocumented youth, like Dan-el Padilla Peralta, break.

Neoliberal Plot Developers: the DREAM Act and Investigative Journalism

I cannot remember the first time I heard of Dan-el Padilla Peralta but growing up undocumented and Black in the East coast, it was hard not to know about him. There were publicly "out" undocumented activists and community organizers but rarely were any of them Black. There was such a lack of understanding in the immigrant rights movement that for those of us who were Black, we'd often find ourselves explaining to non-Black undocumented migrants that Black undocumented people existed. Within the organizing community, we called ourselves undocuBlack and in my case, I used both undocuBlack and undocuqueer. Padilla Peralta's story didn't end nor start with his Blackness. He was a New Yorker, an Ivy leaguer, and came out as undocumented in the WSJ. Padilla Peralta was the first public dreamer that I or my mother—who was the one to find out about him first— had heard about. He had done everything right under the political ideology of meritocracy—one of the main axes of neoliberalism—that the DREAM Act demanded and still found no refuge within the United States. I was in high school navigating the complexities of undocumentedness and grappling with living inside the conditions of U.S. and Latinx anti-Blackness and Padilla Peralta's story left me in a pensive shock.[23] I knew about the DREAM Act. *How could I not?* Every year of high school produced a worse anxiety attack of "what will I do when I graduate if the DREAM Act keeps failing?" knowing very well that I was already promised to the Italian chain restaurant my parents

[23] When I use "anti-Blackness," I refer to Frederick C. Moten's (2019) poem "15.1," where he defines the term as follows: "We tend / to think / antiblackness/ is the denial of personhood to / black persons; it's / also the imposition /of personhood on / blackness."

had been working in since 1999. If Dan-el Padilla Peralta, a Princeton senior who had attended the same prep school as John F. Kennedy Jr., was not deemed good enough for conditional residency in the nation, then what would be the legal outcome for me? Deportation?

The WSJ exposé was for many of us, undocumented youth, the first print document that depicted our material reality, indexing Mae Ngai's impossible subjectivity. I was young and Padilla Peralta's story was *too much* for me, so I decided to chase alternative narratives that offered me, unfortunately, migrant tragedy and hope. The narrative I sought refuge in was Sonia Nazario's *Enrique's Journey: The Story of a Boy's Dangerous Odyssey to Reunite with his Mother*, published in 2006. I first encountered Nazario's investigative reporting after an Ask Jeeves search on illegal immigration. I was probably in my high school lunch break glued to a library desktop searching for glimpses of undocumented possibility, what we named in the undocumented organizing world as *undocuhope*. It wasn't until my first year of undergrad that I read Nazario's biography cover-to-cover since it was required reading for all entering freshmen. At the time, I was working in the prep station of the same restaurant my parents worked in and would read Nazario until my mother was done with her shift, and we could drive home. I read each chapter multiple times, often thinking to myself: "there's no way that after all the tragedy that Enrique went through in crossing multiple national borders, risking physical disembodiment from traveling via La Bestia, that he'll be denied some form of safety in the U.S." At the time, I was interested in the plot and climax of the biography while never considering who was developing the plot on behalf of Enrique, or what the conditions of possibility of the biography were. On the day that all freshman undergraduates were to gather at the campus' main hall, I woke up early, put on a white oxford and a grey cardigan that was too big for my lanky frame, and walked to campus. We were going to hear from Nazario herself.

The lecture hall was crowded, and my hands were sweaty. None of my undergraduate classmates or professors knew about my status except for the international student admission counselor whom I exchanged extensive emails with before enrollment. I planned to "out" myself in the question-and-answer portion of Nazario's lecture or ask for a minute with the journalist. Halfway through the lecture, everything changed. I felt the change in my lower abdomen, almost as if I were reliving the time a grade school friend, Luis, punched me in the stomach after I teased him one too many times. I felt this pain as Nazario explained that a journalist's responsibility is to not interfere with what the journalist is reporting. "Fair," one would think. She then shared that there was a moment when Enrique was in search of a phone and money to call his mother to let her know that he was alive. Nazario had a cellphone in her purse that she could have allowed Enrique to use and actively chose not to because if she did, she claimed that she would not be able to accurately tell the story of what migrant children experience and endure through their unauthorized border crossing. Almost as if to make up for her inaction, she proceeded to tell audience members that she did interfere when a different youth was at risk of sexual violence.

When I first read *Enrique's Journey,* I fell into the trap of the modern drama, forgetting that Enrique was not just a character but an enfleshed human being. The gag is, I crossed a border too, alone, at five years old, and with nothing to my name except the pair of blue overalls I was wearing and a phone number in my pocket. The somatic reaction I experienced in my gut as Nazario spoke was responding to the fact that I had

never considered the role of narration, plot development, or ethics as they relate to migrant storytelling.

A few years after I witnessed Nazario's lecture, assistant editor of the *Columbia Journalism Review* (CJR), Alexis Sobel Fitts, and CJR intern Nicola Pring, printed a short polemic titled "Are we journalists first?" in the 2014 July/August issue. Sobel Fitts and Pring's polemic begins by recounting a 1997 front-page feature, "Orphans of Addiction" in the *Los Angeles Times* by Sonia Nazario. In "Orphans of Addiction", Nazario publishes a photograph of Tamika Triggs, a 3-year-old, whose teeth are being brushed with her HIV-positive mother's toothbrush. The photograph exposed questions about the position of journalism and its commitment to the story first or the safety of the subject first. By analyzing Nazario's ethical choice to not only include the photograph but not intervene, Sobel Fitts and Pring map the landscape of journalism as a profession that must always re-evaluate its relationships to ethics. The co-authors cite Nazario to explain that the ideology that a "reporter cannot intervene or change a story" was "beaten" into her early in her journalism career (37). Here, neoliberal education naturalizes an ethic around freedom as a dogma of "a life in which individuals are free from coercion and act according to their life plans without external coercion from others" (Pinzani 2019: 140).[24] An idea that supports the individual reason of neoliberalism around meritocracy, which contrasts with the collective sense of the undocumented experience in the United States. Sobel Fitts and Pring note that nine years later, when *Enrique's Journey* is published, Nazario develops a more nuanced critique of a journalist's responsibility and quotes her describing her process as one that looks for and engages in action/intervention when she recognizes "imminent danger" (40). Here, Sobel Fitts and Pring quote what I witnessed Nazario speak on a few years prior, "I've got a cellphone in my purse the whole time. But I don't offer it to him [Enrique], because I felt that would change the course of his story" (40). While Nazario thinks she remained neutral, not offering the phone was a decision that did change the course of Enrique's story. Had Nazario offered the phone, she could have reported her action, admitted intervention, and then explained why a phone call didn't change the conditions of Enrique's migration but it did change the conditions of a mother maybe thinking her child had died. In not offering the phone, Nazario quietly plotted a story of Enrique's struggle to contact his mother.

Nazario's choice to publish a photograph of Tamika Triggs and not intervene in the cross-contamination risk factor and the journalist's decision to not offer Enrique her cellphone to make a call bring me to the phrase *impossible story*. If, following Mae Ngai, an "impossible subject" is "a person who cannot be and a problem that cannot be solved," I assert that an *impossible story* is a replotting and re-narrating of an impossible subject's life so that the subjectivity of the person can be made *possible* to an audience who may otherwise dismiss the story and the subject as fictitious and fantastical. Triggs' impossible subjectivity exists in the fact that she's a girl born in an anti-Black world whose risk of HIV exposure—due to being raised by an HIV-positive parent—should not exist due to medical advancements yet the risk exists on a day-to-day basis. Enrique and Padilla Peralta's impossible subjectivity exists in that they're physically present in the United States but legally non-existing. These are the material realities of Triggs, Enrique, and

[24] Translated by me from the Spanish: "una vida en la cual los individuos son libres de coacción y actúan de acuerdo con sus planes de vida sin coerción externa de otros." Original text appears in ""Neoliberalismo como doctrina ética."(2019) by Alessanfro Pinzani.

Padilla Peralta and when a surrogate storyteller is employed to tell their stories on their behalf, political nuance may be removed. An impossible story is therefore manipulation of subjectivity, one where Eduard Glissant's (1928) "opacity" is overridden. For Glissant, a subject's "right to opacity" must be fought for because opacity exceeds the realm of categories and difference in the same way that the impossibility of Triggs, Enrique, and Padilla Peralta's material conditions are outside the realms of the Nazario's world: anti-Blackness, xenophobia, and the settler-colonial structures that create the conditions of possibility for both United States and federal immigration law to exist. In writing on behalf of impossible subjects, opacity is failed to be defended even in the case of Enrique who is given an alias for protection purposes. So, I ask: Who gets to tell an impossible story, and for whom is the story? For the subjects it speaks for, or for the audience of the person telling the story on behalf of the subject?

I didn't know what to do. I approached Nazario despite my somatic response and shared that I was undocumented. She asked if I was a dreamer and I nodded. She smiled and told me that she was hopeful that something would happen soon, and the rest was anticlimactic. I'm not sure why I was eager to come out to her. I was already out publicly. At the time, there was a video of me testifying at the Massachusetts State House outing myself as undocumented, and an article in *The Boston Globe* that didn't use my last name, but enough information to identify me (first name, age, city, name of my alma mater high school, and country of birth). It wasn't until recently that I made the connection: living in the conditions of undocumentedness can feel inundating and having an active witness can provide temporal relief. I wonder if Enrique, while he was migrating from Honduras to the United States, felt safer with Nazario there to report. Perhaps Enrique was an intuitive person and knew Nazario was using him and so he decided to use her for protection, to reduce his isolation, or maybe because her presence gave him hope. I lean on these thoughts in search of more and I also understand that my thoughts are rooted in my desires as a formerly undocumented subject. Nevertheless, the possibility that Nazario helped to make Enrique's crossing more bearable is still a possibility I do not want to dismiss. Perhaps Nazario shared stories with Enrique as in exchange to tell his. Stories are a form of mutual aid, and so, I try to read with generosity.

When Miriam Jordan's exposé on Dan-el Padilla Peralta was published, what I found most compelling was the fifth line of the article, "He turned himself in." It was the transgression that did *it* for me. The action of turning oneself in illuminates the notion that the subject who is doing the turning in is a subject filled with agency and control not only of their voice—since the subject must speak to turn themselves in—but also, the subject's body. To turn oneself in might be misread as admitting to one's criminality, but I argue that this is not the case for Padilla Peralta: turning himself in is an insistence on presence, fragmenting the narrative that undocumentedness is an impossible experience. Even though journalist Miriam Jordan is the author of the WSJ article, it is Padilla Peralta who framed the narrative for Jordan and thus, I insist that we think of the sentence "He turned himself in," as a transgressive narrative move employed by Padilla Peralta to position himself as the plot-developer of his own im/possibility. Turning himself in broke the contract of the DREAM Act, dislocating the law's authority to author migrant subjectivities. Padilla Peralta authored his possibility and in so gestured something along the lines of: *arrest me, deport me, or grant me some kind of legal status; I'm the one that made the move here, and once the law makes or fails to make a move on my predicament, I'll make another move.*

Undocumented Plot-Developers

Ten years after he "turned himself in," Dan-el Padilla Peralta authors his own story in the shape of a memoir: *Undocumented: A Dominican Boy's Odyssey from a Homeless Shelter to the Ivy League* (2016).[25] Padilla Peralta sets the stage of his story with a prologue stating: "Complexity is daunting, and, to paraphrase T.S. Eliot's Prufrock, it can be impossible to say just what you mean. But I would rather run after the impossible than live as a string of labels: undocumented, hoodrat, Dominican, classicist. I am all of those things; no one or two of them define me" (5). While the title of his memoir is one word, "Undocumented," the cover of the memoir is a black-and-white photograph of a young Padilla Peralta's right profile sitting on a leather and metal chair. Padilla Peralta wears a white t-shirt and shorts that highlight his dark melanated skin, he does not look into the camera but pierces to what is in front of him, maybe searching for an elsewhere.[26] One does not know where the photograph is from until readers get to chapter 3, as the photograph is re-reproduced and captioned, "Dan-el, age nine, Bushwick Family Shelter, Brooklyn, spring 1994" (50). With this added information, readers are permitted to imagine the crying babies or running toddlers that populate the rooms and halls of Bushwick Family Shelter. Or the smell of the cleaning products the state of New York has ordered all shelters to use as well as the smell of the 12 stacked boxes that make up the left margin of the photograph. The sensory details that I describe prove that Padilla Peralta is present in the United States, challenging the notion that a subject can be illegal. The photograph symbolizes an excess of documents, challenging the idea of undocumentedness and forging the question: if the undocumented have documents, what is the larger plot and purpose of illegality? From the front cover, readers understand that this memoir is not just about an undocumented person: the subject is young, Black, serious, and both his hands grip a hardcover chapter book open. Padilla Peralta is not "illegal" as Miriam's reporting immediately labels him; Padilla Peralta is a young person who is being photographed and knows that the aperture of the camera is attempting to capture him, waiting for his head to move and offer itself onto the specter. He does not. Perhaps, this memoir is about undocumented Black refusal. We don't know, but from the prologue, this memoir is about "running after the impossible," which might very well mean sitting still (5).

In the epilogue, Padilla Peralta explains, "The experience of coming out as undocumented during my senior year of college set me on the path to developing a more versatile and richly textured idea of myself—in large part by forcing me to confront the stories that could and would be told about me if I did not take charge of their telling" (294). He knew that an impossible story would be told about him and on his behalf. Readers should wonder if he knew this all along if that's the reason why he withheld such an important secret from most of his college friends and all his college lovers until his

[25] Penguin Books, Padilla Peralta's publisher is an imprint of Penguin Random House LLC, which merged with Random House Inc in 2014, responsible for printing Sonia Nazario's *Enrique's Journey: The Story of a Boy's Dangerous Odyssey to Reunite with his Mother* (2006).

[26] Here I invoke Nadia Ellis' (2015) notion that Black diasporic embodiment is about more than understanding one's racial conditions, it is about the ability to be in "the urgent sensation of a pull from elsewhere" (2). That pull, I believe, is a pull towards a radical imagination, an alternative future, and maybe even a future-in-the-present that has yet to be identified.

final year at Princeton. To the rest of the world, he came out via Miriam Jordan's WSJ profile. In the memoir, he explains that he wasn't "optimistic about the capacity for [his] story to make a meaningful difference" in the public debate supporting the DREAM Act or immigrant communities (237). He also recognizes that the profile might give his story the authorization to make a case for himself in an immigration courtroom, or the profile might target him and his mother, leading to an order of removal, creating precedence for other undocumented peoples (237-8). After consent and blessings from his mother, he speaks to Jordan and gives the journalist the green light to highlight his legal predicament.

In "Illegal at Princeton," Miriam Jordan sets the foundation for what will become Padilla Peralta's book proposal to *Undocumented*. The memoir is set in three parts: Childhood [ages 3-12], Boyhood [Ages 12- high school graduation], and Youth [Princeton-Oxford]. Like Jordan's story, Padilla Peralta's memoir has three acts: homelessness, undocumentedness, and his passion for the classics which is what leads him to Collegiate School, Princeton University, and Oxford. And there is a fourth act that is and is not an act: nonperformance. In Jordan's exposé, Padilla Peralta "turned himself in," and although Jordan is the author of the piece, this is the moment where Padilla Peralta plots his narrative. Padilla Peralta uses the WSJ as a national stage on which to perform, re-perform, and nonperform. Citizenship is a contract between a nation-state and its subjects. Padilla Peralta is not bound to this contract because he is "illegal" and in turning himself in, Padilla Peralta makes a loud claim to both the inconsistencies of citizenship and, the expectations the nation-state has about the Black subject—that the subject is a criminal and therefore, not a fit citizen. In that one action, "He turned himself in," Padilla Peralta creates a narrative rupture to the expected performance of youthful allegiance to the nation-state as outlined in the introduction to this chapter.

He knew. From the moment Jordan reached out to him, Padilla Peralta knew that the journalist as an intermediator to his narrative could continue telling his story and potentially speak for him. "Illegal at Princeton" left out the hoodrat and in a sense the Dominican that Padilla Peralta frontloads in his memoir. His country of birth was mentioned by Jordan but there was no uplifting of his culture or how his Dominicanidad informs his undocumented life in the United States. As a storyteller, Miriam Jordan must find a plot in which to tell Padilla Peralta's story, one that also reaches the conservative readership of the WSJ. Jordan's plot is that as a senior at Princeton, Padilla Peralta's entire livelihood in the U.S. is at daily risk because of an overstayed visa at the age of four, an action he could not have known of or changed himself. His experience at a homeless shelter is highlighted both to outline an undocumented experience and perhaps to cause reader sympathy. And potential scenarios of how federal immigration representatives can help Padilla Peralta are outlined at the closing of the article. There is a beginning (time of arrival), middle (homeless shelter, Collegiate School, Princeton), and an end (either immigration helps Padilla Peralta shift his status, or Padilla Peralta leaves). In a sense, the reader is given permission to decide how they want Padilla Peralta's story to end, but Padilla Peralta refuses that permission by turning himself in, which serves as a loud claim to his voice: Padilla Peralta demands a hearing, an audience, and a final decision. In this demand, his commitment to no longer live in, nor accept the conditions of illegality becomes obvious, and therefore, outside the performance contract of the DREAM Act.

In "Can the Undocumented Speak? Undocumented Immigrants and Self-Representation," (2020) Maria José Camelo argues that the undocumented "must seek

protection in nonexistence" and though they "match the subaltern position theorized by Gayatri Spivak," there are transgressive spaces when the undocumented merge narrative and visual culture to carve out "a position between subalternity and citizenship from which they can indeed speak" (2, 6, 16). In "Illegal at Princeton," Miriam Jordan's inclusion of Padilla Peralta's photograph at/on the Princeton campus and his childhood photograph at the Bushwick Family Shelter activate Camelo's claim of undocumented speech. Therefore, I resist critiquing Miriam Jordan and instead focus on the narrative moves of her piece. Jordan's article wasn't speaking for Padilla Peralta in the same way that Sonia Nazario was narrating for Enrique. Part of this, I speculate, is because in *Undocumented* (2016), Padilla Peralta narrates Jordan's excitement about his consent to work on the story and when she asks about interviewing his friends, Padilla Peralta explains that none of them know about his undocumented status (239). Jordan asks, "Would you be ready to tell them now?" to which Padilla Peralta agrees and, in the memoir, comments, "Better from my lips than from a reporter's" (239). This side comment indexes Padilla Peralta's knowledge that he can tell a more accurate and nuanced story than the journalist and so the WSJ exposé is more a collaboration than an appropriative retelling.

Collaborations don't replace ethics or results; collaborations require intimate methods of relation. Sonia Nazario traveled with Enrique, and she sometimes traveled alone to places Enrique had passed through. Both are collaborators because Enrique needs to tell Nazario what to do and where to go for the journalist to have an accurate understanding of what he has been through to report on his journey. Ultimately, Enrique's biography is authored by a journalist. The act of naming oneself as the author is claiming oneself as the sole proprietor of the work. The collaboration ends before publication. Nazario becomes the plot developer, storyteller, and fact assembler. I do not know if Padilla Peralta read *Enrique's Journey* as soon as it came out, in the ten years between his WSJ exposé and the release of his memoir, or if he has yet to read it. I'll speculate that Padilla Peralta did read *Enrique's Journey* and that at that moment, decided that if he did not write his own story, something about him would be written without his consultation. Ironically, that is what this chapter does, which bears the question: am I re-narrating Padilla Peralta's work? Perhaps, this is the double bind of representation.

Citizenship as a Plot of Settler-Futures

In "Unsettling Immigration Laws: Settler Colonialism and the U.S. Immigration Legal System," Monika Batra Kashyap (2020) argues that the contemporary U.S. immigration system is at "the heart of the settler colonialism project" because immigration law "is an extension of settler-established laws designed to control and protect illegally acquired settler-colonial lands from 'unruly' outsiders" (554, 565). The "unruly" that Batra Kashyap's argument centers on is the Muslim man, but for Padilla Peralta's memoir, I look at racialized Blackness as that which is "unruly."[27] In thinking of all Black subjects— in relation to settler laws— in the United States as potentially "unruly," it is easier to negate the assumed separation between Black Americans and Black migrants. Black Americans were assigned U.S. citizenship in 1868 through the 14th amendment. In 2016,

[27] In the article, Batra Kashyap (2020) looks at President Donald Trump's series of "Muslim bands" and historicizes them to the 1522 Muslim ban against Muslim slaves (565).

60 groups associated with Black Lives Matter came together to craft a list of demands from within the movement, the first reading, "End the war on Black people" (NBC News 2016).[28] If Black Americans were truly imagined as citizens with whom the nation wants to be in communion, there would be no "war on Black people." Here, I echo Christina Sharpe's (2016) argument that the global circuit of anti-Black violence has created the condition of living in "the no-space that the law is not bound to respect" and "to live in no citizenship" (16). If the Black condition in a settler-nation is "to live in no citizenship," then Padilla Peralta's memoir must be placed in conversation with both Black studies and Native studies, fields to whom questions of citizenship and settler colonialism have been at the core of their disciplines.

The 2001 DREAM Act—as mentioned earlier—demands bodily performances from undocumented youth that prove they are *civilized* enough to enter a conditional integration into U.S. society. Performances of nationalism and domesticity have been central to democratic legitimacy. Laws are performance contracts between nation-states and the subjects the nation recognizes as part of the national community. However, the law is also in a nonconsensual contract with subjects physically inside the nation but outside the protection of the nation. To understand the structures of citizenship, we must consider the historical and legal realities of American Indians in what is now known as the "United States," and the realities of Black subjects whose are descendants of enslaved people in the Americas and the Caribbean

On March 3, 1819, the Fifteenth Congress of the United States approved "An act making provision for the civilization of the Indian tribes adjoining the frontier settlements," which became known as the Civilization Fund Act (15th Congress. Sess II. Ch 85. 1819). The language of the Act insisted that the nation:

> employ capable persons of good moral character, to instruct them ["Indian tribes"] in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined, according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties.

The language of the Civilization Fund Act paired with the status of American Indians who were members of "domestic dependent nations" as "wards" enabled the American Indian boarding school system envisioned by Civil War Lieutenant Richard Henry Pratt in 1879 as the Carlisle Indian School. According to him, the mission of the boarding school (and the assimilation era at large) was to "kill the Indian, save the man" (Pratt, "The Advantages of Mingling Indians with Whites," 1892).[29] This ideology's end goal was the elimination of Indigenous culture and the Indigenous subject.

There are clear links between the American Indian Boarding school and the DREAM Act. For example, in the poem "What They Don't Tell You When You Migrate" (2016), formerly undocumented Kichwa Kañari poet, Sonia Guiñansaca writes:

> In those 20 years you've been asked to hide your accent
> *Sew your tongue*

[28] See Lee, Trymaine. "Black Lives Matter Releases Policy Agenda." NBC News: August 1, 2016.
[29] Also See Pratt, Richard H. *Battlefield and Classroom: Four Decades with the American Indian, 1867-1904*. New Haven: Yale University Press, 1964. Print.

So that no more rrr's role out
Straighten up
So that white Jesus accepts you
So that lawyers help you
Dig out the roots out of your home from underneath your nails
Cut your trenza

Pledge allegiance to the flag
And when you will not
Each thread will cut through every inch of you
To teach you
Your kind was not meant for this country (emphasis in original)

The "you" in the poem is directed at both the poet and other Indigenous youth in the United States who have been subjected to undocumented life and have been promised an abstract form of hope through the DREAM Act. Guiñansaca expresses that when the undocumented subject fails to perform within the non-consensual contract of the education system (hiding their accent, acting straight, pledging allegiance to the flag, and cutting their braid), the undocumented subject experiences internal cuts throughout their body as reminders that they are "not meant for this country." As an Indigenous poet from what is now known as "Ecuador," Guiñansaca's experiences of undocumentedness in the K-12 U.S. education system are in relation to the experiences of Indigenous youth during the assimilation era and in the afterlife of the American Indian boarding school.

I draw from Sonia Guiñansaca's work because their poem helps scholars link the DREAM Act to a legacy of settler colonial laws in the United States and the poem also brings me to ask*:* will U.S. citizenship or legal permanent residency protect Guiñansaca and other Indigenous migrant (and in Guiñansaca's case, queer and trans) youth from the violence the poem names? According to the law, Black Americans and American Indians have papers, U.S. citizenship. Some might even have tribal citizenship, which is to say, a surplus of papers. In "White Supremacy, Settler Colonialism, and the Two Citizenships of the Fourteenth Amendment" (2020), Stephen Kantrowitz argues that the Civil War era created an "aspirational struggle for equal rights and a shared, nonracial national belonging" for African Americans while at the same time, the conversation of citizenship "[a]t its core lay the federal government's effort to make citizens of Native Americans in order to acquire their land… Either way, their cultural and territorial disappearance was essential to the future of the US settler state" (30-1). In the case of Guiñansaca, their condition as both Indigenous to the Americas and subjected to undocumentedness supports Patrick Wolfe's (2004) claim that "invasion is a structure not an event" (284). If settler colonialism were an event, Guiñansaca would not have been forced to leave what is not known as Ecuador and migrate to the United States to secure their livelihood.

The material reality of "papers," as a tool of settler colonialism is essential to Native and Black studies precisely because the need for papers does not start with the figure of the contemporary migrant. Legal studies scholar, Leti Volpp (2015) argues that the governmental assigned status of wardship transformed "indigenous persons into aliens" in their own land (300). Although Indigenous peoples had an excess of treaties (papers) that proved they belonged to their lands, documentation did not assure their futures. As far as literary studies, fugitive slave narratives highlight the fact that protection papers

were important not only to prove that Black subjects in non-slaving nations were "free" but also in aiding enslaved Black people in their escapes.[30] It is for this reason that law and literature scholar, Beth H. Piatote (2013) argues that "the illegal alien replaced the domestic subject and that some form of impossible subjectivity has been a feature of U.S. citizenship from the origins of the nation" (9). While "the illegal alien replaced the domestic subject," I argue that the there is an interrelated struggle shared amongst Black Americans, American Indians, and undocumented immigrants living inside the United States and its unincorporated territories.

In Padilla Peralta's *Undocumented* (2016), the trope of papers is clear. In the first chapter of the memoir, Padilla Peralta overhears his parents argue about their life in the United States. In this argument, his father explains to his mother that in the Dominican Republic, he was both respected and a man with a college degree and states, "We have to head back. We don't have a future here. We don't have *papeles*" (16, italics in the original). In binding papers with a future, it is important to remind ourselves that they are a Black family and that under a settler colonial nation, the only future allowed is a settler future. Although their material realities may improve if they acquire legal immigration status, there is no possible way in which to guarantee their future. This is the problem with papers: a lack of papers creates catastrophic material conditions but having papers and moving through the U.S. as a Black subject may also lead to catastrophe.

I think of papers and settler colonialism together because "to consider national citizenship from the standpoint of Indian Country—the territory of Native nations— is to encounter it anew, and in far less hopeful terms" (Kantrowitz 2020: 31). The settler-nation is organized by the assignment of documents. A few years after overhearing his parents' conversation, Padilla Peralta confesses: "I didn't fully understand what papers were, but I decided we had to get them" (2016: 85). This desire for papers is a response to settler colonialism: the structures of the U.S. empire require the materiality of papers without offering the protection or futurity that papers supposedly provide those who hold them. A trap.

In her discussion of boarding schools, Piatote (2013) explains that "Indian occupation is linked to citizenship through performance. The boarding school played a central role in establishing the performance of labor and the performance of patriotism as key indices of American citizenship" (109). The Civilization Fund Act outlined most of the performance of civility that boarding schools demanded of Indigenous youth: a mastery of agriculture, reading, writing, arithmetic, and anything else that the person of "good moral character" who was employed to civilize the Indigenous subject thought was an important marker of civility. The 2001 Federal DREAM Act, I argue, is informed by previous laws of domination that include the American Indian Boarding School, which in effect targets youth and demands them to perform domestication and national submission through pupilage; agree to the narrative that their precarious predicament is their parent's fault; and forces undocumented youth to bind themselves to labor productivity, which is supposed to represent a patriotic commitment to the nation-state.

[30] See Olaudah Equiano's *The Interesting Life of Olauudah Equiano, or Gustavus Vassa, the African Written by Himself* (1789) for an understanding of freedom papers from the position of Europe and the Caribbean; and Frederick Douglass' *My Bondage and My Freedom* (1855) and Sojourner Truth's *The Narrative of Sojourner Truth* (1850) for an understanding of papers from the position of non-slaving nations in the United States and what those papers meant to slaving-nations in the United States and to the subjects who possessed them.

Piatote (2013) offers the term, "[t]he performative taxonomy of citizenship" defined as one that "recognizes the construction of citizenship as a set of dynamic categories that are measured against the normalizing gaze of the state. The performative aspect identifies the bodily submissions that are required in the movement from subject to citizen, while at the same time affirming the multivalent meanings made possible through performance" (112). If citizenship demands submission, citizenship demands ownership of the citizen subject's body. In thinking of citizenship and corporality, Stephen Kantrowitz's (2020) argues (following the scholarship of Patrick Wolff) that "[v]iewed through the lens of a settler-colonial analysis, laws of citizenship were, like laws of racial descent, technologies of Native disappearance" (31). Knowing this, we should ask: what happens when the subjects the law attempts to eliminate do not disappear? And if the subject is not disappeared, what performances are demanded from that subject to step closer to their disappearance?

On June 2, 1924, President Calvin Coolidge signed into law the American Indian Citizenship Act that assigned U.S. citizenship to Indigenous peoples in the United States but did not assure voting rights to all (HR 6355, 68TH Congress). In that same month, the Immigration Act of 1924 (also known as The Johnson-Reed Act) limited the number of foreign entries to the U.S., which again, gestures toward the relationship between Indigenous peoples in the U.S. and migrant subjectivities. Less than one hundred years have passed since Indigenous communities have been considered citizens of the nation-state and that citizenship continues to remain abstract, which is indicative of Indigenous-led protests at Standing Rock and Mauna Kea amongst many actions across Canada and the U.S. asking for answers on the missing and murdered Indigenous women and girls' crises. In December of 2014, for example, Arizona Republican Congressman Paul Gosar claimed American Indians to be "wards of the federal government" in a public meeting held in Flagstaff, Arizona (Indian Country Today). In claiming that the American Indian subject is still a "ward" of the state, Congressman Gosar suggests that states still have sovereign power over the American Indian subject despite their assignment as U.S. citizens. Piatote (2013) argues that citizenship legal codes gave way to "disciplinary paternalism" (135), which resembles the relationship that the state has with dreamers—the state assigns citizenship to American Indians at the expense of further accumulating land and the state proposes to dreamers a conditional residency at the expense of their assured allegiance to the United States, which is simply an alignment to the empire.

During Dan-el Padilla Peralta's senior year at Princeton University, a listserv with the Black Men's Awareness Group on campus circulates an email where Padilla Peralta encounters the first moment where he thinks of his undocumentedness alongside his racialization (2016: 240). A poster of California-state bills supporting in-state tuition for undocumented students is shared and listserv members begin to comment on the poster. Padilla Peralta encounters a comment that reads, "ILLEGAL immigrants getting these benefits? They're a drain on our country's resources… So they take jobs from hard-working Americans, they free-ride on benefits that good citizen Americans pay for with their taxes…" (241). Padilla Peralta notes that the student who wrote the comment is a first-generation, Black Caribbean migrant and that the rhetoric his colleague employs is parallel to the rhetoric that non-Black people in the United States weaponize against Black communities. This interaction also highlights the misrecognition that exists within Black documented migrants and undocumented Black migrants. Both subjects are Black but the "legal" recognition one has by the law is weaponized as if the law protected and was

actively invested in securing Black futures. Padilla Peralta continues, "How deaf are you if you can't hear the whispers of 'Nigger nigger nigger!' in the background" (ibid)? Here, Padilla Peralta identifies a connection between Black communities (regardless of immigration or citizenship status) and undocumented migrants (regardless of race) in the United States: both are targets of what he calls "niggerizing discourse" (ibid), which is informed by the plantation state where the Black subject is property, and therefore, ineligible for citizenship despite how much labor the enslaved subject performs for plantation owners and their benefactors. Padilla Peralta's experience with the commentary shared through the Black Men's Awareness Group listserv demands that migration studies scholars further think about the connection between property and citizenship. In the constitution, the citizen must be a property owner. At the time of its creation, both Black subjects and some Indigenous subjects were understood as property. At the moment, the undocumented migrant does not have any claims to legality, recognition, or ownership (of work permits, licenses, homes, etc.) but what Padilla Peralta does own is his story. Embodied stories by "impossible subjects" slip past the violence of value around the three key undocumented performances tied to an ideal neoliberal individuality. By giving place to shared experiences between undocumented people around the community and ethics in relation to love and dreaming, stories as mutual aid stand for *undocuhope* beyond the state's continuous attempt of capturing it through the desire for citizenship.

Stories may offer radical epistemological changes amongst migrant communities and introduce cosmologies of kinship and belonging that fracture the narrative that nation-states necessitate for the nation to be held together as a governing structure. It is necessary to think of Padilla Peralta's act of memoir-ing as that which trespasses national stories that U.S. citizens are asked to hold and retell in exchange for their citizenship—national stories that articulate the technologies of disappearance that accompanies the citizenship legalization process when done especially by Black, Indigenous, and undocumented people. Thus, memoir-ing is a productive way in which to break the doctrine of impossible subjectivities.

Unsettled Futures: Undocumented NonPerformance and Dreaming

For Dan-el Padilla Peralta (2016), undocumented life brought upon him "nightmares of powerlessness," because he understood that every action he took would be surveilled and that one wrong move could terminate any chance to enter the shift from "illegal alien" to "conditional resident" (203). *Undocumented* is a memoir about state discipline. The 2001 Federal DREAM Act demanded that Padilla Peralta excel at school and as a teenager, he thought: "Not having *papeles* wouldn't mean a thing by the time I became an adult: who could turn me down with a Princeton B.A.?" (173, emphasis in the original). Padilla Peralta's question illuminates the notion that the DREAM Act dictates how Padilla Peralta can literally dream. His dreams end at conditional residency, but what would happen to him after he got papers (both the Princeton B.A. and some type of legal residency)? How would those papers protect Padilla Peralta from what Beth H. Piatote names as "disciplinary paternalism," and the carceral state that identifies Black subjects as always already criminal? Because Padilla Peralta had to "turn himself in," it is clear that carceral logic is linked to citizenship and as long as the legal citizen exists, so will the prison industrial complex. To be clear, the opposite of the U.S. citizen is not the undocumented

subject, the opposite of the U.S. citizen is the criminal subject who questions the settler-nation or puts the future of the settler-nation at risk.

In, "Do 'Undocumented Aliens' Dream of Neoliberal Sheep?: Conditional DREAMing and Decolonial Imaginaries" (2018), Anne Ríos-Rojas and Mark Stern argue that "[d]reams are both immigrants' domain and methodology: a way of being and a means of doing" (93). They continue:

> Dreaming matters, in ways both material and immaterial. And the urgency of how dreams matter and what is at stake in the act of dreaming is being acutely felt within a moment in which neoliberalism, as the present manifestation of colonialist legacies of white supremacy and racial capitalism, reaches its long arm into imaginations, molding visions for what counts as freedom, justice, and human life (93).

What we—migrants—strive for, is both a combination of how we dreamt pre-migration and how the laws of the country we migrated to have told us we are allowed to dream. This is to say, those who write the law don't only author social norms and mandated performances, they also attempt to author who can be dreamt into existing. "Dreaming is a node of contemporary governmentality" Ríos-Rojas and Stern argue and that's why migration scholarship must attend to undocumented cultural producers and ask: What does the cultural production of undocumented migrants dream and/or imagine?

To have been undocumented in the United States is to understand the mundane ways in which legal codes attack migrant imaginaries. A potential danger in reading Padilla Peralta's memoir is that the eye may be reading for an impossible story, and not for how Padilla Peralta leans in, critiques, illuminates, accepts, or refuses his impossible subjectivity to experiment with alternative ways of being in his body and the world around him. Reading for these moments continues to be difficult because the moments occur fragmented and sometimes, the temporality of the moment is just that: a second, a sentence, or a verb. For example: what may have been compelling to Penguin Books during the acquisition of the memoir is Padilla Peralta's commitment to education, a demand from both the DREAM Act and DREAM allies, but what if what kept Padilla Peralta hopeful for a future otherwise was the pleasures he found in thinking with, through and against the classics? An example is the fall of his high school junior year when Padilla Peralta enrolls in a seminar titled, "Death of Socrates," and based on his narration —particularly his verb choices—it is obvious that the class serves as a site of both pleasure and contestation. In the class, he realizes how much literature has shaped how he relates to (and understands) his faith and ideas about community and ethics (he credits Elie Wiesel and Socrates) (145). Or his deep respect for accurately translating literary texts (134). As an undocumented subject, thinking about faith, community and ethics is unproductive because those meditations do not advance the capitalist, settler-state. Consequently, it is in the unproductiveness of reading and grappling with literature that a young Padilla Peralta experiments and insists on life outside the horrid conditions of undocumentedness. Another experiment in life that the memoir makes clear is his pursuit of love. As someone unauthorized in the country, to insist on love is to self-authorize community, intimacy, pleasure, and an erotic life, material experiences that the law

cannot provide.[31] These are the quotidian transgressions that become clear when engaging with literature written by those who have lived undocumented lives. This is not to say that undocumented cultural producers should be theorized or treated as informants. Instead, researchers must recognize that undocumented cultural producers are artists who happen to be undocumented and that they have their desires, critiques, and experiences that they might pull from and incorporate into their work.

Padilla Peralta's experiments in life and the re-rendering of those moments through the act of memoir-ing may be theorized as what Fred Moten (2003) names "improvisation" (13-14). For Moten, "Black performance has always been the ongoing improvisation of a kind of lyricism of the surplus—invagination, rupture, collision, augmentation" (26). Improvisation as a quality of Black performance, then, is a direct challenge to legal codes that strictly outline how one is to perform. For African diasporic people who are descendants of enslaved subjects in the United States and the Americas at large, the social contract of citizenship has always been a non-consensual one, and consequently, improvisation speaks to the social life of nonconsent. For Padilla Peralta, both a descendant of enslaved peoples and an "illegalized"[32] (Wayah, 2016) person in the United States, the principal moments of improvisation in *Undocumented* (2016) appear when he takes the "lead in planning" a theft at Tower Records and when he decides to leave the country and no longer be subjugated to undocumented life (151, 256). In the robbery chapter, Padilla Peralta rebukes the idea that he needs to be a good and productive citizen. He stages criminality for his audience almost as if wanting to give us reasons to think that he is not worth the papers he's been trying to acquire. It is in this quiet authorial transgression that the writer negotiates the aestheticized and fantastical narrative of the innocent dreamer whose parents are to blame for their unauthorized presence in the United States. Through the narration of events, Padilla Peralta reassures readers that the robbery was both his idea and fully planned under his leadership. By including this chapter in the memoir, Padilla Peralta restages not only the controlled criminal narrative of the "illegal alien," but also the plot of the Black man as criminal. In this, I wonder if Padilla Peralta's intentions are for readers to interrogate their internalized notions of illegality and Blackness. Regardless, the objective may not matter because what the section activates is a moment of refusal, or what cultural anthropologists, Elizabeth Hann Rubio and Xitlali Alvarez Almendariz (2019) call "an emergent immigrant politics of unrecognition. This is a politic that asks: if inclusion is not the end goal for immigrant justice work, then what is? In turning away from recognition, notions of merit, and human legibility within liberalism's register of rights, what do illegalized people create and yearn for instead?" (Rubio & Alvarez-Almandariz). I argue that in leading the robbery, Padilla Peralta craves and claims his childhood back as his own. The DREAM Act provided the script of how he is to narrate his life and in centering what might be framed as criminal activity, Padilla Peralta refuses a national script which in turn critiques the parameters of un/recognition that create the conditions of possibility for the DREAM Act's nonconsensual contract. The robbery takes place in

[31] I explore the intersection of romantic love, federal immigration law, and nonconsensual contracts of patriotism in Chapter 3.

[32] Although jurisprudence scholar, Joel Sati (2017), is the first scholar to publish a theorization of "illegalized" (as an analytic that speaks to undocumented/unauthorized people), the concept and framework of "illegalized" was introduced to new media scholar, Yuhui (Amy) Lin, and I by postcolonial studies scholar, Ismahan Wayah in 2016 during her visiting semester at UC Berkeley.

the "Boyhood" section of his memoir and in writing about it for Penguin Books, considering their mass distribution model, Padilla Peralta declares himself a speaking and decision-making subject, disproving the notion that the undocumented migrant is a non-speaking subject hiding in the shadows.

Dan-el Padilla Peralta's memoir is urgent to study not only because it refuses[33] the dreamer narrative but because his writing expresses a commitment to what Fred Moten (2015) and Soran Han (2015) conceive as "Black nonperformance." In this chapter, I have outlined the DREAM Act as a nonsconsensual performance contract between Padilla Peralta and the state, but that contract has a longer genealogy that dates to the antebellum era. In a theoretical reading of the unarchived[34] 1857 freedom case, *Betty's Case,*[35] Soran Han (2015) explains that Betty, an enslaved woman on a Tennessee plantation, traveled with slaveholders, the Sweets, to Massachusetts and while there, abolitionists took Betty to court to argue for her freedom where "Chief Lemuel Shaw of the Supreme Court of Massachusetts declared Betty to be free" (395). Betty decided to return to Tennessee, creating a "scandal" amongst abolitionists and law practitioners (396). In Han's analysis of the multiple decisions made that day, Han writes: "If *Betty's Case* recognized Betty as party to the social contract, it is nonetheless unclear what, if any, kind of promise Betty made to whom as an exercise of legal freedom" (407). Han continues: "Her decision is neither her submission to slavery, nor her permission to the state to enforce her legal freedom. It is a remnant legal act" that for Han, creates the "formalization" of the "performative of blackness," rooted in what contract doctrine name as "nonperformance," which "designates the failure of one party to a legally enforceable promise to fulfill her obligation to the other party. Nonperformance takes many legally actionable forms, including intentionally or unintentionally failing to keep a promise, or the judicial disposition of the excesses of promising as either 'material breach' or 'gift'" (408). So, if someone like Betty, an enslaved person in the antebellum era wasn't—borrowing from Benedict Anderson (1983)—"imagined" as part of the community/citizenry, but the law still expected her to perform as if she were, her action is one of nonperformance.

In turning himself in, Dan-el Padilla Peralta situates himself as the plot developer of his own story, unsettling the copious documents that aim to authorize his subjectivity as worthy of recognition. In doing so, Padilla Peralta challenges the neoliberal notion that the undocumented must be spoken for, an action of (undocu)Black nonperformance. For Fred Moten, Black nonperformance is a "refusal to rebehave" in the nonconsensual contract of citizenship, which was drafted without the livelihoods or futures of Black people in mind. Moten argues that racialized Black people are expected to perform within a very strict rubric if they are to be acknowledged as worthy by those whose racialized life is informed by the logic of whiteness. In other words, Black nonperforance is a refusal to be a part of (or act in accordance with) what Caribbean philosopher Charles W. Mills (1997) terms the "racial contract." For Moten and Mills, the racial contract is what Tiffany

[33] "Although Padilla Peralta's memoir may at first glance appear to invite audiences to consume an 'ideal' undocumented immigrant life, its testimonial voice forges resistance by revealing mechanisms of systemic violence. Moreover, he uses his memoir as a forum for explaining how he wrestles with the problem of portraying himself as exceptional as a crux of this violence" (Alex 2020: 115).

[34] Legal scholar, Aviam Soifer's "Status, Contract, and Promises Unkept" explains that Betty's case was not recorded/archived and attempts to put the pieces together of what happened on Nov 9, 1857, through newspaper articles and an unofficial report detailing parts of the case.

[35] 20 Monthly L. Rep. 455 (Mass. Nov. 9, 1857).

Lethabo King (2019)—following the work of cultural theorist Sylvia Wynter—frames as "conquistador humanism," outlined as the production of a rational Man via the "death bound" dehumanization of "Black and Indigenous" peoples (16). Black nonperformance then is not only a refusal of the racial contract but an active refusal to settler colonialism, especially to the terms of settler citizenship. In turning himself in, Padilla Peralta nonperforms; he breaks two contracts: the racial contract and the contract of the DREAM Act, birthing a quiet practice of refusal that rejects the idea that the undocumented subject's goal is indoctrination to the imagined community of the United States.

Moten (2015) argues that Black nonperformance is a "refusal to decorate" the material realities of Black life and a refusal to outline what freedom is in the terms of Black sociality. Before leaving the country, Padilla Peralta (2016) asks himself: "What happened to the Dream Act?' Here I did have beef" (254) and at the end of his memoir, he comments: "As much as I love America, I'm angry with it too" (295). In these statements, he doesn't adorn the dreamer narrative or his undocumented experience. Padilla Peralta acknowledges that he has never been included in the imagined community of the United States despite being physically present in the country and following the rules of meritocracy that the social contract demands. As a noncitizen, he has consented to no promise, but the DREAM Act makes undocumented youth promise themselves to America. I argue that the DREAM Act is a legislative tactic that forces non-consent onto migrant youth and taps into a long history of racial domination held up by settler colonialism and white supremacy. Here, I position *undocublack nonperformances* as acts that dislocate and unsettle the process where laws invade illegalized peoples' dreams, and the methodology of how to "deterritorialize" dreams and (re-)commit to dreaming otherwise.[36]

My insistence on dreaming should not be confused with the notions of the "DREAM Act" or the "dreamer." For undocumented people and other impossible subjects, dreaming is about drafting alternative worlds where the quotidian legal violence they face no longer exist. This form of dreaming is dangerous because it disobeys the nonconsensual racial contract and the notion of what it means to be an "American" and a "model citizen." Furthermore, dreaming is laborious and under a capitalist structure, unproductive. For this reason, dreaming breaks opens the potential for a political solidarity that is centered on imagining unsettled futures. This solidarity, however, is susceptible to criminalization, discipline, and punishment. I have no credentials in which to speak for Padilla Peralta or other impossible subjects, but I can speak for myself: my mother and I's dream to survive is what federal immigration law marked as *illegal*, not our bodies. When I write about undocublack nonperformance, I am writing about a larger genealogy of Black dreaming in this continent that dares to imagine a world outside white supremacy, but those dreams take time because we must first identify and address how the law has taught us to dream.

Reflections

To read Dan-el Padilla Peralta's memoir as a formerly undocuBlack migrant is to want to see me in his work. Maybe this isn't an urge I should resist but I try to because the desire to want to see myself in the memoir is to demand a different story from Padilla Peralta.

[36] See Gilles Deleuze and Félix Guattari's *Anti-Oedipus: Capitalism and Schizophrenia* (1977).

In this chapter, I have attempted to care for his narrative while also being conscious of the messiness of life writing. There are moments in the memoir where Padilla Peralta wants to be "*the* special Latino," and realizes the dangers of his desire, especially because the desire produces a good/bad subjectivity that mimics the same good/bad immigrant mentality that both the state and the media produce about migrant communities (251, emphasis in the original).

There are also moments where messiness, as an adjective, does not describe the nuances and contradictions in *Undocumented*. For example, in the "Boyhood" section of the text, Padilla Peralta describes agreeing to a nighttime trip with his peers to visit a teenager's apartment who "gives head for five dollars" (119). In the racialized, classed, and gendered descriptions of the young woman they visit, Padilla Peralta utilizes language that removes the personhood from the young woman he describes. This authorial practice reminds me that even those who have been subjected to impossible subjectivities can reproduce similar tactics as the state and project them onto others. And this is also Padilla Peralta's story, he is allowed to write his truth. Padilla Peralta's writing practice nuances the ways in which I theorize undocuBlack nonperformance because it prompts me to ask: am I also demanding a performance from the writer? My intention in naming this section of Padilla Peralta's memoir at the end of this chapter is to try to engage in a conversation about undocuBlack nonperformance, its limits, possibilities, and my role as a theorist who may unintentionally desire for performance within nonperformance.

Throughout this chapter, I have attempted to trace the legal experiences of noncitizen subjects in the United States, which include Black Americans, American Indians, and undocumented migrants to understand their conditions as interrelated. Through an engagement with the news story ("Illegal at Princeton"), the biography (*Enrique's Journey*), the memoir (*Undocumented*), and my own life-writing, I interrogate what it may mean to demand a story from an undocumented subject. In this cross-examination, I take a moment to ask myself: what percentage of my argument is rooted in desire? I ask this not to discredit desire but to exemplify how desire can be part of one's methodology. By introducing the *impossible story*, I attempt to make space for narrative scholars to consider the limits of the surrogate storyteller and the investigative journalist. My use of the first-person is rooted in memoir writing; it is an attempt at being in communion with Dan-el Padilla Peralta, a methodology learned through community organizing. Finally, I engage with the legal archives of the antebellum and assimilation eras to draft a theory of nonconsensual performance contracts that Black, Indigenous, and migrants are expected to follow. It is this archival engagement that leads me to an analysis of *undocuBlack nonperformance*: that which reveals the violence of contracts, and simultaneously allows people to dream of futures otherwise. In the chapters to follow, I mobilize the analytic of undocuBlack nonperformance to analyze the social contract of "good moral character" as it relates to the surveillance of gender and sexuality (via photography) in chapter two; the social contract of patriotic love as it relates to the governance of romantic and platonic love (via poetics) in chapter three; and the radical trans*imagination in chapter 4 (via the essay and community organizing).

Chapter 2

Good Moral Character & Surveillance in the UndocuBlack Everyday

In *Who Sings the Nation State* (2007), Judith Butler argues that "there can be no change without performative contradiction… The contradiction must be relied on, exposed, and worked on to move toward something new" (Butler and Spivak, 66). As a young undocumented community organizer, I knew in my gut that there was something wrong about having to perform innocence, but I didn't have the language in which to articulate so. But now, I do: the performative contradiction of young undocumented people's predicament is that they must perform domesticity and pupilage without knowing if the performances they render may ever be received or recognized by the state. Some undocumented youth perform in the hopes that the performances may lead them to obtain conditional residency in the United States, but as argued earlier, some (especially undocuBlack subjects like Padilla Peralta) nonperform. Nonperformance like performance is a gamble: one can never know if the (non)performance will change the material circumstances of the undocumented subject. However, performance and nonperformance work together to reveal the cracks and fissures of the nation-state and its anxieties towards foreign subjects who are often racialized non-white subjects.

Undocumented organizers and activists must stage innocence because citizenship laws demand performances of "good moral character." In this chapter, I examine "good moral character" through a federal immigration law framework to extend my previous examination of "good moral character" within the context of settler colonialism and Black and Indigenous citizenship.[37] The Department of Homeland Security (DHS) outlines "good moral character" as follows:

> (1) An applicant for naturalization bears the burden of demonstrating that, during the statutorily prescribed period, he or she has been and continues to be a person of good moral character. This includes the period between the examination and the administration of the oath of allegiance.
>
> (2) In accordance with section 101(f) of the Act, the Service shall evaluate claims of good moral character on a case-by-case basis taking into account the elements enumerated in this section and the standards of the average citizen in the community of residence. The Service is not limited to reviewing the applicant's conduct during the five years immediately preceding the filing of the application,

[37] "Good moral character" has been a measure of membership admission to the United States since Congress passed the first naturalization statute in 1790, but this chapter is particularly interested in its contemporary relevance to the lives of undocumented migrants.

> but may take into consideration, as a basis for its determination, the applicant's conduct and acts at any time prior to that period, if the conduct of the applicant during the statutory period does not reflect that there has been reform of character from an earlier period or if the earlier conduct and acts appear relevant to a determination of the applicant's present moral character. (8 CFR § 316.10)[38]

The grammar used by DHS is, to put it simply, unspecific. First, DHS outlines that an applicant "bears the burden" to prove their good moral character, but DHS does not outline how one goes about proving such character other than with letters of support. Dan-el Padilla Peralta's 236-page petition to immigration services did not aid his case, but because DHS does not outline how one can prove good moral character, one can never know if what one presents as "evidence" of their character is enough. Moreover, the migrant subject will be measured against "the average citizen in the community of residence," but if this is truthfully the case, why did Padilla Peralta's petition have no legal results? After all, the average NYC resident is not an Ivy League graduate who asks the nation for permission to earn a master's degree at the University of Oxford. Here, meritocracy and good moral character fall apart. The inconsistency of good moral character leads me to contend that the requirement may be a legal impossibility for undocumented migrants to prove in the United States.[39] Legal scholar Kevin Lapp (2012) argues that "[s]ince 1990, Congress has added hundreds of permanent, irrebuttable statutory bars to a good moral character finding… Where no statutory bar applies, naturalization examiners may still deny an applicant on character grounds in their discretion" (1573). As a result, Lapp frames good moral character as part of a "regulatory scheme governing naturalization" (1573). Surveillance measured on unspecific morality, then, is a looming part of a migrant's life in the United States.

Good moral character is not only a performance a migrant must render for the purposes of applying for an adjustment of legal residence status in the United States; good moral character is a lifelong performance. As formerly undocumented Colombian artist, Jennif(f)er Tamayo explains in *to kill the future in the present* (2018): "to have been undocumented in this country—at one point or another—to have been an illegal alien means the forever feeling of someone coming to get you. to get your family. no matter what the future circumstance, being labeled an *illegal* means becoming an illegal" (8, emphasis in original).[40] This fugitive anxiety is maintained by the fact that good moral character can always be re-evaluated by USCIS, and if USCIS representatives find that good moral character has been violated, any legal relief that has been issued to a foreign-born subject can be revoked.[41]

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[38] See 8 CFR § 316.10 - Good moral character: https://www.law.cornell.edu/cfr/text/8/316.10

[39] See [USC02] 8 USC 1101: http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1101&num=0&edition=prelim

[40] *to kill the future in the present* is a limited-edition pamphlet published by The Green Lantern Press through a year-long initiative, *On Civil Disobedience,* that explored, "how citizenship and resistance intersect within the pledge of democratic ideals." The pamphlet is now out-of-print.

[41] In hesitation to send a text message to a friend, for example, Jennif(f)er Tamayo writes: "i…hesitate because i know i am being watched. this private message to a personal friend is neither private nor personal. in 11 months i will need to complete an important immigration form. and 6 months after that i will need to go to an office…to get my fingerprints taken" (7). The act of writing, texting, and being (for Tamayo) are always associated with surveillance technology, predicated on having to prove good moral character as a formerly detained migrant. Tamayo's anxiety bookmarks the link between good moral character and carceral politics. The writer was detained as a toddler, and now that detainment may be what prevents them

UndocuBlack nonperformance, then, is dangerous because Black migrants are already criminalized based on their racialization, and to nonperform is to fail to abide by the social contract of good morality. If Black subjects are criminalized, can they prove good moral character? If good moral character already depends on systems of racialization, is good moral character a legal attribute that only racialized white subjects can make claims to in the United States? Can good moral character be de-racialized / colorblind? I ask these questions because Padilla Peralta could not prove his character. In fact, Padilla Peralta had to file an "Application for Provisional Unlawful Presence Waiver," which is a request made by unlawfully present migrants in the United States who seek a pardon from the nation. These processes don't only signal the collapse of liberal democracy, they also reveal the nonconsensual and disciplinary contracts that federal law forms against migrant subjectivities.

In *Black Feminist Thought* (2000, 1990c), Patricia Hill Collins argues that the United States' "matrix of domination" (221) is dependent on the "controlling image" (72) of the Black woman as ugly, unfeminine, a welfare recipient, a mammy, etc. The controlling images of Black women lead to general controlling images of Black communities in the United States which societies weaponize to control and surveil Black life. Hill Collins argues that when social, legal, and cultural entities are not using "already exploiting symbols" to maintain controlled images, society "create[s]…new ones" (69). Because my research specifically attends to undocuBlack experiences, I argue that undocuBlack migrants in the United States—as racialized Black peoples— must always respond to dual controlled images: the image of racialized Black life as always already criminal, and the image of the undocumented migrant as a threat to the nation.

When I type "illegal alien"—the legal term for undocumented migrants in the United States— in Google Images, for example, the algorithm produces the field of controlled images that circulate about undocumented migrants. The first image produced by the algorithm is of a protest with two signs claiming that people cannot be illegal. The second image depicts an opposing message: seven protest signs that read "NO AMNESTY," indirectly claiming that people *can be* and some *are* illegal. The third image depicts the back of a man in uniform. The back of his vest reads "POLICE" and right underneath "ICE." The police, an organized state body that is supposed to maintain public order and safety is blended with ICE, a federal law enforcement agency under the U.S. Department of Homeland Security. I outline the results of a Google Image search to highlight controlled images that undocumented subjects must not only combat but perform against. The fifteen visuals represented in the Google Images search have good and bad moral character at their core. The final Google Image search result I want to attend to is one that is repeated three times in a grid of fifteen images: a Halloween costume sold by Target marketed as "Illegal Alien: A[dult] One Size."[42] The outfit consists

from proving their innocence and "goodness." In response to President Barack Obama's Deferred Action for Childhood Arrivals (DACA), Jennif(f)er Tamayo (2018) binds the performances demanded by DACA and good moral character together. They state, "DACA… favors non-Black latinx peoples, the non-queer, the non-poor" (7). In situating DACA, the executive branch memorandum, as invested in anti-Black, classist, and homophobic aesthetics of U.S. citizenship, Tamayo helps migration scholars consider the fact that Black, poor, and queer dissident subjects can never be assured an evaluation of good moral character. Under a settler-colonial reality, the nation-state is always preparing to rescind what Carol McGranhahan (2016) names "the gift of citizenship," but in Tamayo and Padilla-Peralta's realities, the "gift" of conditional residency.

[42] The Google Image search cuts the full title of the costume.

of an orange jumpsuit, a uniform associated with prison; a face mask that takes the shape of an alien; and a rectangular green plastic prop with white letters that read, "GREEN CARD." The costume communicates that all illegal aliens are the same—one size fits all—: the illegal alien is an extraterrestrial seeking membership in a nation outside their species. The Green Card in the costume signals toward extraterrestrial invasion, foregrounding and enforcing national terror, the illegal alien as an invasive terrorist species. If these are the controlled images that narrate the undocumented subject's life in the United States, to what extent can the undocumented migrant be considered a subject who can perform "good moral character"? The visual terrain of undocumented life is terrifying.

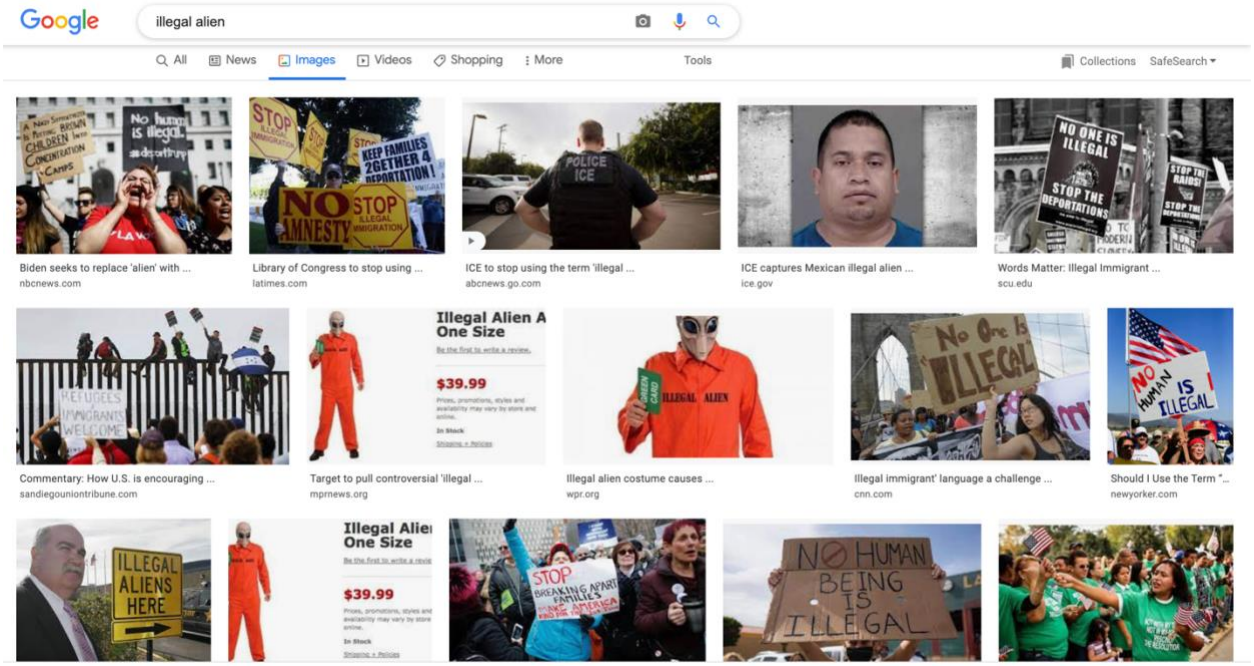


Figure 1. Google Image Search, "Illegal Alien," 2022.

Many visuals have been introduced by politicians of who an undocumented or "illegal alien" is, and they include the transgressive border-crosser, drug dealer, job stealer, gang member, and more. To combat these images, community organizers have employed visual strategies of resistance, many in the form of protest signs. This chapter, however, is interested in visual art employed by undocumented migrants that exist outside the genre of the protest sign. Notable undocumented visual artists include Yucatec Maya graphic designer Freddy Pech who branded much of the flyers and posters in support of the Federal DREAM Act between 2006-and 2010 and later shifted his visual practice to photography. Pech holds one of the largest visual archives of undocumented transgender-led actions across the West Coast (and parts of the U.S. Southwest).[43] Pech's artistic contributions to migrant organizing are particularly important in that the photographs serve as documentary pieces that tell the stories of what undocumented transgender migrants demand from the law and how they go about making those asks.

[43] For more on Freddy Pech's film and photo archive, see the following pages by Familia: QTLM: https://www.facebook.com/Familiatqlm, https://youtu.be/VVaMvZxE_e0, https://familiatqlm.org/.

Transgender Chilean illustrator, Rommy Torrico, has created iconic posters, logos, and visual text-based work for the migrant justice movement (most notably their "FUCK La Migra" images) and the domestic worker's movement (particularly posters for the National Domestic Worker Bill of Rights).[44] Torrico's posters circulate in undocumented spaces as well as non-profits and social movement actions, building lines of affinities across social issues that may not always be thought of as intersecting with migrant justice. And queer comic artist, Julio Salgado, whose work has brought queer and trans experiences to the forefront of contemporary migration discourse in the form of murals, posters, traveling exhibitions, online comic books, and social media posts that depict fat and brown subjects with words that read "UndocuQueer," "HomoSecurity Land," etc. Salgado's cartoons highlight undocumented queer and trans migrants as loud, space-takers that interrupt the behavior that good moral character demands from them, a behavior predicated on quietness and cis-hetero normativity.[45]

Although Pech, Torrico, and Salgado's contributions have been essential to nuancing the images that are produced about undocumented migrants in the United States, these three artists cannot change an entire culture on their own. This is true because newsrooms and printing presses have larger circulations than Pech, Torrico, and Salgado put together. In the next section, I analyze the tactics undocumented activists have employed to use national media as a stage to challenge the controlled images distributed about undocumented migrant communities. Then, I zoom in on how the media has mobilized visual culture to narrate undocumented life through unethical and exploitative methods.

The Media as a Stage

I have been one of the undocumented youths who fell for the promise of the DREAM Act, and thus, I have performed various choreographies of good moral character. It is not easy to revisit my archive because I now know that a decade ago, I was complicit in the projects of nationalism and meritocracy that I critique in this dissertation project. On the 2012 screenshot provided below this paragraph, Spanish-language free-to-air television network Univision filmed a group of undocumented youth from the Dominican Republic, Mexico, Albania, and Romania lobby at the Massachusetts State House in support of a local bill that would allow undocumented students who had graduated from a MA High School to pay in-state tuition at state colleges. Some of our congregation wore caps and gowns, a political strategy that gained national coverage in 2009 in support of the federal DREAM Act.[46] The visual image of the cap and gown repositions the undocumented subject not as a threat to the nation, but as a laboring body that through education, can learn and commit to "American values" and the "American way." This framing consequently makes all other undocumented people undesirable subjects. The split of the desirable/undesirable narrative advances the project of capitalist modernity. Caps and gowns enforce the ideology that migrants are only valuable if they are productive subjects

[44] For more on Rommy Torrico's contributions to migrant justice organizing see Priyanka Podugu's "Queer, Trans Artists Discuss Undocumented Experiences" in *UWIRE Text* 2018.

[45] For academic scholarship on the political and artist contributions of Julio Salgado, see: Hinda 2014, White 2014, García 2015, Ochoa 2015, and Perez 2018.

[46] See "Graduation Dreams" in *The New York Times*: June 23, 2009.

for the economy, making undocumentedness a necessary tool of capitalism.[47] This is most obvious in that the cap and gown represents a uniform, a marker of status and membership into a collective group, most commonly the labor market. The cap and gown, however, are not the only objects in the screenshot that contribute to the narrative of undocumented migrants as productive for the capitalist state: the nametags reference school and civil participation, the clipboard and looseleaf papers signal undocumented students as willing to take notes and learn from American society, and the fact that not a single subject peers into the camera communicates non-confrontation. If a single screenshot of a news story can tell audiences this much about undocumented youth's willingness to be assimilated "Americans," then the rest of the story is many times as powerful.



Figure 2. Screenshot of Univision: Nueva Inglaterra (2012)

Photographs—as mentioned in Pech's work—have been a key component of undocumented organizing and activism. In late 2011 and early 2012, Renata Teodoro, Isabel Vargas, Katherine Asunción, and I collaborated with Brazilian photojournalist Elias Polcheira on a short documentary and photo story about being students in the aftermath of the DREAM Act's failure. During the filming of the documentary, Teodoro shared her story: nine federal agents raided the Teodoro household as Teodoro and her mother were cleaning houses, agents found her brother and her mother's passport, took Teodoro's brother, and waited for Teodoro and her mother to arrive. Upon arrival, Teodoro's mother was taken by federal agents. Both Teodoro's mother and her brother were deported to Brazil. Through the documentary and a 6-page front-cover photo story in *El Planeta*, a Spanish-language newspaper circulated across New England, our four stories were disseminated across multiple states.[48] The four of us agreed to share our stories with *El Planeta* because we saw the circulation of our images and narratives as a

[47] For more on migrant productivity and capitalist-modernity see: Nopper, Tamara K. "The Wages of Non-Blackness." *InTentions Journal.* Issue 5: Fall/Winter 2011. pp.1-25. and Pelaez Lopez, Alan. "Lessons From an Immigrant Rights Organizer: We Are Not Our 'Productivity.'" Rewire News Group: Jan 2, 2018.
[48] See: *El Planeta:* 6 al 12 de Enero 2012 – Año 8 – N° 389 (www.ELPLANETA.com).

way in which to potentially build capacity for the Student Immigrant Movement. Shortly after the story was published, undocumented youth who read the spread in *El Planeta* started to contact the Student Immigrant Movement, and on some occasions, parents of undocumented youth began attending our monthly meetings and later, their children joined our membership.



"All the News That's Fit to Print"

The New York Times

Late Edition

Today, clouds and sunshine, breezy, high 78. Tonight, partly to mostly cloudy skies, low 62. Tomorrow, rain with possible flooding, breezy, high 70. Weather map, Page B14.

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OBAMA ENDORSES IMMIGRATION BILL AS DEBATE IS SET

EXPECTS BRUISING FIGHT

Senate, 84-15, Agrees to Weigh the Measure Over a Month

By MARK LANDLER and ASHLEY PARKER

WASHINGTON — As the Senate voted overwhelmingly Tuesday to begin debating an overhaul of the nation's immigration laws, President Obama offered a wholehearted endorsement of the bipartisan proposal, which presents him with a chance to reach the kind of landmark accord with Republicans that has eluded him on the budget and gun violence.

For Mr. Obama, who has picked his shots in the immigration debate to avoid stirring partisan anger on Capitol Hill, it was

ALMOST REUNITED In a protest, Renata Teodoro and her mother, Gorete Borges Teodoro, met at a Mexican border fence. Page A13.

$20 BILLION PLAN TO SHORE UP CITY AS CLIMATE SHIFTS

RESPONSE TO HURRICANE

Flood Walls and Levees Proposed — 'Urgent' Steps, Mayor Says

By KIA GREGORY and MARC SANTORA

Mayor Michael R. Bloomberg outlined a far-reaching plan on Tuesday to protect New York City from the threat of rising sea levels and powerful storm surges by building an extensive network of flood walls, levees and bulkheads along its 520 miles of coast.

The mayor said the plan would initially cost about $20 billion, and eventually far more. The city would spend the money on fortifying infrastructure like the power grid, renovating buildings to withstand hurricanes and defending the shore, according to a

Figure 3. *The New York Times*, screenshot of cover page, June 11, 2013.

On June 11, 2013, *The New York Times* published an online story titled, "Immigrants Reach Beyond a Legal Barrier for a Reunion." The photograph paired with the article captured my comrade, Renata Teodoro, wearing a woven straw hat and a white quarter-sleeve shirt. Teodoro's left hand gripped the metal bar of the U.S.-Mexico border in Friendship Park, while her left hand extended out as if to reach for someone. Renata Teodoro's mother, Gorete Borges Teodoro stood on the Mexican side of the steel-bar border, Renata stood on the U.S. side of the border and the two hugged, a steel bar between their torsos. The hug did not only represent their love, but the hug through the border also indexed that the border is a part of their relationship. The camera as an apparatus also produced sovereignty, national belonging, and specialization in the fact that the camera stood on the U.S. side of the border faced towards Mexico. Captured by Samantha Sais of *The New York Times*, the photograph was published on the cover of the newspaper the next day.

The morning of Wednesday, June 12, 2013, I received constant texts from organizers and family members asking if I had seen the image. Captioned, "**ALMOST REUNITED** In a protest, Renata Teodoro and her mother, Gorete Borges Teodoro, met at a Mexican border fence." The image broke me. I knew that the direct action was going to take place, but I didn't anticipate the feelings that would accompany witnessing a photograph of the event. For two months prior, non-profits fundraised to secure visas and travel accommodation for three parents who had been deported to different Latin American countries to reunite with their undocumented offsprings at Friendship Park on the San Ysidro – Tijuana border. The capitalization and bold stylization of "**ALMOST**

REUNITED" depicts the everyday violence of illegality—the material rupture of an im/possible subjectivity. I remember the sadness in my mother's eyes as we discussed the image. For my mother, the photograph was a reminder that she had not seen her mother in twenty years. I asked if she wanted to be reunited with her mother in the same way as Renata did and my mother replied that reunification facilitated by a border would be too painful. My mother further reminded me that going to a border would be especially dangerous for her as a Black undocumented woman. "**ALMOST**," bolded and capitalized footnotes what Rebecca M. Schneider calls "the undocumented everyday" (2020), a term that this dissertation slightly redefines to *the undocuBlack everyday,* to highlight the racialized differences produced by Black flesh and Federal Immigration Law's illegalization regime. People who have been illegalized live in a temporality that is legally and socially bound. Nothing is clear. Planning is not possible. A subject can be removed from the country at any moment as were the three parents who flew from their home countries to the Mexican side of the US-Mexico border to reunite with their undocumented adult children. This *stalled temporality* is one of the haunting pillars of the illegalized condition in the United States. In *Omens of Adversity* (2014) David Scott describes a "stalled present" as "a present that stands out in its arrested movement" (6). When I write about stalled temporalities, I am specifically referencing Scott and using his work to think about the relationship that Federal Immigration law and documents have to migrant temporalities. While Scott desires to understand "a kind of living on" (174), I use "stalled temporality" not to find an end to stillness or arrest, but to name stillness as state-employed violence that attempts to maintain migrants in positions of social death.[49] Stalled presents are the material product of nonconsensual performance contracts. I don't seek resolution from the stalled temporality because that would be asking the state *for* something and this chapter :: dissertation is inherently contra-nation.

The day before *The New York Times* decided to place the photo of the Teodoro family on their front page, staff writers Rebekah Zemansky and Julia Preston described the action as "a new piece of the highly personal political theater that young immigrants have used to dramatize their support for a bill in the Senate to overhaul the immigration system" ("Immigrants Reach Beyond a Legal Barrier for a Reunion"). While the action was theatrical in the sense that the media was part of the strategy, Zemansky and Preston's characterization suggesting a staged performance of love and pain did not account for the psychological tax of deportation, separation, and the denial of an actual hug. For Renata Teodoro and Gorete Borges Teodoro, their reunification was no theatre; a border mitigated encounter was the only way both could smell, see, touch, and witness one another in the age of borders and settler expansion. Zemansky and Preston's commentary also leads me to question what kind of narrative *The New York Times* sought from the reproduction of the photo. Did the paper seek to communicate that reuniting at

[49] I use "social death" following Orlando Patterson's scholarship, where Patterson defines "social death" as the "imprintable and… disposable status" of the enslaved subject in the antebellum era (1982: 7). Lisa Marie Cacho adds to Patterson's argument of "disposable status" in identifying that "[r]acism is a killing abstraction. It creates spaces of living death and populations 'dead-to-others'" (7). From this notion of racism and death, Cacho argues that the enslaved subject in the antebellum era is not the only subject who experiences social death. Cacho argues that undocumented, terrorist, and gang subjects are "dead-to-others" subjects "unable to comply with the 'rule of law' because U.S. law targets their being and their bodies, not their behavior" (6). This is an important intervention because Cacho notes that for the undocumented subject, their crossing a border is not what the law targets, their racial, ethnic, and cultural heritage is what the law indexes as a threat to the nation.

the border was a performance of good moral character because the reunion didn't demand that the United States pardon the parents who were at one point unlawfully present in the United States?

The photograph of the Teodoro family remains a haunting. An index of domestic control across transitional borders. Renata Teodoro, at the time the photograph is taken, is a benefactor of Deferred Action for Childhood Arrivals (DACA), an executive action President Obama signed on the 30th anniversary of the *Plyer v. Doe* decision, June 15, 2012.[50] Through DACA, Renata Teodoro received a temporary two-year work authorization permit and deferred action from deportation. While DACA is understood as liberal progress, migration scholars must ask: progress for whom? DACA cannot address the terrors of home raiding, detention, deportation, and family separation. DACA doesn't prevent any of those human rights violations; it merely offers abstract deferment of deportation for Renata Teodoro if she performs within the nonconsensual performance contract of DACA (the contemporary DREAM Act).

Visual narrativity, for the illegalized subject, as explored through the Google Image search earlier in this chapter is a battlefield. Photography, following Lisa Gail Collins, is "burdened by its legacy of visual violence" (Collins 2002, 24). "Visual violence" is particularly important when considering the relationship that undocumented artists have to visuality, as the controlled narrative of the "illegal alien" is one that accompanies many arguments. On June 25, 2019, *The New York Times* cover image circulated the bodies of two migrants floating on a river. Óscar Alberto Martínez Ramírez and his 23-month-old daughter, Angie Valeria, are captured, and immortalized, face down next to the bank of the Rio Grande in Matamoros, Mexico, directly across from Brownsville, Texas. All the weeds in the photograph are in motion, pulled to the left of the frame. Perhaps, this is how the wind weeps :: roars :: mourns. The water is muddy. Angie Valeria's left arm appears to be holding / resting around her father's neck. Neither of their faces are visible. Angie Valeria is protected by her father's t-shirt; the t-shirt wraps tightly around Martínez Ramírez's torso and what seems to be all of Angie Valeria's torso and face. Angie Valeria's shoes are still protecting her feet; her father has had no such luck. His knees, one can infer, are dug into the river's floor and his feet are over the water. Martínez Ramírez's limbs give the allusion that he can still move; that his body is in control. This is not the case.

I will not re-reproduce the image. There need be no reason for you :: us to witness *it*. This narrative—like this dissertation chapter—should not exist.

Taken by journalist Julia Le Duc hours after Óscar Alberto Martínez Ramírez and Angie Valeria's death, shared by AP press on social media, then repurposed online and in print by *The New York Times*, the image subjugates Martínez Ramírez and Angie Valeria to perpetual laboring. In appearing on the cover of *The New York Times* alongside the title, "Photo of Drowned Migrants Captures Pathos of Those Who Risk It All," the subjects

[50] In "The Supreme Court Case That Created the 'Dreamer' Narrative," undocumented journalist, Jesús A. Rodríguez explains that "[a]lmost 40 years ago, in the understudied *Plyler* case, the Supreme Court came inches away from declaring that the U.S. Constitution protects *all* undocumented immigrants — before one justice pushed to craft a narrow rule around children. Today, what once looked like a solution has become a kind of trap" (Politico: October 31, 2021). Had the *Plyer* case ruled that *all* undocumented immigrants were protected under the Constitution, then the case would have re-written the understanding of membership, citizenship, and illegalization.

displayed are asked to render a certain narrative tragedy for readers, or for anyone who is walking by a newsstand, scrolling through Instagram stories, TikToks, Twitter media files, and more (Ahmed & Semple, June 25, 2019). The tragedy invokes questions of good moral character: is the risk the father and daughter take a form of good or bad moral character? How is moral character measured in the wake of death? Does death create the conditions of possibility for good moral character?

One must wonder how journalist Le Duc encountered Martínez Ramírez and Angie Valeria. Perhaps the wind kept whistling and the waves kept smacking against the edges of the river, hoping that the loudness of the scene would call the attention of a passerby. Perhaps Le Duc was following what appeared to be a trail lit by the sun or saw a bird that directed the journalist to the scene. I want to believe that the land needed someone to find Martínez Ramírez and Angie Valeria so that they could be taken out of the water and reunited with their family :: village :: ancestors. I know nothing about the intimate lives of Martínez Ramírez and Angie Valeria but what I do know is that they loved one another. Martínez Ramírez's decision to cross a river catalogs a commitment to imagining alternate futures to the ones he saw formulating in El Salvador, his country of birth. The father and child must have had dreams. Perhaps, Angie Valeria was promised a reward when they made it to the States. It may have been a toy, McDonald's, a box of the largest crayons she had ever seen. That promise may have given her all the energy she needed to complete the crossing. Martínez Ramírez must have told Angie Valeria that he loved her repeatedly on the day they met the river. Their crossing, a testament to love. A crossing that should never exist and yet the catastrophe repeats itself.

In the article that accompanies the photograph, Azam Ahmed and Kirk Semple explain that the visual depicts "the tragic consequences that often go unseen." Unseen by whom? The photograph becomes an impossible story for the gaze of the neoliberal nation. After significant pressure from enraged social media critics, Senior Audience Editor of *The New York Times*, Lara Takenaga, published a response. In "Why The Times Published a Photo of Drowned Migrants," Takenaga cites statements from Beth Flynn, deputy photo editor, and Tom Jolly, head of print operations at *The Times*. The photo editorial team reasoned the following: "while *The Times* has written about migrants who died attempting to cross the Rio Grande, there have not been images of that plight." Julia Le Duc's photograph, therefore, presents an opportunity to depict a plight. While the claim is that the visual solidifies a material reality, the claim insinuates that visuality is a form of narration, meaning that a story without a visual element may not be complete, suggesting that photography is proof of fact. Not only is a photograph proof, the photograph, in this case, demands labor from the migrant subject even after death, deaths that the nations of Mexico, the United States, and El Salvador must be held responsible for. Nations and their borders kill. This is not an argument. This is the fact of settler-colonialism, occupation, and forced migration.

Despite the justification provided by *The New York Times*, critics pushed back. Immigration journalist, Tina Vasquez, who was born to an undocumented immigrant father in the United States, responded to the image for Rewire News Group, which *The New York Review of Books* later republished. In "The Image America Shouldn't Need" (Jun 27, 2019), Vasquez writes, "I find it hard to believe that we would see the cadavers of dead, white, US citizens on the evening news… There is a common belief that immigration reporting humanizes immigrants or inspires empathy. But I'm beginning to wonder if we're simply a country desensitized to these horrors, incapable of seeing the

'other' as human." Vasquez's curiosity is valid, given the long history of racialized display. After all, racialized subjects from various continents were caged and exhibited at numerous world fairs in the late 19th century.[51] At the turn of the 20th century, U.S. lynching photographs were marketed as souvenirs, staging the racialized "other" as a subject that could still be owned, mobilized, and disciplined in the aftermath of death.[52]

Years after the photograph was restaged by *The Times*, I sent three text messages to formerly undocumented artist, Jennif(f)er Tamayo: "I still remember this day / Where I was when I saw the photo / Who I called." They took a few minutes to reply. Two back-to-back texts: "Wow / Networks of Pain." The pain continues to be exponential. The photo has become a small square on my desktop. Óscar Alberto Martínez Ramírez and Angie Valeria died, as irregular migrants (illegalized) in Mexico, my birth country. Tamayo's "Networks of Pain" punctures my small intestine. The networks are transnational. With the reproduction of the photograph as a front-cover image, *The Times* forces Martínez Ramírez and Angie Valeria to perform a perpetual death for anyone who recalls the image.

When I open my laptop and spot the small icon of the photograph, I think about land :: the crossing. Black feminist geographer, M. Jacqui Alexander (2005) describes "The Crossing" as "the tidal currents of the Middle Passage" (6) that help those in the Black diaspora "apprehend how it [The Crossing and other Black crossings] might instruct us in the urgent task of configuring new ways of being and knowing and to plot different metaphysics that are needed to move away from living alterity… premised in relationality and solidarity" (7-8). I believe that crossings undertaken by Black and Indigenous subjects in the Americas offer other racialized and minoritized subjects blueprints to imaginaries where it is easier to live. In the context of unauthorized/irregular migration, *crossings* symbolize the moment when migrants make life-altering decisions. The migrant must cross the boundary of fear, precarity, and the unknown by leaning into a promise (to the self) :: a hope (for the future) :: a dream (otherwise) :: a daily commitment to aliveness. The migrant's decision is a crossing that simultaneously produces social death and social life; thus, *the crossing* is a contemporary mode of fugitivity. I use fugitivity echoing Fred Moten's *Stolen Life* (2018), where fugitivity is described as "a desire for and a spirit of escape and transgression of the proper and the proposed" (131). I link Black studies and Black crossings with migration studies because fugitivity is an analytic that addresses racialized unlawfulness in the United States, unlawfulness that can impact all migrants.

Every crossing has a landscape. Visuality is a crossing of sorts; a visual image is always interfacing with a landscape: physical, digital, or stored. There are archives of my many crossings in places that I did not consent to and in places that I did. Consent is the crux. When Univision filmed me at the Massachusetts State House, I gave consent. When I was in a documentary with three other illegalized subjects, we all signed consent forms. When Renata Teodoro and her mother were photographed, they gave consent of sorts in that they prepared for the direct action over the course of two months. Óscar Alberto Martínez Ramírez and Angie Valeria had not consent to give. After death, the illegalized subject is forced into a nonconsensual performance contract. *The New York Times'* decision to reproduce the image as the June 25, 2019 cover forced Martínez Ramírez and Angie Valeria into a perpetual impossible story.

[51] See John Clough (2005), Eric Breitbart (2007), Christina Williamson (2011).
[52] See Amy Louise Wood (2009), Leigh Raiford (2011), Erin Grey (2017), Antonio Luigi Negro (2019).

To be staged:: mobilized on behalf of a nation:: captured through the camera's aperture is to be subjugated to the logistics of empire.

Yesi's Archive / Yesi's Hold

Over the last seven years, I have grappled with how to continue my community organizing while also departing from narrative tropes of my value and productivity as someone who was subjugated to undocumented life for almost two decades. Within my commitment to organizing, I have had to challenge myself and seek out community members who could teach me how to approach the work of abolition differently. This is how I met Yesi, an Afro-Zapotec-Mixtec migrant from a village just two hours from my own. Through the remainder of this chapter, I discuss their departure from performances of good moral character via nude self-portraiture and their engagement with undocuBlack nonperformance.

Revelatory and minimal, Yesi's photographic archive once existed on Instagram. In the last seven years, that archive has moved to different Dropbox folders between the artist and me. I met Yesi via a mutual friend who sent me their Instagram with a brief message explaining that Yesi's work reminded him of the conversations he and I have had on the intersections of migration and Black Indigenous life. I noticed that Yesi's photographs were unlike any other I had seen from undocumented migrant artists and started to follow them. Witnessing Yesi's work through a smartphone made me curious about what their art practice was doing in the world of social media and their own life. Born in La Costa Chica of Oaxaca, México to an Afro-Zapotec-Mixtec family, Yesi's visual work pays particular attention to the role of place, kinship, and spirit.

In a keynote titled, "Plantita Platica: Weaving the Contemporary (Un)documented Oaxaqueña Experience with Traditional Knowledge," delivered by Yesi at Oberlin College on December 2, 2017, the artist shares their story of crossing the U.S.-Mexico border with papers borrowed from a U.S.-citizen child. On the same day, their mother and cousin walk through a desert, swim a river, and cross a border to reunite with Yesi. Yesi names the isolation of being a displaced Afro-Indigenous migrant as the conditions that led to their personal experience with abuse, machismo, and poverty. Narrating their father's domestic abuse towards their mother, Yesi states, "he abused her so much that he almost took her life away. He left her, injured and unconscious in the grapevine fields."[53] This is the backdrop that informs Yesi's visual practice.

The artist's early work is concerned with re-narrating the family album through collage art. Between 2015-2017, I wrote extensively about Yesi's collage practice as a methodological approach to recuperate Afro-Indigenous subjectivities targeted by the violence of gender/ing and femicides in Latin America and the continent at large. In that writing, I attended to the synthetic cuts of the scissor's blade as a tool that gave Yesi the ability to remove their father from their family albums before the event that led to their mother's near-death experience. I also theorize collage as a method that helps those who have been physically removed from their communities understand the structures of dislocation and forced migration. In short, my early writing of Yesi's work attends to the parallel methods between collage as a cut-and-paste medium and the ways in which Yesi

[53] This is a direct quote from the script of "Plantita Platica: Weaving the Contemporary (Un)documented Oaxaqueña Experience with Traditional Knowledge," which Yesi shared with me on Dec 2, 2017, via Google Documents.

understands their subject formation as an illegalized person through cutting-and-pasting memories and AfroIndigenous histories of kinship and conquest together. My writing approach in this chapter also resembles collage. I cut images from different media, paste them in these pages, and read them together as if they were always meant to be in conversation with one another.

When I began to write about Yesi's collages, the artist took on a new project utilizing their iPhone's camera timer to pose naked in naturalistic outdoor landscapes. Like the collages, Yesi posted their work on a public Instagram account. The photographs were striking, as the viewer was never given permission to see the photographer's face. The photograph's central object was Yesi's body but what took over the frame of each photograph was the natural landscape. Most of the photographs they uploaded at this time had three reoccurring themes: they were outdoors, Yesi appeared nude, and almost every photo read as if they were in mourning.

In the seven years of friendship between Yesi and I, I have struggled to find an academic methodology in which to write about their work, so I lean into my crossing :: story :: experience to lead the writing you encounter in these pages. Cultural anthropologist Alex E. Chavez describes a "clandestine crossing" as friendships that people make in the wake of the "alienation of undocumented life" (242). As a methodology, Chavez's notion of "clandestine desire" moves and pushes me to insist on writing about Yesi's photographs. Desire as a method, for Chavez, focuses on an artist's "desire to create, to perform the meanings of words… to cross the border of self, to cross the border of place, time, and politics, and, thereby… sculpt… a… poetics" of socio-spiritual relationality (275).[54] My method in this chapter is rooted in a desire to piece together what Yesi's photographic images might reveal about their *undocuBlack everyday* in conjunction with the surveillance facilitated by a demand to perform good moral character as a Black queer Indigenous migrant.[55]

Yesi's Instagram account is now private, and they have relocated to the Navajo Nation in the northeastern region of what is now Arizona, the ancestral homeland of their partner. Now, Yesi's Instagram offers their friends (and those who followed them before their decision to go "private") a range of local plants, visits to sacred sites, and photographs they have taken throughout their travels. None of the photographs I will analyze in this chapter appear on Yesi's Instagram anymore, highlighting the tension between producing visual work that speaks to undocuBlack life and simultaneously hiding from the surveillance produced by the parameters of good moral character. Extending

[54] For more on desire as methodology, see Emma Pérez's *The Decolonial Imaginary Writing Chicanas into History* (1999).

[55] The UndocuBlack Network (UBN) was found at a retreat in 2016 by five undocumented and formerly undocumented Black migrants born in three different continents: Europe, Africa, and the Americas. On the weekend that the UBN was founded, Yesi co-found the UndocuBlack Emergency Fund with four Black trans undocumented migrants who attended the UBN retreat. To this day, if I Google-search Yesi's legal name, all I can find are small traces of their botany work and the only search results that links them to the migrant justice movement are an interview in *The Oberlin Review* titled, "Laura Pérez Olivera, Yerbera & Botanist," published 6 days after their keynote address (Dec 8, 2017). There is also an article I wrote for *Black Girl Dangerous*, an online publishing project that features social justice writing from a QTPoC perspective, titled "10 (Un)documented Black And LGBTQIA+ Activists You Need To Know" (March 29, 2016). Yesi's social media accounts do not appear on the e-archive.

Moten's (2003) notion of improvisation discussed previously, in this chapter I work to develop a theory of undocuBlack nonperformance as it relates to self-representation.

I am not sure what led Yesi to delete their nude self-portraits, but I can speculate that it has something to do with Donald Trump's election as the 45th president of the United States. On January 19, 2017, I wrote an email to Chris Wangler, News Director at WCAC-TV asking to remove a video of me testifying at the Massachusetts State House, where I shared intimate details about my life as an undocumented subject. In the email, I explained: "Due to our political moment, and for the limited protection of myself and my undocumented Black community, I do not feel comfortable with the YouTube video…being so readily accessible."[56] Wangler replied immediately and wiped the video from the e-archive, that is assuming anything can even be "wiped." I describe this experience because I do not know if Yesi had similar thoughts and acted upon them by protecting their Internet trace through the four years of President Trump's appointment in office. This reality mimics the fleeting moment (or current) of the undocumented West African young man that I detail in the introduction, which places Yesi's digital erasure in kinship with the young man who sought to stop his deportation through visual narrative.

I began this section with a quote from Yesi's keynote: "He left her, injured and unconscious in the grapevine fields." The grapevine field is that which holds Yesi's mother's body but also Yesi's art.[57] The field provides shelter. The plants produce the oxygen Yesi's mother's brain necessitates in the moment of unconsciousness. Yesi's mother survives. In the sentence, Yesi holds their mother's story alongside a larger narrative of anti-Black, anti-Indigenous, and gendered violence in the Americas. The hold of the grapevine field is a "scene of subjection" that should not exist (Hartman 1997, 42).[58] The hold does not only speak to the catastrophe that Yesi's mother experienced; the hold also addresses the violence of the nation for illegalizing Yesi's mother. The hold, the scene, the field, illegalization, and conquest draft what Diné poet, Demian DinéYazhi' has termed "an alphabet army" employed to achieve the settler goal of empire and Indigenous elimination (2021).[59] Without providing any visuals, Yesi's sentence produces a visual hold that those present in the Hallock Auditorium at Oberlin College must reckon with. For the purposes of this chapter, I ask: what might it mean to hold, tenderly and politically, Yesi's textual image as we witness their self-portraits? What kind of work

[56] Personal Gmail communication between Chris Wangler and I: January 19, 2017.

[57] By "hold," I gesture toward Christina Sharpe's dissection of the word using the Oxford English Dictionary (OED). Sharpe quotes from the OED: "Hold- a large space in the lower part of a ship or aircraft in which cargo is stowed. (of a ship or an aircraft); continue to follow (a particular course); keep or detain (someone); a fortress" (Sharpe 2016, 69). Through these four definitions of "hold," Sharpe proposes that "We [African Diasporic subjects] inhabit and are inhabited by the hold" of the slave ship, holding cell, shore, the contemporary *thingification*[57] of Blackness, and the hold of the hug :: embrace (69). To think of the grapevine field as a hold is to consider the ways in which Saidiya Hartman's "afterlife of slavery" manifests in Yesi's familial unit (Hartman 2007, 6). Yesi's mother, a Black Indigenous woman, is labeled an illegal alien by the United States government while at the same time being a descendant of enslaved peoples. The grapevine field, here, can be understood not as a re-interpretation of plantation geography, but as a geography where land is exploited for the purposes of advancing the capitalist state, facilitated by settler-occupation and the illegalization of Black Indigenous subjects.

[58] Hartman defines the "scene of subjection" as "the everyday practice of domination" (Hartman 1997, 42).

[59] DinéYazhi"s "alphabet army" is in conversation with Hortense Spiller's notion of an "American grammar book," in which the grammar book of Black life in the United States speaks to the long-durée of the middle passage (1987).

might Yesi's photography urge us to develop and/or act upon as scholars, activists, and people who are alive in the world with Yesi and their mother?



Figure 4. Yesi, "Con Oshun, Gilas, CA." 2015.

Land as Analytic & Oshun as Method

Instagram—for those whose physical movement is legally limited by federal immigration law—serves as a site of digital border crossing. The GPS feature encoded in the social media platform makes digital reunification between undocumented subjects and people in their countries of birth possible. Perhaps this is one way in which migrant communities have been able to reappropriate surveilling technology. Between 2015-2017, I realized that by using Instagram's GPS check-in feature, Yesi was utilizing the application as a performative space in which to leave traces of their physical body, locate themselves in relation to land, and affirm their existence when immigration law perpetually marks migrant communities (alongside Black, Indigenous, queer and trans peoples) as "alien."

Illegality is a state-sanctioned wound shared by those who are (or have ever been) undocumented in the United States, but illegality is not all that constitutes the lives of

undocumented migrants.[60] I propose migration scholars sit closely with Yesi's archive because the artist interrupts narratives of good moral character through nude portraiture and in doing so, activates a transgressive notion of *undocuBlack nonperformance*. Feminist visual studies scholars including bell hooks (1995), Lisa Gail Collins (2002), Judith Wilson (2010), Leigh Raiford (2011), Nicole Fleetwood (2011), and Krista Thompson (2011) have written extensively about the history of African diasporic people as both objects to be gazed at via the camera's one-way contact, and subjects who transgress the Western gaze by refusing to be seen. (To be specific, this chapter reads images with an *undocuBlack nonbinary lens* that diverges from what is usually rehearsed in art history and visual cultural studies. I identify an *undocuBlack nonbinary reading method* as one that explicitly considers the U.S. legal system's investment in a cosmology of white supremacy and the visual epistemologies that index binary genders and heterosexuality as respectable ways of being. An *undocuBlack nonbinary reading method* is necessary because legal regimes control and dictate race and gender through good moral character, and therefore, we must read with, through, against, alongside, and outside gender.)

Upon approaching Yesi and asking for permission to write about their photographs, the artist sent me a dropbox folder with twelve photos they wanted me to think with. The earliest work that Yesi sent dates to 2015 titled "Con Oshun, Gilas, CA," where the artist appears nude. In appearing nude and not showing their entire body, Yesi successfully denies the viewer any signifier of gender. In this, Yesi authors a new configuration of the self that transgresses "nineteenth-century visual culture," which demanded gender and "consistently linked the black female figure with slave, sexual, and service economies" (Collins 2002, 41). By photographing their ass in a series of images, the artist alludes to a sexual past, but they also do something that is less apparent: Yesi talks back to the viewer by demanding interaction with their ass and not their face.

Insisting in their ass may be theorized as a refusal of cis-heterosexual understandings of good moral character. In African American vernacular English, one could say that the repetitive action of forcing the viewer to watch their ass is "showing face."[61] To "show face" is to show up somewhere where one is not wanted. As an undocumented subject, Yesi is not wanted in occupied U.S. territory. Yesi shows face in territory and then shows themselves showing face on social media. Ironically, we never get Yesi's face. Instead, we get Yesi's ass, the part of the body that literally disposes of waste. This action is one of nonperformance that contrasts, for example, the screenshot provided from my own archive where all the subjects appear to be in uniform, ready to take notes on how to be good citizens and looking away from the camera but still showing our faces. Yesi's image does the opposite. In fact, there is no uniform, no props, no approaching the camera. Stillness, here, is the nonperformance.

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[60]Migration studies scholar Nicholas DeGenova (2002) argues that "undocumented migrations are constituted in order not to physically exclude [undocumented migrants] but instead, to socially include them under imposed conditions of enforced and protracted vulnerability" (429).

[61] In African American vernacular English, "to show ass," is defined as enacting a performance that is socially unacceptable and thus exposing oneself and entering a physical space of vulnerability. While Yesi is literally showing their ass, this expression does not accurately speak to the impact that the photograph has and thus, I hold that Yesi is "showing face." I narrate both expressions in this footnote because they speak to the legal limbo of good moral character: the binary of good or bad is unstable and any action can be read as good or bad, which makes performing morality an abstraction that is also dependent on how a subject is racialized, gendered, sexualized, aged, etc.

In “con Oshun, Gilas, CA,” “Arbol de Guapinol, our bodies remember, Costa Rica,” and “bañándome en las buenas energías de Oshun, dejó mi alma dulce como la miel,” viewers are presented with Yesi, feet firmly planted on dirt and rock, while the rest of the photographer’s body hunches over as if making an offering to Oshun, Yoruba goddess of love and sweet waters.[62] Although no water is directly present in the first two photographs, Yesi's body rests in front of leaves, illuminated by the sun from the northwest, which can be interpreted as the active presence of Oshun. The bright green leaves and towering trees also suggest an environmental pleasure, which is likely induced by Oshun’s cosmic energy, and her promise of protection across continents and borders.



Figure 5. Yesi. “our bodies remember, Costa Rica.” 2016.

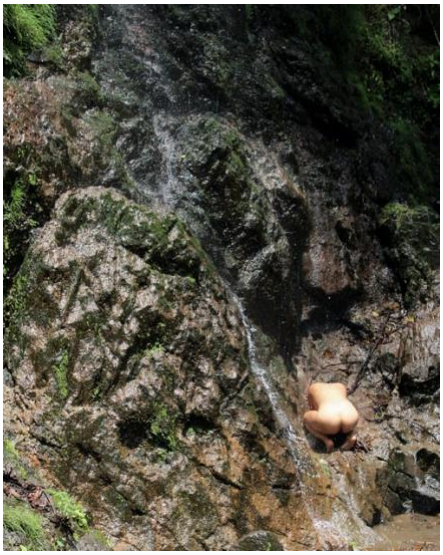


Figure 6. Yesi. “bañándome en las buenas energías de Oshun, dejó mi alma dulce como la miel.” 2016.

[62] Ọ̀ṣun can be old and young, rich and impoverished, loving and spiteful. At every turn she is something that the devotee does not expect. She cries when she is happy and laughs when she is sad. She is a powerful sovereign and a master of domestic arts. She heals with cool water, and destroys life in raging flood. She is a loving mother and a leader of vengeful spirits who can take anyone’s child away… These multiple Ọ̀ṣuns arise out of the experience of many communities and many individuals… This ability of Ọ̀ṣun to be many things allows devotees to hold their religious lives in complexity” (Murphy & Sanford 2001, 7).

For Yesi, an Afro-Zapotec-Mixtec subject, this invocation is not random. The artist has two Indigenous traditions that they can root themselves in to practice ceremony: Zapotec and Mixtec traditions. Yet, they decide on an Indigenous tradition inherited via the middle passage. This invocation frontloads the choreographies of slavery: Indigenous Africans are kidnapped, transported, and enslaved in the Americas. Now, one of their descendants—Yesi— is marked an "illegal alien" in the continent where their ancestors were enslaved. I return to the notion of nonperformance. Yesi's invocation of Oshun can be theorized as a rejection of both Mexico and the U.S. This rejection contradicts the required narrative of federal immigration law: migrants must make their case for protection to enter the category of conditional resident, asylee, refugee, etc. Yesi makes no plea to a nation-state, their plea is to Oshun.[63]

In creating an ecological aesthetic, Yesi constructs a scene where protection, the primary promise of citizenship, can only be found in land and spirit.[64] I argue that Yesi's three images construct an ecological aesthetic that centers on land and spirit because everything in the photographs is natural: the leaves, trees, light, and their nude body. The repetitive sequence of Yesi's ass reminds me of chants that are voiced at direct actions in the migrant justice movement. Almost as if in rhythm and in an unapologetic tone, Yesi's ass is chanting. But what is the chant? If citizenship is linked to protection and good moral character, what may Yesi be saying? This is where I begin to see an emerging aesthetic argument: if Black Indigenous peoples are not wanted in settler territory, then that means that Black Indigenous peoples pose a thread to the structure of settler-colonialism, which links the struggles of Black Americans, American Indians, and undocumented migrants together.

In "Territory as Analytic," Joanne Barker (2018) asks, "What does Indigenous territory demand differently of the pedagogy of political movements and the frameworks of critical theory? How does Indigenous territory change understandings of the relationships and responsibilities of knowing?" (20). In Yesi's photographs, Indigenous territory is centered not as the private property of the nation-state, but as a resource that Yesi can be in relation with to conjure Oshun. The land is the mediator between the physical realm and the spiritual realm—a border crossing that settler laws cannot govern.

In Yesi's photographs, land is not only a backdrop: the land is the agent that facilitates the production of the photograph. Undocumented migrants in the United States are treated as if they are threats to the land and in these photographs, it is Yesi's body that activates a cosmic experience between spirit, land, and the artist's own body. The repetitive action of photographing their nude body, especially their ass, in public land can be seen as an act of disobedience that directly challenges good moral character and the surveillance of race, gender, and sexuality. Yesi's insistence on their ass can be theorized as an attempt at rebuilding the connection that the Black Indigenous queer subject can have to land despite settler claims of land as private, owned territory. In the

[63] "I, too, live in the time of slavery, by which I mean I am living in the future created by it. It is the ongoing crisis of citizenship" (Hartman 2007: 133).

[64] Lauren Berlant (2014) argues that "Citizenship is a relation among strangers who learn to feel it as a common identity based on shared historical, legal, or familial connection to a geopolitical space…in return for cultural, legal, and military security, people are asked to love their country and to recognize certain stories, events, experiences, practices, and ways of life as related to the core of who they are, their public status, and their resemblance to other people" (41).

provided photographs, the Afro-Indigenous queer subject cannot be theorized as a foreigner or an alien because the Afro-Indigenous queer subject is not independent of land, but one with the land.

An insistence on land as analytic :: ceremony :: sensual pleasure :: site of intimacy may be read as political and social critique. These three images force Western viewers to *see* Yesi's body in the way that Yesi wants to be seen. The fact that each of these photographs is a timed self-portrait reflects the fact that Yesi is not only the subject of the photograph but also the photographer and the audience. Yesi's photography may cause viewers discomfort because there is no access to Yesi's face. An absence of face denies the viewer the ability to recognize Yesi's body, "mark" it, and move on. Here, Yesi is in total control: Yesi controls the aperture of the camera, the timing of the portrait, and their own body. The specter cannot even be a full specter as Yesi's denial of a gaze unsettles ways of seeing race, gender, and by extension, cis-heterosexuality. Yesi's photographs are also a gesture of aesthetic justice in the face of dispossession and Indigenous genocide by the colonial system, from which the gaze is built in relation to the landscape within the history of Western art.[65] The landscape is made available to the gaze of the settler artist by emptying it of its Indigenous inhabitants. Every landscape that we look at through art is a record of dispossession and colonial displacement. The intimacy of the nude body produces a kinship unit between Yesi and each setting they are in, dislocating settler aesthetics.

When Yesi summons Oshun, the artist resists what bell hooks describes as "dominant ways of knowing and looking" (2009, 115). The invocation of Oshun troubles the notion of Mexicanidad as Oshun is a Yoruba figure originating in what is now known as "Nigeria" and although Oshun has migrated throughout the Caribbean and parts of South and Central America, there is little scholarship that can attest to Yoruba traditions and practices in contemporary Mexico. As a Mexican-born subject, Yesi is assumed to only honor legible gods: those from Western religions or those traditional to Zapotec and Mixtec communities. Yesi does not, which may be an Indigenous critique that positions Mexico as an empire that cannot nor wants to protect Indigenous people and Indigenous land. The fact that Yesi can invoke a Yoruba deity in any landscape signals that the world that Oshun lives in is larger than any settler nation. Yesi's artistic practice reterritorializes the land in a cosmic universe where Mexican citizenship and U.S. citizenship offer very little. Instead, intimacy with the land offers Yesi an escape from the settler empires of Mexico and the U.S.

Nigerian scholar of Yoruba language and literature, 'Wande Abimbola, describes the relationship between an African diasporic subject and Ọ̀ṣun (Oshun) as one that is "always committed to the survival of humanity. In this sense, Ọ̀ṣun is the icon not only of women, but of all creation" (Abimbola 2001, 152). An Afro-Zapotec-Mixtec migrant calls upon Oshun precisely because Oshun survived the middle passage, a reading I extrapolate from the photograph titled "Arbol de Guanipol, our bodies remember." Perhaps, the African diasporic national body in Mexico remembers a time when they and their ancestors were safe. I understand the invocation of Oshun as a confirmation that for Black and Indigenous subjects, the concepts of countries, nation-states, and legal citizenship

[65] For more on aesthetic justice, the outdoors, and Indigeneity, see "Reenlazarnos: la ecología contemporánea a través de la obra de Juan Downey" (Instituto Cisneros MoMA: Dec 16, 2020), particularly Paulo Tavares' criticism of Juan Downey in minute 13:56, where he addresses the Yonomami pueblo in Brazil: https://www.youtube.com/watch?v=xAXjdjlwf6c&t=1s.

status can never replace Indigenous presence, cosmologies, and alternative forms of belonging to and with the land. The *undocuBlack nonbinary epistemologies* that Yesi offers in these photos through their nude body, Oshun, the land, the poetics of each title, and in sharing them with me is an invitation to explore our trans-human animal textures, desires, connections, and spirits.

Yesi conjures alternate forms of belonging because their livelihood is not guaranteed. In "Plantita Platica," Yesi tells a theatre of Oberlin College students that their mother was left, "injured and unconscious in the grapevine fields." I do not want to project anything onto Yesi's photographs but knowing about the artists' relationship to the grapevine field, I wonder: are these photographs helping Yesi reclaim their and their mothers' bodies? I ask because mourning appears to be a political and spiritual act in where Yesi activates an AfroIndigenous epistemological understanding of relationality. I go to mourning following Judith Butler suggestion that "[c]ertain lives will be highly protected, and the abrogation of their claims to sanctity will be sufficient to mobilize the forces of war. Other lives will not find such fast and furious support and will not even qualify as 'grievable'" (2004; 32).

As I sit closer with Yesi's archive, I can't help but think of the Óscar Alberto Martínez Ramírez and Angie Valeria's photograph. Had the two migrants made it, would their conditions of forced migration be understood as grievable not only by *The New York Times* but the U.S. social imaginary? As a specter and witness to Yesi's work, I can say that the images are teaching me that grieving may be a radical act of nonperformance. Federal immigration laws demands performances of gratefulness, Yesi does not render that. Instead, Yesi's images prioritize grief, ceremony, and spirit. In this act of nonperformance, Yesi momentarily dislocates the power that the state has on the undocuBlack everyday.

In *A Map to the Door of No Return* (2001), Dionne Brand describes the Door of No Return as "that place where our ancestors departed one world for another… In some desolate sense it was the creation place of Blacks in the New World Diaspora at the same time that it signified the end of traceable beginnings" (5). I want to be daring and propose that the invocation of Oshun serves as an opening that is parallel to the Door of No Return. If we are descendants of the Door of No Return, then we might have the ability to open a different door where displacement can coexist with belonging. Yesi knows this, they invoke Oshun. It is dangerous to even theorize this because I do not want to fall into the trope that one can "return" to a homeland as a descendant of enslaved Africans. Yesi's photographs do not depict a desire for a utopian return. Oshun's presence across diasporic communities on different continents eases a desire to return because Oshun is everywhere.

Black literary scholar Christina Sharpe (2016) theorizes "the hold" not only as the hold of the slave ship but also as the hold of the embrace. Yesi's photographs hold their body as they hold their mother's story and their larger experience as an illegalized subject. These portraits are holding, holding, holding. I wonder if the photograph series is how Yesi gives their body back to themselves. The chronic poses build a critical relationship with land and spirit even when Yesi is not in Zapotec or Mixtec lands, which makes the concept of territoriality and the Indigenous subject as land-bound fall apart. Settler-colonialism depends on land claims, which are in part facilitated by Lockean notions of land as a natural right. Through Lockean theory, natural rights are rights one earns through labor, and I'd argue that id land is a natural right for the settler. Then settler-

colonialism is an ongoing performance of labor, theft. I would argue that Yesi's work may be read as a critique of Lockean notions of land as a natural right. By invoking Oshun, Yesi activates a critical kinship with land that is always possible despite settler-claims of land as private property that belongs to nation-states.

In not being approachable to the viewer, Yesi utilizes their ass to approach an elsewhere, which I theorize as an "illegality clapback." "Illegal" is an action, place, person, or object that is articulated as prohibited; and "clap-back" is an African American vernacular phrase of returning a "diss" to someone who believes has "schooled" and/or "mastered" another person. The person "schooled" or "mastered" responds with an unforeseen stronger re-articulation and linguistic formulation of words that recuperate their dignity through sonic performance and bodily gestures. Therefore, an illegality clapback is a forbidden articulation voiced by the body rendered "owned." An illegality clapback is a node of *undocuBlack nonperformance* that refuses good moral character through the senses: sound, sight, and physical performance. In appearing nude, showing face by showing ass, invoking a Yoruba goddess, and honoring the land, Yesi is schooling the U.S. and Mexican empires: the artist doesn't need the authorization of either nation-state because Yesi has Oshun.

In "The Body and the Archive" (1992), Allan Sekula explains that photography is a "silence that silences" by engineering what we now know as "criminalization" (Sekula 1992, 344). The legacy of photography, Sekula continues, has been one that enables contemporary surveillance as "photographs and technical illustrations were deployed, not only against the body of the representative criminal, but also against the body as a bearer and producer of its own, inferior representation" (Sekula 363-4, 1992). It is my assertion that Yesi's art responds to the idea that undocumented immigrants are responsible for their own conditions of undocumentedness. Yesi's photographs refute the settler accusation that "illegal is illegal," by demanding their presence to be seen repeatedly, indexing the fact that they were illegalized by the nation-state as supposed to them being an illegal subject.

If one of the prime purposes of photography is to capture and—using Sekula's word— to "silence," then representing escape and the failure of citizenship is by default a negation of photography's silence. Yesi's photographs actively resist silence in that the undocumented must have no legibility. Yesi's role as the photographer and the subject exposes the fact that the undocumented subject can be legible, and this legibility might even lead to an alternative form of documentation that works to de-aestheticize the narrative of undocumentedness.

By negating the viewer's gaze and forcing us to repeatedly interact with their nude ass, Yesi takes away our power as spectators to gender them and project anything that we believe we know about gender. Yesi's photos echo Michelle Foucault's argument in *Discipline and Punish* that "visibility is a trap," as Yesi's deletion of the Instagram photos indicates they don't want to be visible to anyone (1975). Yesi appears to only wish to be visible to the land and the divine. Because, as Simone Browne (2015) quoting Fiske reminds us, "today's seeing eye is white" (17). Yesi provides us with an Afro-Indigenous queer way of seeing.

In this photographic series, there are two images that reveal the location where the photographs are taken: Gilas, CA, and Costa Rica. Part of this mapping, I speculate, speaks to Yesi's desire to connect with a larger African diasporic community, and to leave traces of their perpetually illegalized body. In the reproduction of the photographs, Yesi

authorizes themselves and gives their body permission to be held by land without regard to legal permission from settler nations. I make these claims following the scholarship of visual studies scholar Krista Thompson who argues that "the photographic medium…might have a special analogous relation to African diasporic communities who are often cut off or removed from spaces and times" (2015, 11). Yesi is literally removed from space and time as an Afro-Indigenous subject from Mexico, a predominantly non-Black country that recognized Afro-Mexican citizens for the first time in the 2020 census, five years after the first photograph in the series is taken. By revealing their location, Yesi is gesturing to a fugitive escape, but as Fred Moten theorizes in "The Black Outdoors," "you don't ever get escaped. Escape is an activity; it is not an achievement" (2006).

If Moten is right and escape "is not an achievement," then what does Yesi's work reveal? The photographs reveal a body in the process of escape. Scholarship on undocumented subjects tends to equate adjusting immigration status as a liberal achievement, but as legal studies scholar Gad Guterman claims, "occupying a space of legal nonexistence" forever alters the experience of the undocumented subject as "years of performing nonexistence are neither immediately nor fully overcome" (2014, 3;7). Although Yesi can photograph their nude body in public space and reveal to us where they are, they can't achieve an escape because a single escape doesn't erase the violence of living as an "illegal alien," but this is not to say that Yesi doesn't escape. Moten's words are important: "Escape is an activity." The aperture of the camera becomes a critical object in the activity of escape because while the camera must capture the body, Yesi uses the camera to control how the body is to be captured. This manipulation can be understood as a fugitive transgression because the artist captures a body (their own body) moving away from the camera and towards an escape that is outside of the camera's long field view—Oshun's land.

Through acts of hyper-documentation, Yesi drafts temporal and geographic spaces where the undocumented body can exist and enjoy the freedom to move as "photographic and videographic images have a mobility that bodies do not" (Thompson 2015, 149). In each of Yesi's portraits, the artist is controlling and manipulating time. For example, those who interact with their photographs do not know how long the timer of the camera was set, nor does the viewer know if their body is still in that same position, and that is the power of stillness. Yesi's body may even be a construction of time. In these three images, the artist is hunching over as if in ceremony or silent prayer. We do not know if the artist reassumed that pose after the timer ended or after they uploaded the image(s) onto Instagram. This not knowing adds a temporal dimension to Yesi's body that is worth intellectual inquiry. Photographic mobility disables the material conditions of immobility and time produced by the status of "illegal alien," which creates a stalled temporality, which I argue is a still fugitivity, which I fully analyze in the next two sections.

For immigrant rights activists and organizers, Yesi's use of Instagram and photography is critical. Yesi can be denied an adjustment of status or an extension to a green card simply for posting their nude body online as nude photographs may be read by immigration officials as a failure to perform good moral character. Not only are Yesi's photographs revelatory, but under a cis-heterosexual government regime, the nude portrait can be identified as an index to sex work. Even if Yesi becomes a citizen of the United States, there is a good moral character clause in immigration that could be used to denaturalize the citizen alien, which is why I find these theories urgent.

Immigrant rights activists and organizers can take Yesi's art practice as a serious gesture to ask: *what is Yesi's ass chanting?* Perhaps the chant is about liberation and abolition. Abolition of surveillance, organized systems of race, gender, sexuality, and territory and/or organized systems of alien others. Yesi's photographs are a form of "wake work" which Christina Sharpe (2016) defines as "a mode of inhabiting *and* rupturing this episteme with our known lived and un/imaginable lives. With that analytic we might imagine otherwise from what we know *now* in the wake of slavery" (18, emphasis in original).[66]

Thus far, I have been vague about Yesi's gender because the photograph series demands it of us. There are no contextual clues in the first three photographs. Yes, viewers can (and will) project a gender onto Yesi based on their hips, posture, and name but not insisting on gender is required when reading work through an *undocuBlack nonbinary lens* primarily because this approach to seeing and reading helps scholars think about the artist's legal reality and how gender is produced and not independent from illegalization.[67] In the absence of citizenship, the artist refuses a gender to viewers, which is social critique: nation-states assign and aestheticize genders onto their citizens. Yesi refuses. For the remainder of this analysis, a binary gender is included as Yesi identifies a gender in the final image: *una morena*. I reserve a discussion of gender at the end because gender is a category that individual people can enter and exit at any moment. I also want to propose that Yesi's shift from ungendered to gendered can be understood as a trans feminist epistemology whose conditions of possibility are the simultaneous use of the they/she pronoun.

Fugitivity, Capture, & New Holds

In "caminando por el bosque, me encontré a una morena", Yesi renders us a single photograph manipulated with the use of Adobe Illustrator. Yesi outlines her body by what seems to be a red-orange tint. This visual outline is what feminist cultural theorist, Nicole Fleetwood, calls a "visible seam." For Fleetwood, the "visible seam" represents "an…intervention that reveals the gaps and structures of dominant visual narratives and the underpinning ideologies that maintain them" (Fleetwood 2011, 113). By outlining her body and blurring their torso, Yesi fragments ways of seeing, as we might misread and misrecognize this image as a cut-and-paste collage. Even more, Yesi's intervention in this image is that she takes their physical body, manipulates it, and transforms it into an animation. As an Afro-Zapotec-Mixtec queer subject who was forced to leave their homeland, the structures of displacement and exile are built for her to forget that they are an animated and embodied subject capable of pleasure, joy, and ease. The "visible seam" becomes her own body but the animation they create also leaves room for a temporal escape. In the photograph, the artist's animated and pixelated torso creates a mysterious and fantastical scene that makes the specter ask: *is Yesi moving? Is Yesi running? Is there a flash (of light or hesitation) present in the photograph?* As I experience this image, I crave to know what is happening: I think I understand their body as running away, but

[66] Sharpe (2016) later continues the definition of "wake work" and writes: "We must think about Black flesh, Black optics, and ways of producing enfleshed work" (21). I would argue that Yesi's photos are enfleshed work, as is this writing.

[67] "The materialized scene of unprotected female flesh--of female flesh 'ungendered'--offers a praxis and theory, a text for living and dying, and a method for reading" (Spillers 1987: 68).

the title negates a running away. In the title, Yesi tells us they are finding a "morena." However, *how and why does one go out to the woods find a morena?* To answer this question, I consider visual art historian, Leigh Raiford's notion that "photography, when placed in a broader context, can also encourage a critical evaluation of the past" (Raiford 2011: 219). For the remainder of this section, I will use Yesi's image to enter a conversation with images across different time periods that represent black subjects in the outdoors amidst moments of flight.

Yesi's "caminando por el bosque me encontré a una morena" reminds me of illustrations from the antebellum era. The harsh lighting in Yesi's photograph is reminiscent of the "THE RUNAWAY" advertisement of 1837. In this advertisement, we are presented with what a traditional cis-heterosexual gaze would identify as a Black man in motion. The subject is an illustration. The title, "THE RUNAWAY," and the subject's towering over a half-naked tree transform the Black subject into a fantasy. The background is composed of negative white space indicating both an excess and lack of light. The land becomes a backdrop as "backdrops may be interpreted as versions of the alternate realities conjured through science fiction illustrations… their settings bring into being landscapes that reconfigure the terms on which we understand the real and the fantastic" (Thompson 2015, 104-5). Both the "THE RUNAWAY" and Yesi's body become fantasies within a backdrop— fantastical beings, mimicking Mae Ngai's notion of the "impossible subject," a person whose social reality in a nation-state exists but legally, they cannot exist (Ngai 2006).





Figure 7. (Left) Yesi. "caminando por el bosque, me encontré a una morena." 2016.
Figure 8. (Right) "The Runaway, 1837" in *The Underground Railroad from Slavery to Freedom* by Wilbur Henry Siebert, Albert Bushnell Hart Edition: 2 (1898: p 26).

I stress reading Yesi's photograph in conjunction with "THE RUNAWAY" illustration because both are animated Black subjects who are in motion to an elsewhere. They are also engaging in illegal activity. "THE RUNAWAY" is a Black subject who is running away from a plantation and towards their freedom, but the notion of freedom is nearly impossible due to the Fugitive Slave Act of 1850 that demands that Northern states that do not participate in slavery work with Southern states to deport runaway subjects to plantation states. I use "deport" to illuminate the connection that fugitivity in the 19th

century has to fugitivity in the 21st century, highlighting the governance of racialized nonwhite subjects' mobility as a primary concern of U.S. citizenship. "Undocumented" according to the Merriam-Webster dictionary was first used in 1867, two years after the abolition of slavery. What is the relationship between the current understanding of the undocumented and the historic understanding of the fugitive subject? These vocabulary formations and their articulations are closely associated. Undocumentedness is rooted in the legacy of trans*Atlantic slavery and settler-colonialism. By visually and literally documenting their nude body, Yesi engages what Mohawk anthropologist Audra Simpson calls an Indigenous "refusal," which is defined as "a political and ethical stance that stands in stark contrast to the desire to have one's distinctiveness as a culture, as a people, recognized" (2014, 11). U.S. law has marked Yesi an "illegal alien," and this marking assures the U.S. that Yesi's body is a criminal body, but when Yesi documents their own body and shows their ass to the U.S. repeatedly, the artist demands their spectators to recognize the distinctiveness of their body and by extension, their Zapotec, Mixtec and African diasporic roots.

Runaway advertisements did not only identify how the runaway subject looked, but advertisements were often accompanied by textual descriptions that spoke to the runaway's *character*, language and labor abilities, and how the runaway subject may have escaped (Hodges and Brown 1994). I italicize "character" to add emphasis to the fact that morality is projected onto a subject that the law understands as three-fifths human, revealing that measurements of good or bad moral character are an impossible act to render in a legal system where one is not legally recognized as part of the nation's citizenry. Although these two visual images are 182 years apart, I read them together because "representations of black escape… allow for a rethinking of the archive of the technologies of slavery and surveillance, in that they reveal how this archive continues to inform relations of subjugation and unfinished emancipations" (Browne 2015, 69).

In "Plantita Platica," Yesi reveals crossing the U.S.-Mexico border as a child through borrowed papers from a U.S. citizen, a tactic enslaved subjects in the United States also utilized to escape North, often in the form of falsified documents.[68] Yesi's art practice is reminiscent of what Simone Browne (2015) names "dark sousveillance," a model of countersurveillance evident in Black cultural production, where cultural texts serve "as an imaginative place from which to mobilize a critique of racializing surveillance… [to] plot… imaginaries that are oppositional" (21). I am not sure if Yesi was actively modeling their body in relation to 19th-century advertisements, however, runaway advertisements created a semiotic by which to read a pursuit of freedom as bad moral character, a reading that also applies to unauthorized migrants who are descendants of enslaved Africans in the Americas.

[68] See Olaudah Equiano's *The Interesting Life of Olaudah Equiano, or Gustavus Vassa, the African Written by Himself* (1789) for an understanding of freedom papers from the position of Europe and the Caribbean; and Frederick Douglass' *My Bondage and My Freedom* (1855) and Sojourner Truth's *The Narrative of Sojourner Truth* (1850) for an understanding of papers from the position of non-slaving nations in the United States and what those papers meant to slaving-nations in the United States and to the subjects who possessed them.



Figure 9. Ryu Ken, Sho. "US-MEXICO-BORDER-CAUTION." Flickr Images: August 23, 2007.

"caminando por el bosque, me encontré a una morena" is also evocative of John Hood's (Navajo) 1987 "CAUTION" sign positioned on highways throughout the US-Mexican border. Legal scholar Leti Volpp (2019) argues that "[t]he Caltrans sign is, quite literally, a 'sign of law,' informing those traveling along the I-5 of regulatory prohibition" (106). The Caltrans sign narrates undocumented migration as a prohibition, and the three bodies function as cautionary tales for drivers in the same way that runaway illustrations in the antebellum era served as cautionary visual symbols to US citizens who were aware of fugitives and did not report them to authorities and/or slaveholders. The three figures in Hood's sign are fugitive subjects, best represented in the floating-like position of the young figure with pigtails who is being pulled by what one can assume is a parent. The child's floating left leg, arm and hair signal an escape in the making. Although the family of three is marked as a prohibition, the sign reveals that the danger that these subjects pose in the social imaginary is their "refusal to stay in spaces of dispossession, disposability, and lived objecthood," which is the prime example of what I term as *undocuBlack nonperformance* (Browne 2015, 72).

Both "THE RUNAWAY" advertisement and the "CAUTION" sign are examples of Black transgressions: the advertisement challenges constitutional law and the Caltrans sign challenges the power of federal immigration law. Another axis of interrelation between these images is their utilization and depiction of land: in "THE RUNAWAY," land is used as an aesthetic that transforms the subject running into an enormous body as the tree that the runaway is moving past is only half the size of the runaway. In the advertisement, the land is weaponized and manipulated to assemble a type of savagery onto the runaway's body. The "CAUTION" sign, as a road object, pierces through the land and claims the land as settled by one group of people. Furthermore, the sign may also be cautioning drivers, pedestrians, and border-crossers that migrants who are fleeting through the highways are engaging in acts of bad moral character. While the sign informs

drivers to slow down, the sign also cautions the migrant: the word "caution" has a double meaning: the migrant should be cautious because there are cars on the road and they might be hit, and the migrant must also be cautious because their behavior of running might be one of bad moral character, making them ineligible for an adjustment of legal status. In Yesi's own photograph, however, the subject moves towards the woods. The land is not manipulated as the site that must be protected or the site that produces the savage or sovereignty. Instead, Yesi's title tells us that the land is the place where the artist finds a subjectivity.

Yesi is escaping towards a future where they find a Black Indigenous subject who moves in-and-out of gender, una morena.[69] We cannot see the morena's face. This not-being-able-to-see is what art historian, Lisa Gail Collins, describes as a Black feminist practice that "frustrates our cravings for… a feeling of mastery over the subject" (Collins 2002, 33). We cannot see whom the artist is finding. We do not get to master a morena. We do not get to master Blackness. We do not get to master Indigeneity. We do not get to master a queer nonbinary subjectivity. Yesi is engaging in future-making. Yesi is committed to an epistemic elsewhere that works to reclaim the Afro-Indigenous subject, the queer subject, and the power of self-gendering. This elsewhere threatens the nation state as the nation cannot control the speculative time travel that the artist engages.

The social and political violence of undocumentedness requires a re-interpretation of the political possibilities of photographic technology: the camera is the object that captures, but how the photographer uses and controls the camera can drastically shift the capturing of the subject. In all four of Yesi's photographs, a subject is captured, but the capture is never far away from a temporal escape because the photographer is always in control of their own capture, thus transgressing and fragmenting how scholars understand the concept of "capture." I began this chapter with a series of visual images: a photograph of political action, photographs in print news stories, a screen capture of a news segment, and then transitioned to self-portraits and compare one self-portrait to an illustration and a road sign. These images frontload the notion that visual texts are a form of narrativity. In chapter one, I focus on the news story, the biography, the memoir, and my own life writing to respond to *impossible stories* of undocumented migrants. This chapter zooms in on many different forms of visual culture to argue that visual images are a form of narrativity that can also tell *impossible stories,* the condition of possibility for the *impossible story* is the language of good moral character. In this chapter I have shown that the force of good moral character exists in many presents: the undocumented everyday, the fugitivity of Blackness, geopolitical presents, and of course, settler presents as facilitated by legal regimes that rely on extraterritorial jurisdiction. Each photograph in this chapter footnotes political action and therefore, I must read across the images and employ an *undocuBlack nonbinary method* of lingering with the textures of illegalized life in the media and in Yesi's archive.

In Yesi's four images, the artist begins to "excavate a wound" that not only speaks to those who have been undocumented in the U.S., but also to those whose lives have been

[69] Yesi mobilizes "una morena" not as female-sexed subject, but as a Black Indigenous subject who moves in-and-out of gender. In LGBTQ studies, "una morena" might be theorized as a trans subjectivity, but taking Yesi's Zapotec and Mixtec roots, I urge LGBTQ studies not to assume or project a transgender identity onto Yesi. There are many epistemologies of gender in Zapotec and Mixtec communities that can speak more intimately to Yesi's experience with gender outside the contemporary conceptualization of the "transgender subject."

shaped by the everyday material realities of settler-colonialism, trans*Atlantic slavery, and gender discipline (Hartman 2007, 40). Yesi's four images decenter the settler-nations of Mexico and the United States by mapping an Afro-Indigenous, queer refusal. Yesi's images don't index a national recognition, instead, they insist on a mutual recognition between the photographer and Oshun. Perhaps this mutual recognition is one that provides Yesi a sense of safety outside the parameters of the *undocuBlack everyday*.

As a queer ethnic studies scholar, I want to now bring this visual analysis back to our contemporary moment. As I write this chapter, communities across the global south are crossing borders and risking their lives in the hopes that they can live longer. So, what can this writing do to help organizers and activists? The answer is both *not much* and *a lot*. These theories and frameworks can help organizers and activists initiate conversations about Black liberation through *undocuBlack nonperformance* and reject settler futures of citizenship as progress. Yesi's photographs allow organizers and activists to denounce notions of good moral character and make the link between good moral character, surveillance, anti-Blackness, queer- and transphobia, and gender discipline.

I want Yesi to be safe. Yesi's nude portraiture teaches me that safety means departing from inclusion in a nation-state and working towards building radical kinship units with the land and our own bodies. Perhaps, the way we can join Yesi as scholars, activists, and community organizers is by asking: how can the immigrant rights movement build kinship with Black liberation movements, Indigenous liberation movements, and movements committed to trans futures? Yesi's art has proposed a vision where Black people can be still and rest in land and come in and out of gender as they please. As activists and organizers, our role is to ask: what must we do to get to those futures? When we ask this question, we are no longer asking permission from the government, instead, we are demanding a new orientation to life. This is the work of abolition and the gift of the radical Afro-Indigenous and nonbinary imaginations.

Chapter 3

Negotiating Patriotic Aesthetics

Self-Publishing, Non-Monogamous UndocuBlack Love, and Compulsory Heterosexuality

In 2015, undocumented poet and fashion designer Alexa Bow asked me in a hybrid creative writing workshop, "when are you going to stop writing poems about being undocumented?" Randall Kenan, our workshop facilitator at the time, didn't let me answer. Kenan jumped in as soon as Bow finished the question and said that my body would know when the time came to write about something else and that at that moment, the poems I was producing were urgent offerings.

In "Speaking in Tongues: A Letter to Third World Women Writers," Gloria Anzaldúa (1981) writes: "It's not on paper that you create but in your innards, in the gut and out of living tissue - *organic writing* I call it. A poem works for me *not* when it says what I want it to say and *not* when it evokes what I want it to. It works when the subject I started out with metamorphoses alchemically into a different one, one that has been discovered, or uncovered, by the poem" (emphasis in the original, 172). In 2015, what I was writing was organic writing. I was writing from my "innards," which explains the exhaustion I feel today. I don't often like my creative writing process: I open a laptop and sit my ass on the floor. I type and type until my innards can no longer do so. I print out every page, I open a seltzer and edit, edit, edit. Three, five, seven hours have passed, and it is probably 5 or 6 a.m. and I used my night to let my innards go to work.

Poetry is work. Poetry is part of a labor market. My innards writing :: gut writing :: organic writing was creating an archive of what Cree poet Billy-Ray Belcourt (2019) identifies as the process by which subjects who are forced into positions of "antifreedom [...] architect a livable world" (x, 18). Anzaldúa's terming of "organic writing" has helped me think about the inorganic. If organic writing is to write from the innards, then inorganic writing is to write outside innards, outside flesh.

In this chapter, I explore organic writing in the work of Afro-Dominican writer Danyeli Rodríguez Del Orbe and queer Kenyan writer Gladys Wangeci Gitau-Damaskos. I attend to how their self-published books metamorphize from one subject to the next as to attend to their organic writing. Love is a common theme of poetry. Love is not explicitly named in federal immigration law, yet it is regulated in visa, residency, and citizenship applications. By reading Rodríguez Del Orbe and Gitau-Damaskos' poetry and the law together, the poets reveal immigrant communities, particularly, immigrant women, must perform various types of love for the nation-state, U.S. citizens, and potential spouses. In turning towards a love of community, the self, and noncitizen romantic lovers, Rodríguez Del Orbe and Gitau-Damaskos break the contract of patriotism that requires a subject to love the nation they seek citizenship from. I contend that organic writing is a method in

which undocuBlack poets break nonconsensual social contracts that open imaginaries to Belcourt's "livable world[s]" (2019:18).

To make such an argument, I first map the role of poetry in the migrant justice movement. I center on two moments crucial to the history of what is now known as "undocupoetics": a 2011 online archive, "Things I'll Never Say," which was run by Educators for Fair Consideration (E4FC, now Immigrants Rising), one of the first educator-led organizations in the U.S. to advocate for federal educational access for undocumented immigrants; and the creation of the first and only national creative writing retreat for undocumented immigrants living in the United States, "Undocuwriting." I argue that these two moments catalyzed conversation about publicly "out" undocumented writers in the United States. Conversations of undocumented writers later led to questions of the undocumented subject's relationship to the publishing world and the larger labor market as labor contracts often demand social security numbers or proof of work authorization. The "Things I'll Never Say" archive and "Undocuwriting" gave way to the "undocupoets petition" of 2015 that demanded publishers drop U.S. citizenship requirements from their contracts. I analyze the "undocupoets petition" and argue that the petition took a neoliberal turn in its alignment to state-sanctioned forms of patriotic love, MFA credentials, and its desire for formalist writing. After I explore neoliberalism in poetry, I turn to the work of undocuBlack poets who self-publish, thus critiquing the need for a publishing press that stamps undocumented narratives as worthy forms of authorship. I hold that this is a transgressive act of undocuBlack nonperformance that reveals romantic and platonic love as alternate forms of authorization that the nation-state cannot provide, troubling the nonconsensual contract of patriotic love.

Creative Writing's Entrance in the National Post-'DREAM Act' Discourse

In 2011, Educators for Fair Consideration ("E4FC"; now known as "Immigrants Rising"), a nonprofit organization working at the intersection of equitable education for immigrants in the United States and policy, launched a website titled "Things I'll Never Say," with a purpose of archiving migrant narratives. The single-sentence description of the website reads as follows: "'Things I'll Never Say' is a platform for undocumented young people across the country to create our own immigration narratives by boldly sharing our personal experiences through various forms of creative expression." The website is named after a collection of short stories written by undocumented youth affiliated with E4FC. In 2010, E4FC ran a series of creative writing workshops with immigrant youth and the content was later published in the *Harvard Educational Review* under the title, "Things I'll Never Say." I mark this as an important moment in the history of the migrant justice movement because there was an insistence on archiving self-authored stories. In other academic writing, I term these collections as archives of *neglected documents*, defined as documents that migrant creators have but are ineligible in a court of law as evidence of their presence in the United States, their aspirations, and proof that their migrations were propelled by larger structures of violence that include femicides, imperialism, military occupation, war, and more. In 2015, when I first began ideating this dissertation, I used the term *additive documents*, but the insistence on "neglect" makes it clear that federal officials know that the undocumented migrants have documents that claim their subjectivity and choose to neglect those documents.

After E4FC assembled stories and published them in the *Harvard Educational Review,* E4FC invited a group of 5 established artists, 3 who had an undocumented experience in the United States (comic artist Julio Salgado, Pulitzer Prize-winning journalist Jose Antonio Vargas, and American Book Award and National Latino Book Award recipient Reyna Grande) to serve as judges for the "Things I'll Never Say National Contest." Of over 100 submissions, a panel of five judges selected five winners. Of the five winners, two were poets. In fact, both were undocumented Nigerian women, Kemi Bello and Praise Odigie. In Kemi Bello's award-winning poem, "Battling Silence," Bello wrote to readers: "If you truly support me, / You would understand / the importance of my words, / for they are one of the few weapons I own." In a single stanza, Bello linked narrativity (words) to warfare. When readers contextualize Bello's Indigeneity (Yoruba), Bello's words become a weapon against U.S. Federal Immigration Law and England, former colonial power of what is now known as "Nigeria." This double experience of coloniality—one experienced in her ancestral home and the second in an empire with direct ties to the colonizer of her ancestral home—brings transnational experiences of settler-colonialism to the forefront of undocumented scholarship. If words are weapons, then words can crack structures. Although Bello's poem exists at the level of the printed letter, the enjambment in the stanza performs a physical cutting that when read out loud exemplify how words become weapons. This attention to poetic form repositions cultural production as an active field of contestation: undocumented migrants may not have a voice in a court of law, but they do in poetics; that is, poetry demands an audience, a readership, and through this demand, the undocumented subject speaks.

Praise Odigie's winning poem, "How an Undocumented Immigrant Looks at America," disrupts the narrative of undocumented migration as a non-Black Latin American issue by bringing the same level of nuance as Kemi Bello. Through a videotaped reading of "How an Undocumented Immigrant Looks at America," Odigie racializes and accents undocumented migration. Odigie's dark skin and British-Nigerian accent connect Blackness, Indigeneity (Igbo/Ibo), coloniality, and illegality, forcing viewers to question what they think they know about undocumented immigration. In the recording to the video, Odigie proclaims: "There are no spare keys for the undocumented immigrant/ And so you raise your tired knuckles/ And you knock you knock and you knock/ Hoping that someday/ Someone will be kind enough to open the door." Odigie's repetition of knocking parallels the exhaustive labor of making not only the undocumented subject visible but centering undocuBlack women as speaking subjects. The production of the video animates poetry in important ways that the written letter cannot. For example, videos may be more accessible than poems, especially if the video is on YouTube. All the winning pieces of the "Things I'll Never Say National Contest" live in an online archive but they might only be encountered if one actively seeks out creative writing by undocumented immigrants. A YouTube video, however, is added to an algorithm. YouTube may recommend the video to others, thus giving Odigie a mobility that the poet does not legally have as an undocumented subject. The video ends with, / Hoping that someday/ Someone will be kind enough to open the door" and in this ending, a U.S. citizen audience may feel moved to do utilize their status as citizens to lobby, write a letter to their representative, or share the video with others as to raise awareness about the exhaustive material conditions of Black undocumented life in the United States.

Two years after both poets are recognized as contest winners, *Forbes* publishes an article titled, "A Lesson from the Oscars: Storytelling as a Tool for Healing and Sound

Politics" (2013), highlighting Praise Odigie's video and framing it as an intervention to how people understand undocumented immigration in the United States. Bello's winning poem, "Battling Silence," and Odigie's spoken word video, "How an Undocumented Immigrant Looks At America," create an opening for large audiences to understand the intimate ways in which migration impacts the Black community and in the case of Odigie and Bello, an Indigenous Nigerian woman. Each winning piece of the "Things I'll Never Say National Contest" serves as a testimony that makes legal forms of testimony visible, nuancing the narratives of undocumented migration in the United States. In the case of Bello and Odigie, undocumented migration is not about crossing a physical border, but about fleeing one's home country post Nigeria's independence from England and having to live in the aftermath of two of England's former settler territories: the United States and Nigeria.

In 2013, Kemi Bello alongside Quechua-Kañari undocumented writer Sonia Guiñansaca, found the Tumblr page "(Un)documenting." The founders describe the project as follows:

> Undocumenting is a curatorial project that seeks to collect and highlight the body of creative work by undocumented people, around any and all subject matter, and to build community amongst art and culture makers and activists. Undocumenting also aims to engage in dialogue and reflection around matters of agency, identity, creativity, self-expression and intersectionality around the migrant experience and beyond. (https://undocumenting.tumblr.com/About)

The verbiage employed by Bello and Guiñansaca is hyper-specific, "around any and all subject matter." In this articulation, the curators suggest that there is a singular narrative expected from undocumented migrants in the United States and "Undocumenting" is not the outlet to hold those narratives. Instead, "Undocumenting" is a space for "dialogue and reflection." In "Undocumenting," the undocumented migrant does not have to perform productivity and value, nor does the undocumented subject have to perform innocence or a love for the United States. "Undocumenting" is a project invested in nonperformance. I speculate that this nonperformance is catalyzed by the fact that both founders are Indigenous queer subjects who have been labeled "illegal aliens" by the nation state and their desire to nonperform is informed by a quotidian understanding of settler-colonialism, homophobia, and the disciplining of gender, sex, sexuality, and bodies socialized as 'female.'

At the end of 2013, CultureStrike (now "The Center for Cultural Power"), an arts nonprofit found in 2011 after an artist delegation traveled to the Arizona border to strategize how to amplify the material conditions surrounding anti-immigrant law SB1070, created the first-ever national writing workshop for undocumented immigrants in the United States. Of over 130 applicants, ten undocumented immigrants were selected. The writers met in San Francisco for ten days to write with poet and performance artist, Staceyann Chin. Kemi Bello was one of those ten immigrants and so was I. During the ten days, we were asked to question what it meant to produce work as people who can be removed from the United States at any moment and to clarify for ourselves if we were undocumented writers or writers who happened to be undocumented. This distinction made me interested in the difference between identifying as undocumented and being subjugated to illegality and undocumentedness.

CultureSrikes's retreat identified us as "undocuwriters" and so a contemporary literary canon of publicly "out" undocumented writers was born. By this I mean that the retreat's coinage of "undocuwriters" gave undocumented writers who were not part of the retreat a term in how they could position themselves within a literary canon. The "undocuwriter" is a subject whose position in the United States is legally bound to immigration law and policies, and thus, they are writers whose work is produced inside the United States but not legally recognized as American or within the field of U.S. cultural production.

Poetry as a Stamp

While I argue that E4FC's collaboration with *Harvard Educational Review* and their launch of the public archive, "Things I'll Never Say," combined with CultureStrike's creation of "Undocuwriting" created a new literary canon, this chapter does not address all the literary genres present in these two initiatives. This chapter focuses on poetry to trace the interventions of undocuBlack poets in the United States and analyze the narratives, worlds, and critiques midwifed by an *undocuBlack interiority*. For the purposes of this analysis, I will defend my insistence to *why* poetry and poetics in the paragraphs that follow.

In 2004, Javier O. Huerta's poem, "Toward a Portrait of the Undocumented," in *Some Clarifications y otros poemas* rendered U.S. audiences an account of what life is like when living as an "illegal alien." Towards the end of the poem, Huerta declares: "Read me: I am a document/ without an official seal/ (Who authored you?)." The poet's instance on the language of documentation and authorship suggests that although he is undocumented, he is still a person who can self-author(ize) his subjectivity through poetry. Contrastingly, the poet makes the "you"—the reader— reflect on their own subjectivity as the "you" can only exist inside the parenthesis of the poem as opposed to existing in the body. The use of parenthesis proposes that the "you" is not a self-authoring subject but a subject who has been authored. In the poem, the "you" may be read as the U.S. citizen, but the parenthesis indicates that the "you" can stand in for a list of possibilities. Huerta's "you" can be theorized as any noncitizens subject who is demanding to be authored :: written :: admitted into the community of the settler-nation. Huerta's insistence on the language of documentation suggests that citizenship is not only a contract, but the "seal" that holds together the relationship between a state-controlled sociality and the settler-nation. Scholar Priscilla Wald (1995) argues that texts "constitute Americans" in both legal and emotional terms, and that "the process of writing…emerges consistently as a means of exploring the internalized frontiers," which is a parallel argument to Huerta's writing as an unofficial seal (11).

In the absence of authorization or permission to be in the United States, poets who have been illegalized can use their craft to transgress legal permission, though the absence of legal permission can never be replaced by craft.[70] Huerta's language of an "official seal," and my theorization of the "stamp" move this argument because if the poem is theorized as a stamp, the poem can make a claim to presence. In migration status, the analytic of *presence* brings with it many arguments. Legal studies scholar, Linda Bosniak (2007), for

[70] As in chapter one, I use "illegalize" to highlight the notion of the "illegal alien" as a politically produced subject. The migrant must be illegalized by the law in order for the migrant to be considered an "illegal alien."

example, asks: "How long would we require that a person be here in order to regard her as someone with whom we 'lead a common life'?" (405). What interests me in Bosniak's question is not the obvious *hereness* of migrant subjects, but the politic of recognition and communion that Bosniak's question poses. In Huerta's poem, the poet doesn't ask for recognition; Huerta asks the reader to identify not only who they are but who authored / stamped / indoctrinated them. Through seals and stamps, Huerta alludes to the pledge that citizens must make to the nation: the exchange is one of patriotism, but what happens if the nation will not protect the citizen? Perhaps this is why Huerta's "you" lives in parenthesis :: entrapment. I place Huerta and Bosniak together to attend to the fissures of both writers. Huerta questions the singular, entrapped "you," while Bosniak questions the law which highlights the fact that illegality is not solely a legal phenomenon, but a social one.

Within the parameters of migration studies, American studies scholar Lisa M. Cacho (2012) argues that while people are physically present in the United States, those subjected to categories of criminality and terrorism are "ineligible for personhood" (6). If people are "ineligible for personhood," I add that they are ineligible to claim their presence. Javier Huerta's "Read me: I am a document/ without an official seal/ (Who authored you?)" conjures a poetic body and claims a literary presence adjunct to legal presence. Following Pierre Bourdieu, an articulation such as Huerta's represents "the site of struggle in which what is at stake is the power to impose the dominant definition of the writer and therefore to delimit the population of those entitled to take part in the struggle to define the writer" (1993: 42).

To converse with Bourdieu's notion of "stake," I want to think with Alicia Schmidt Camacho who writes that "migrants create new imaginative worlds out of their trajectories of loss and displacement" (2008: 6). Through loss and displacement, undocumented subjects formulate a "discourse of pain"[71] informed by the exploitation of their "laboring body" (2008: 256). When this discourse is articulated in cultural production, undocumented subjects (such as Huerta) create a "migrant melancholia" that acts as "an emergent mode of migrant subjectivity that contests the dehumanizing effects of the unauthorized border crossing" (286). I read Huerta's poem as a "migrant melancholia" that attempts to offer undocumented subjects care. Care is necessary because as theatre and law scholar Gad Guterman explains, "[l]egal status cannot fully change the individual whose dreams and nightmares were molded in undocumentedness" (2015: 7). Huerta's poem also presses open the space between citizenship as a legal status, and citizenship as an identity that creates physical and psychological trauma.

In *elsewhere, within here* (2011), rhetoric and gender studies scholar Trinh T. Minh-ha argues that displacement occurs through "cracks and fissures" that interpret boundaries not as a negation, but as a geography of enacting difference and possibility (7). I argue for an analysis of poetry following Huerta's invocation, "Read me: I am a document." Poems are *neglected documents* that give readers insight into the materiality not only of illegality, but of life under the "cracks and fissures" of an unstable legal regime predicated on settler-conquest (ibid).

"UndocuPoet[ic]s"

[71] Beth Piatote theorizes this as the "dialectic of preoccupation" (2013, 103).

In 2015, there was a national push to attend to the creative writing and cultural production of undocumented immigrants making work inside the United States. *Apogee*, "a journal of literature and art that encourages the thoughtful exploration of identity and its intersections, including but not limited to: race, gender, sexuality, class, and ability," published a petition written by "Undocupoets," a group of three creative writers (two undocumented and one a citizen) demanding that citizenship requirements end in the poetry world (*Apogee,* January 16, 2015). The petition was co-authored by Marcelo Hernandez Castillo, Javier Zamora, and Christopher Soto. Both Hernandez Castillo and Zamora have an under-documented experience; Hernandez Castillo lived as undocumented in the United States until he married and gained conditional residency through a spousal visa, and Zamora was assigned Temporary Protective Status. Soto was born a U.S. citizen. The three co-authors went on to name themselves co-founders of the UndocuPoets petition, which conceives the question: is the petition a new social movement, or is the petition trying to localize itself within a specific branch of a social movement? The petition raised many conversations in 2015, including questions that addressed the role of poetry in migrant justice organizing and questions about the contradictions of publishing, poetics, and admission into a literary citizenry. The question that moves this chapter however is the following: what is the goal of undocupoetics as a recognized literary cannon?

> The opening paragraphs of the Undocupoets petition of 2015 reads as follows:
>
> Too often, the submission guidelines read "Proof of US Citizenship" or "Legal Residents Only." This small, but powerful, statement serves to exclude 11.7 million undocumented people (according to the Pew Research Center Hispanic Trends Project in 2013) from participating in a multitude of poetry opportunities—from first book contests to applying for major grants.
>
> Most documented poets and organizers justify this discrimination by saying something along the lines of "large poetry organizations cannot include undocumented people because they (the large poetry organizations) receive government funding and must follow government regulations." But this should be no excuse for exclusion. We must strive, as a poetry community, to allow ALL of our comrades the same opportunities that documented poets are afforded. No poet should have their opportunities limited because of their immigration status!
>
> What we are asking for is simple—give us the best poems (regardless of the author's citizenship)! It should be the duty of poetry organizations to find ways to support poets, not to mimic the nation state.

In these paragraphs, readers understand the issue that US citizenship or legal residency omits certain writers who are producing work inside the United States; and the ask that poetry outlets eliminate proof of nationality and legal migration status.[72] What I find

[72] It is important to note that there is a genealogy of undocumented and formerly undocumented poets who had published poetry books before 2015 and already had contracts in 2015 of books that came out in 2016. These poets and their collections include: Javier O. Huerta's *Some Clarifications* (2004) and *American*

beautiful about the petition is that it includes the "11.7 million undocumented people" in the United States, gesturing that any or all of them might be poets. What I find alarming in the petition is its third paragraph, "What we are asking for is simple—give us the best poems (regardless of the author's citizenship)!" The framing of the paragraph brings me back to the argument of meritocracy that I map in chapter one. In the Undocupoets petition, the authors want to be included in the structure of the publishing world by changing the requirements of who is allowed admission into the publishing world, but the poets do not question why legal admission is a parameter of poetic membership. What I am getting at here is that the writers want to be part of a citizenry without critiquing the conditions that hold that citizenry together.

Jamie Berrout, in "Against Publishing: A Letter to Trans Women Writers" (2019), writes, "Whether we publish through the Big 5 publishing companies or their imprints or through small presses, the exclusionary, meritocratic policies and racist book catalogs we fit ourselves into are the same, the only difference is in the degree of harm that's done" (3). I find Berrout's argument quite useful considering the level of influence that American multinational technology company, Amazon, has in the literary world. In 2012, *Salon* reporter Alexander Zaitchik broke a story outlining Amazon's influence in the American literary canon. In "Amazon's $1 million secret," Zaitchik explains that Amazon introduced itself to the labor market as a bookselling outlet that later morphed into an empire that led to a "full-throat revolt" due to Amazon's low prices on books, which jeopardizes the livelihoods not only of bookstores but small and emerging indie presses. Zaitchik later reveals that Amazon launched philanthropic initiatives to grant literary presses, and arts organizations money as a respond to its dominance. While the numbers are not quite clear, Zaitchik details that of people *Salon* interviewed, interviewees reported Amazon's grants to average about $20K-$25K per grant, which Zaitchik frames as "crucial—if ironic—life support" money for the smaller presses. In the investigative findings Zaitchik writes:

> Of more than a dozen grantees Salon interviewed, some completely disassociated Amazon's charity from its business practices. Others were more conflicted, but saw nothing to gain by dwelling on the source of the funds or turning their cash-strapped offices into an Ethics 101 seminar. Others saw Amazon's grant giving as something to be feared: An evolutionary skill developed by a natural and intelligent predator growing ever stronger off the blood of its prey.

Through the findings, Amazon represents a sort of trap in the literary world. In 2012, Amazon wasn't the capitalist industry of today (2022), but the quote above does foresee Amazon's growing power. In 2017, *The Intercept* broke news that Palantir Technologies had developed an "intelligence system called Investigative Case Management (ICM)… ICM allows ICE agents to access a vast 'ecosystem' of data to facilitate immigration officials in both discovering targets and then creating and administering cases against

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Copia (2012); Jennif(f)er Tamayo's *Red Missed Aches* (2011) and *You Da One* (2014); Yosimar Reyes' *For Colored Boys Who Speak Softly* (2014); Sonia Guiñansaca's *Nostalgia and Borders* (2016); and Janine Joseph's *Driving Without a License* (2016). It is not clear which of these poets had *already* adjusted their immigration status when their work was published. What is clear is that Reyes and Guiñansaca's works were self-published, and that Reyes was undocumented when he self-published and Guiñansaca had just adjusted status at the time they self-published.

them" (Woodman 2017). But where was the data stored? Amazon. According to the *MIT Review,* "Palantir pays Amazon approximately $600,000 a month for the use of its servers" (Hao 2018).[73]

The history of American creative writing is not apolitical. Cold War and creative writing scholar, Eric Bennet, in *The Chronicle of Higher Education,* maps out the genealogy of the Iowa Writer's Workshop, a renowned creative writing program considered amongst the most competitive in the nation. In "How Iowa Flattened Literature" (2014), Bennet argues that Paul Engle, a long-term director of Iowa Writer's Workshop, transformed the creative writing program into a national stage. At the beginning of the Cold War, Engle wrote to the Rockefeller Foundation asking for aid to bring foreign writers to the United Sates, a tactic that the Soviet Union implemented in Russia. Engle believed that training foreign writers in the United States would fight communism and so the Rockefeller Foundation and the CIA funded Engle's project. Through an organization by the name of "Congress for Cultural Freedom," Engle received money from the CIA to not only train foreign writers but aestheticize American literature as a patriotic response to war. Bennet writes, "No other program would attract such interest from the Asia Foundation, the State Department, and the CIA. And the anticlimax of the creative-writing enterprise must derive at least in part from this difference" (2014). Because Iowa Writer's Workshop was partly funded by the CIA amid the Cold War, one must always keep in mind the relationship that aesthetics of patriotism and nationalism might have with literary work produced in the United States. Perhaps that relationship lays within the framework of patriotic love, where citizens of a nation protect the narrative of the nation but also pledge to defend the nation should the future of the nation be in flux.[74] Patriotic or nationalist language is particularly relevant in war. Without denouncing the Iowa Writer's Workshop, Bennett argues that today's literary tradition is surveilled and disciplined by the tradition birthed by the Cold War. As a result, the Iowa Writer's Workshop serves not only as a gatekeeper to who counts as an American creative writer, but the condition of possibility to what is deemed "award-winning" writing since all national literary journals at the time of the programs formation looked to Iowa to identify what American creative writing was and continues to be.

My intention in linking poetry to undocumented writers, Amazon, ICE, and the institutional MFA world is to show the interconnected structures of Poetry as a genre and performances of patriotic citizenship.[75] The "undocupoets petition" stands as an isolating

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[73] In 2014, Amazon, Microsoft, and EMC (now "Dell") formed Cloud Computing Caucus Advisory Group, a lobbying group that pushed for the Federal Information Technology Acquisition Reform Act, a legislation that allowed for government information (data) to be stored on cloud servers, which Amazon immediately bought and now "Amazon holds 62% of the highest-level authorizations, usually needed to handle data for law enforcement systems" (Hao 2018). All this to say, most of the presses that the undocupoets petition named and called out as exclusionary presses receive part of their yearly funding from Amazon. In 2015, news hadn't yet broken of the link between Amazon and ICE. So, what does it mean that most of the presses that the undocupoets petition wanted to reform operate with money that is indirectly connected to ICE? Again, this was not known at the time, but what is known now is that a large amount of the presses that the undocupoets petition identified did change their citizenship—and residency—status requirements to allow DACA-recipients and TPS-holders to sign book contracts.

[74] According to Bennet, "The Cold War not only underwrote the discipline but also gave it its intellectual shape… Engle longed, above all, for poets to move nations." Within this argument, Bennet suggests that there is a relationship between poetry, nations, and nationalism.

[75] I use a capital "P" here to distinguish the difference between authorized poetry, that which is produced through a publishing house or an MFA, and other forms of lowercase poetry that live outside such authority.

act within the migrant justice movement, particularly in its desire for recognition from the literary world—its desire for literary membership and by extension, citizenship. The petition did not acknowledge the work of E4FC's "Things I'll Never Say" archive, Sonia Guiñansaca and Kemi Bello's curatorial project "(Un)documenting," or CultureStrike's undocuwriting retreat. The petition simultaneously established itself as the voice of undocumented writers and demanded recognition from the American literary imaginary whereas "Things I'll Never Say" and "(Un)documenting" served as digital spaces where undocumented cultural producers could make inquiries about the legal, social, and cultural conditions of undocumented life, or think, write, and speculate about anything whether it had to do with undocumented immigration or not. I revisit the third paragraph of the "Undocupoets Petition": "What we are asking for is simple—give us the best poems (regardless of the author's citizenship)!" As Jamie Berrout (2019), claims: "There is no such thing as the best manuscript, there is only taste—and if taste dictates that books by comfortable white MFAs with liberal politics and their vacillating peers are what deserves to be read then… yikes" (4-5). At the time of the petition's publication, the three co-founders were in MFA programs, which is an important note to make because it means that they were speaking alongside institutional authority (same as I am in the writing of this project) and not necessarily from an outside institutional perspective like "Things I'll Never Say" and "(Un)documenting."

From the perspective of a creative writer who is formerly undocumented, the UndocuPoets petition is enticing because it demands that undocumented writers be recognized. However, from the perspective of a community organizer, the petition relies on a good poet / bad poet mentality, which replicates the nonconsensual contract of the good immigrant / bad immigrant narrative in the United States. The petition also requires us to ask: what is the best poem? Does the best poem from an undocumented poet require that the poet describe their migration? Can undocumented poets write about themes that do not align with what the United States deems as good moral character? What are the parameters of good undocupoetry?

So, what's my position in all of this? My position is complex. I do not critique the co-founders of the undocupoets petition for wanting access to publishing because there's something incredibly powerful when people act on their desires, especially when it comes to making claims to their voice. What I do want to make clear is that publishing and poetics have a role in the making of the US as a patriotic nation. I want to honor the work of the undocupoets petition and make space for undocumented subjects who work not alongside or against "undocupoetics" but outside of it.

I have used the writing of Jamie Berrout throughout this section because her writing has helped me be more critical of my own politic as a creative writer. In her criticism of publishing and meritocracy, Berrout writes, "… there is another option for struggling writers: to end publishing and capitalism, to begin to build our own alternatives" (2019: 5). However, this work is harder to accomplish than it reads because as Berrout explains, "writers who are sharing their work on blogs and social media and self published books… face a double rejection not just from institutional white editors but also from the queer/POC indie literary scene which aspires to institutional power" (2019:8). In looking at the work of undocuBlack writers like Kemi Bello and Praise Odigie who create, imagine, and share their art outside of what is now considered "undocupoetics," one might be able to gather alternative visions to poetry's potential

outside of what the traditional publishing world can offer. For the rest of this chapter, I attend to two self-published collections by undocuBlack women writers.

Poetry, Love, Governmentality

Formerly undocumented Dominican writer, Danyeli Rodríguez Del Orbe, begins her self-published chapbook *periódicos de ayer: a lover's archive* (2019) with an untitled poem composed of a single unrhyming tercet.[76] The three lines are aligned center-page. Above the poem is a line drawing illustrated by Aimeé Mazara. On the right, two subjects in riot gear: hard-shelled helmets, batons, knee and shin pads, and shields. On the left, two everyday subjects: one with a rock in hand and the second with a bottle in hand. Both everyday subjects are preparing to launch what is in their hands. They wear shoes, pants, and long-sleeve shirts. One a hat and the other a beanie. Under the tercet, there is another line drawing: a woman sits on a blanket, knees bent as to hold her journal; she wears a sleeveless summer dress, and one cannot tell if she's writing with her pen, or if the pen rests at the right-hand corner of her notebook. We do not see the woman's face; we see her long hair. The woman, one can speculate, is the author, Danyeli Rodríguez Del Orbe. The poem reads:

> some nights I want to write about the revolution
> but I can only write about love
> my best friends called them synonymous (5)

Rodríguez Del Orbe tells her readers that if they're looking for a story of her undocumented migration, or "the revolution," then one might find that story but only if one reads for "love." I infer this because self-published chapbooks and zines circulate in small circles, particularly the circle that the writer of the chapbook or zine is in. Rodríguez Del Orbe is a seasoned community organizer and slam poet with 18K+ Instagram followers. Because the author periodically speaks of her migration and role in the communications team at the UndocuBlack Network, it makes sense that people may seek out a migration story in Rodríguez Del Orbe's chapbook. The tercet further highlights that love and revolution are linked to conflict, a form of conflict that I argue is induced by the state's surveillance of love.

In *Love and Empire: Cybermarriage and Citizenship across the Americas* (2013), feminist studies scholar Felicity Amaya Schaeffer argues that "the state is invested in the poetics of nation building founded on the patriotic bonds of love" (33). What Schaeffer means by this is that citizenship is a contract between a nation-state and the citizen-subject. Following American studies scholar Lauren Berlant, the state asks the citizen "to love their country and to recognize certain stories, events, experiences, practices, and ways of life as related to the core of who they are, their public status, and their resemblance to other people" (2014, 41). I'd like to zoom in on Berlant's "ways of life." The social contract of citizenship as argued by gender and migration scholar Eithne Luibhéid (2002) is a contract that requires a way of life invested in compulsory

[76] "Periódicos de ayer" is also the title of salsa singer Héctor Lavoe's 1976 hit single, which describes a love affair that everyone in the neighborhood knows about and the irredeemable conditions of the relationship. In public readings, Rodríguez Del Orbe tributes Lavoe's music for inspiring the production of the self-published poetry collection.

heterosexuality and following Luibhéid's supplement argument in *Queer Migrations: Sexuality, Citizenship, and Border Crossings* (2004), the social contract also demands a way of life that manufactures disciplined binary genders. This "way of life" places trans migrant futures, sexual futures, and romantic futures in flux. In opening with a tercet-long poem linking the revolution with love, Rodríguez Del Orbe's poetry brings me to ask: what does it mean to write a poetry collection about the interiority of love when one can be deported at any moment? And what labor does this perform and for whom?

In chapter one, I demonstrate that dreamers are forced to perform love for the nation-state, which is coded as a love for the DREAM Act legislation. In chapter two, I attend to the parameters of "good moral character" in immigration law, and in this chapter, I argue that both patriotic love and good moral character are conditions for national belonging. I add that romantic, platonic-, and self-love trouble the required conditions of the nation's social contract. The line drawings in Rodríguez Del Orbe's opening poem of the chapbook represent my argument: romantic love, like illegality, is a battlefield. The battle in the illustration is between the state (militarized subjects in protective gear) and the state's subjects (everyday people who only have a bottle and a rock to protect themselves from the state). In the first poem of self-published poetry collection, *there's the truth then there are other things* (2019), undocumented queer Kenyan writer Gladys Wangeci Gitau-Damaskos, announces, "every First Poem is an exorcism" (7). If Gitau-Damaskos' proclamation is correct, then I hold that Rodríguez Del Orbe's opening tercet attempts to exorcise the state out of her understanding and pursuit of (romantic-, platonic-, and self-) love. Love is not only a battlefield; love is worth fighting for. Poetry, for Rodríguez Del Orbe is a methodology that can combat governmentality, and not the method in which to ask for political membership.

Philosopher Michel Foucault in 'The Subject and Power" (1982), outlines a link between power, governance, and rationality that I find useful when thinking of Del Orbe's writing on love, migration, and citizenship. Foucault argues:

> The exercise of power consists in guiding the possibility of conduct and putting in order the possible outcome. Basically power is less a confrontation between two adversaries or the linking of one to the other than a question of government. This word must be allowed the very broad meaning which it had in the sixteenth century. "Government" did not refer only to political structures or to the management of states; rather, it designated the way in which the conduct of individuals or of groups might be directed: the government of children, of souls, of communities, of families, of the sick (789-90).

Using Foucault's analysis, Del Orbe's writing speaks to the *governance* of love. For undocumented migrants in the United States, marriage is often one of the only pathways to an adjustment of status. United States citizens can petition their spouses and if the union prove their marriage and love 'truthful,' the citizen's spouse is eligible for what immigration calls a "green card for immediate relatives of U.S. citizens." After three years, the green card-holding spouse can apply for United States citizenship. In thinking of Foucault, it is necessary to clarify that immigration officials dictate what truthful love is for spouses who seek Green Cards in the country and later, citizenship. United States Citizenship and Immigration Services govern the intimate domestic lives of noncitizen subjects who are married to United States citizens. This governance demands specific

performances of love for the citizen-spouse.[77] I'm interested in how a performance of love for the citizen-spouse is *also* a performance of love for the nation. Because the state governs love, the migrant subject cannot consent to how their love is governed. This is most obvious in the demand for "marriage equality" by some queer and trans activists in the United States, which I will address later in this chapter.

The connection between marriage, love, and United States citizenship is not new. Former senior historian of U.S. Immigration and Naturalization Services, Marian L. Smith, explains that "alien women generally became U.S. citizens by marriage to a U.S. citizen or through an alien husband's naturalization" (1998). Citizenship laws from the late 18th and early 19th centuries "limited naturalization eligibility to 'free white persons,' [but] it did not limit eligibility by sex" (Smith 1998). Although sex was not a limitation for citizenship's consideration, Smith clarifies that "Unless a woman was single or widowed, she had few reasons to naturalize prior to the twentieth century" (1998). Men could petition wives, but women could not. In fact, the Expatriation Act of 1907 dictated that "any American woman, who marries a foreigner shall take the nationality of her husband," meaning that the woman cannot petition a husband for U.S. residency (Act of 1907, ch. 2534, 34 Stat. 1228). It is important to note that non-white subjects, especially non-white women, were ineligible for citizenship in the late 18th and early 19th centuries. White women's citizenship is in conversation with the citizenship of non-white women, but their stakes and legal genealogies are drastically different.[78] My insistence in exploring love, citizenship, and gender in this chapter is not to resurrect an early archive of citizenship's exclusion based on gender, sexuality, and race, but to ask: what can the imagined formation of the United State tell us about the links between romance, migration, and settler-colonialism?

To answer this question, I turn to the self-published work of Danyeli Rodríguez Del Orbe and Gladys Wangeci Gitau-Damaskos. In turning to the self-published book and chapbook, I borrow arguments from zine scholars like Adela Licona (2012) who argues that "[b]y challenging, reimagining, and replacing exclusionary and oppressive discursive practices, zines perform new expressions of subjectivity. Such radical rhetorical performances constitute a third space that offers insight into the multiply voiced discourses or borderlands rhetorics that characterize third-space subjectivities, sites, and practices" (2). While the objects I analyze are not zines, they use many—Gitau-Damaskos especially— DIY aesthetics such as line drawings and hand-written phrases merged with typed text. Self-publishing, for undocumented migrants, especially if they are community organizers like Rodríguez Del Orbe and Gitau-Damaskos, is a more efficient way in which to communicate urgent messages and build a readership from people who are directly impacted by the themes the authors write about.

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[77] The Department of Homeland Security (DHS) makes it clear that migrants who fail to prove to be people of "good moral character" can be illegible for an adjustment of status in the United States. DHS specifically outlines that any migrant who "[h]ad an extramarital affair which tended to destroy an existing marriage" will be considered as someone who lacked to perform "good moral character" (8 CFR § 316.10).

[78] See: Joan Hoffman's *Law, Gender, and Injustice : A Legal History of U.S. Women* (1991); Martha Mabie Gardner's *The Qualities of a Citizen : Women, Immigration, and Citizenship, 1870-1965* (2005); Leah Perry's *The Cultural Politics of U.S. Immigration : Gender, Race, and Media* (2016); Christopher A. Anzaloe's *U.S. Supreme Court Cases on Gender and Sexual Equality* (2016); and Ruth Rubio-Marín's "On Constitutionalism and Women's Citizenship" (2021).

Rodríguez Del Orbe and Gitau-Damaskos' collections were released in 2019 and both are Black women with an undocumented experience, one from the Dominican Republic and the other from Kenya. Both collections feel urgent. I am unsure if the urgency is related to the presidency of Donald Trump, the unrest of #BlackLivesMatter, or a series of anti-Black immigration laws passed in 2019, or all three. The National Conference of State Legislatures, an organization that "represents the legislatures in the states, territories and commonwealths of the U.S.," and consolidates data of every legislation in the country reported that 181 immigration-related laws were proposed in 2019, a 3% increase from 2018 (Report on State Immigration Laws: 2019). Immigration reporter at CBS News, Camilo Montoya-Galvez identifies 2019 as "arguably…the Trump administration's most successful [year] in its quest to restrict asylum at the U.S.-Mexico border, overhaul the nation's legal immigration system, crack down on undocumented immigrants, alter America's status as a safe haven for refugees and challenge decades of bipartisan consensus that robust immigration is key to America's economic and social prosperity" (Montoya-Galvez 2020). Although Donald Trump's Twitter is now suspended, several news outlets including CBS News have documented Trump's series of tweets in 2019 that strategically target the northern triangle countries in Central America: El Salvador, Guatemala, and Honduras; and Trump's specific targeting of Haitian migrants at the U.S.-Mexico border. In March of 2019, Trump urged his cabin to halt aid to the Northern Triangle, and 2019 also marked the year where Blackness was unavoidable when addressing undocumented / unauthorized / irregular migration due to the influx of Haitian migrants at the U.S.-Mexico border.

In 2019, I packed a backpack with all my Mexican legal documents, journal, sunscreen, undergarments, and a few shirts, and flew to San Diego to meet Ola Osaze, formerly undocumented trans Nigerian organizer and the director of the Black LGBTQIA+ Migrant Project, Dulce Reyes, Afro-Dominican migrant, and self-identified lesbian essayist, and Guerline Jozef, co-founder of the Haitian Bridge Alliance. From there, we took a taxi to U.S. Customs and Border Protection - San Ysidro Port of Entry. We waited in line and crossed into Tijuana where we met with a series of undocumented / unauthorized / irregular Black migrants living in Mexico from Central America, the Spanish and Anglo Caribbean, and various parts of West and North Africa. While in Mexico, I not only served as a translator but also as a storyteller. In various migrant shelters, I shared my story of crossing the San Ysidro-Tijuana border alone at the age of five with just a pair of blue overalls and a phone number in my pocket. It was my hope that my story of living through the illegalization process of a different settler-empire could open the possibility of using my story as a form of mutual aid to the migration journey of the community members I spoke to. I have no permission nor interest to reshare the stories offered to me but what I will make clear is that of the migrants I met in Tijuana, all of them shared that they understood the performances that were demanded of them as undocumented, unauthorized, and irregular migrants as they had already been subjected to those performances in multiple nation-states. For example, the Migration Policy Institute counted "approximately 400 apprehensions [of Haitian migrants] in 2018 but more than 10,000 in 2019" at the Panama border of migrants who claimed to be making their way to the United States (Yates 2021). If 10,000 Haitian migrants were apprehended in Panama, then the question of performance bears asking: what were migrants forced to perform? Did Haitian migrants perform a love for the United States,

which eased the xenophobic anxiety that the migrants were planning to remain in Panama? Did they perform a distaste for Haiti and therefore a love or an allegiance to countries in the connected Americas? The inquiries are endless, but the questions I pose have love, patriotism, and belonging at their core.

I think about my time in migrant shelters in Tijuana regularly. I never anticipated the visits to show up in this research project. In fact, I try to resist writing about my time in Tijuana, but to do so is to actively unname some of the material realities I witnessed at the San Ysidro-Tijuana border and why I argue that the publication of Rodríguez Del Orbe's *periodicos de ayer: a lover's archive* (2019) and Gitau-Damaskos' *there's the truth then there are other things* (2019) are of no coincidence. The obvious connection the collections have to my analysis of 2019 is that Danyeli Rodríguez Del Orbe is from the Dominican Republic and whatever is happening in the island of Quisqueya—the Taíno name of the island shared by Haiti and the Dominican Republic— affects her regardless of where she is In the dedication to Gladys Wangeci Gitau-Damaskos' *there's the truth then there are other things* (2019) the author writes: "for my grandmother, wambui, for granting / me legal entry into this dimension. // for my paternal grandma, wangeci, for / walking a parallel earth at the same time as me. // for my maternal grandma & baby / sister, both njoki, one who lost a daughter to the diaspora and one that is / the daughter who will return" (3). I cite the dedication because Gitau-Damaskos foregrounds her chapbook not only with love of matriarchal figures, but in that love imbeds the language of il/legality in conjunction to the African diaspora. This language centers the reality of settler colonialism: one inherits legacies of legalization and illegalization, especially for subjects born in former colonies as is the case with Danyeli Rodríguez Del Orbe and Gladys Wangeci Gitau-Damaskos. Danyeli Rodríguez Del Orbe is an African diasporic subject and a descendant of kidnapped, transported, and enslaved Africans in the Caribbean; Gitau-Damaskos is an African diasporic living in the aftermath of England's settlement in what is now "Kenya," the force assimilation of Indigenous Africans in the region, and the continual struggle for democracy despite Kenya no longer being a colony of England links the two poets. Rodríguez Del Orbe and Gitau-Damaskos' migration journeys though rooted in different conditions can be read together because both subjects are similarly illegalized and criminalized in the US. I speculate that their self-published pieces are a form of mutual aid to other Black migrants living in the United States. I define mutual aid as the voluntary act of care that one person performs for the well-being of the other. Often, this care is reciprocal though it does not have to be. Offering poems to other undocumented Black subjects is a form of caretaking as the poems offer language in which to articulate that which one subject alone did not yet have the words for.

When I write of poetry as mutual aid within undocuBlack communities, I do so in reference to Danyeli Rodríguez Del Orbe's series of YouTube videos. In 2019, for example, the Dominican poet uploaded a video of her poem, "undocumented black boy," a letter in which she outlines her heartache and commitment to love another undocumented Black person instead of a U.S. citizen who may come her way and help her apply to an I-130 Petition for Alien Relative (spousal visa).[79] The YouTube video opens with a reference to the 2019 story of 21 Savage, a British rapper facing deportation by the United States. A screen capture of a CNN headline that reads, "ICE arrests 21 Savage, says he's in the US

[79] Immigrants who seek legal status through marriage must file two immigration forms: Form I-485, Application to Register Permanent Residence or Adjust Status, and Form I-130, Petition for Alien Relative.

illegally," is followed by another screen captured headline, "21 Savage opens up about facing deportation: 'It's like my worst nightmare.'" 21 Savage was born in London, and is the child of migrants from the islands of Dominica, Saint Vincent, and the Grenadines. As a migrant from the Dominican Republic, Rodríguez Del Orbe's opening headlines build a sense of kinship, an archipelago of sorts between the poet and the rapper. 21 Savage's geological archipelago: Dominica, Saint Vincent, the Grenadines, England, and the United States tell us something about contemporary Black crossings: they are transcontinental and always in motion as I argue in chapter two. Rodríguez Del Orbe uses the opening headlines to build a "clandestine crossing" between the rapper and the poet (Chaves 2017). After these two headlines, Rodríguez Del Orbe provides five more headlines that speak to the lives of undocumented migrants from Haiti, Liberia, and unnamed African nations. The poet contrasts this series of *neglected documents* with a Black feminist archival practice that centers attentive care. Rodríguez Del Orbe offers the headlines a digital home to live in outside the spectacle of the newsroom and popular media outlets. The YouTube video lasts 3-minutes, 59-seconds, and the camera is positioned in front of Rodríguez Del Orbe as the poet stands perpendicular to the camera and only shows her left profile from the shoulders up. The poem :: letter is addressed to an undocuBlack ex-lover but in the description, the poet clarifies, "thousands fall through the cracks of mass incarceration and deportation, through racist policies, criminalization, and the immigrant rights movement, which has been historically complacent in the erasure and marginalization of black immigrants. this poem is for them. for us." Rodríguez Del Orbe's "undocumented black boy," serves as a form of recognition and mutual aid for undocuBlack subjects living in the United States, and I'd argue, any illegalized English-speaking Black subject who accesses the YouTube video.

"[U]ndocumented black boy" mobilizes love as an abolitionist practice against the systems that keep Black migrants subjugated to conditions of social death.[80] The poem refuses a social life inside of social death in its tender verses: "Black boy, I still owe you an apology because you were never meant to become an 'x,' a crossroad, intersection of mass incarceration and mass deportation. You did not fly three continents to be called dangerous. So undocumented black boy, I'm sorry."[81] Danyeli Rodríguez Del Orbe doesn't have to apologize for state violence, but the poet understands that the global circuit of anti-Blackness depends on nonrecognition, so Rodríguez Del Orbe apologizes not for the state but for having to bear witness to the state. This form of love is contra-state, it is rooted in a love not only for Black life, but Black futures. Rodríguez Del Orbe continues:

> "Call me up on a Sunday afternoon and finally tell me, 'Danyeli, I, I am safe. Don't you worry about my deportation or my death anymore.' Undocumented black boy, I still pray your best friend never calls me crying, sobbing because a cop confused your hand for shotguns, your wit for resistance and then called your existence

[80] Like Chapter 2, I use "social death" as proposed by Orlando Patterson who defines "social death" as the "imprintable and… disposable status" of the enslaved subject in the antebellum era (1982: 7) and Lisa Marie Cacho's addition that in the "[r]acism is a killing abstraction. It creates spaces of living death and populations 'dead-to-others'" (7). Cacho identifies the undocumented, terrorist, and gang subjects as the "dead-to-others" populations who "are unable to comply with the "rule of law" because U.S. law targets their being and their bodies, not their behavior" (6).

[81] Quotes from the poem, "undocumented black boy," are based on my audio transcriptions. I do not know how the poem looks on the page (stanza breaks, use of capital letters, abbreviations, punctuation, etc).

> ‘illegal.’ Hope I get to see the day another woman creates a child with your eyes, with your birthmark. I hope I get to see the day that you walk down the aisle.”

A Black future, in Rodríguez Del Orbe’s poem necessitates not only the end of deportation, but the end of all policing institutions which include federal prisons, detention centers, schools, insane asylums, and nation-states. This future is one that wants the existence of an “undoucBlack” subject to no longer be, as the future is one that necessitates the end of illegality. The poem :: letter is not only about heartache but about a commitment to move in the ache and live to see the person one loves birth Black livelihood into the world.

I use the phrase “Black futures” within the visionary writing of Black feminist intellectuals including the Combahee River Collective’s (1977) commitment to thinking, writing, and making from the perspective, body, flesh, and experiences of Black women; Audre Lorde’s (c1984, 2007) declaration that “…dreams are made realizable through our (Black women’s) poems that give us the strength and courage to see, to feel, to speak, and to dare” (39); Lucille Clifton’s insistence on Black celebration amidst social death in her 1993 poem “won’t you celebrate with me”; Ochy Curiel Pichardo’s (2009) firm declaration that “categorías como, mujer, negro, negra, indígena, lesbiana, gay, trans nos sirven solo para la articulación política, no pueden ser fines en sí mismos” and so we must commit to do work that activates epistemological changes that dominant societies cannot imagine (21)[82]; Curiel Pichardo’s statement is in direct conversation with Toni Morrison, who in a 1998 PBS Newshour interview states that “All paradises, all utopias are designed by who is not there, by the people who are not allowed in,” and so imagination is a political position indicative of futures; and my list continues but I’d like to end with Dora Santana’s guerilla classes over zoom where she asks a group of us—Black trans migrants— “How are we envisioning love in our lives after a context where we are told every day that we are unlovable? How do we not become closed off to love because of violence?” (2020). Danyeli Rodríguez Del Orbe’s Black future is rooted in addressing those who are made unlovable by racist immigration regimes. Rodríguez Del Orbe’s future is propelled by a Black, feminist, illegalized, Caribbean interiority.

“[U]ndocumented black boy” betrays the white supremacist epistemology that the ideal and lovable citizen is the racialized white subject. Love, for Rodríguez Del Orbe, is an analytic that always addresses systems of power: “The only thing more painful than you moving on is you never having the ability to do so. So do so. Live, breathe, because there’s an atheist Dominican woman who, to this day, prays for your safety” (“undocumented black boy,” 2019). The poet’s love makes her pray despite being an atheist; it is a type of love that aches, worries, and holds the contradictions of moving on and holding on. Within the context of federal immigration law, this love is one that Rodríguez Del Orbe could potentially prove as real in a court of law, but the subject, “undocumented black boy,” and the poet are both undocumented. Their love, under the law, is ineligible for any legal immigration recognition. Ironically, two undocumented migrants can legally marry in the United States, but those documents will be neglected documents, as they cannot act upon all the assumed privileges of marriage.

The first time I ever thought about love and the law, I was about seven or eight. My mother’s Moroccan coworker picked us up from home on a Saturday and I asked him

[82] Translation: “Categories such as woman, black, indigenous, lesbian, gay, trans serve us only for political articulation, they cannot be ends in themselves.”

where he was from. When he replied, I asked him if he was undocumented like my mother and I and he replied that he was not. I asked if he was a US citizen; he confirmed. I tapped my mother on the shoulder and asked her to date her coworker, in front of him. I asked them to get married so that Amá and I would no longer be undocumented. I think about this memory often. My mother did have a partner then, an undocumented one. At a young age, I understood whom my mother was to marry. In my mind, there was nothing to gain from dating or marrying another undocumented subject; there was nothing to gain from loving another undocumented migrant. At seven or eight, I had internalized a form of governmentality that I cannot identify where I first learned.

When I think about my mother's relationship to romantic love, I think of Danyeli Rodríguez Del Orbe. Both women are Black migrants illegalized by the state. In attending to their love, both women enact what I have been theorizing in this project as undocuBlack nonperformance. Neither woman waits for the state to recognize or authorize their love. In fact, they offer their love to migrants who cannot legally help them escape their condition of illegality; this is to say that the escapes that *are* possible become temporally-bound, fugitive escapes. They are fugitive escapes because love allows people to create new worlds; worlds where care is at the center of the relationship. Care-centered worlds are fugitive escapes because care is a verb :: an action with a beginning and an end. A hug can be a momentary escape from the conditions of illegality as can a pair of ears who listen :: a meal :: a blanket :: a conversation :: a text :: a laugh :: flirtation :: a night at the club, etc. These acts are ephemeral, they flee and yet, they stay in memory :: time :: stories.

In Rodríguez Del Orbe's poem, "I am waiting for a lover.," Rodríguez Del Orbe writes that she seeks "a strong man, who knows how unstable [she] will be on days [she] witness[es] another deportation, stumble[s] across another hashtag. perhaps he will be a black man" (8). Rodríguez Del Orbe seeks a romantic partner who will not only witness the world with her but hold her as she holds those in her undocumented community. Through a queer reading of Rodríguez Del Orbe's poem, the poet's love is a love that betrays monogamy; Rodríguez Del Orbe is not interested in a singular form of love. The lover the poet waits for is a lover who will also love Rodríguez Del Orbe's community. Love, in the poem, has a polyamorous framework, one that would be inadmissible in a spousal visa application, for example.

"[P]erhaps he will be a black man," the poet states (8). In this sentence, Rodríguez Del Orbe posits the Black man in the United States as the subject who can hold complex forms of love, which actively works as a critique of national narratives. Black feminist studies scholar Hortense Spillers outlines the American stereotype of the Black man as an unfit parental figure in her 1987 article, "Mama's Baby, Papa's Maybe: An American Grammar Book." By analyzing Daniel Patrick Moynihan's 1965 "The Negro Family: The Case For National Action," Spillers argues that America's grammar book in which to speak of Black life depends on philosophies of the Black family as an unstable unit in need of state intervention. Here, I want to link love and governmentality: in Rodríguez Del Orbe's poem, the Black family becomes the condition of possibility for a care that challenges notions of love as an intimate experience shared solely by two individuals. In "I am waiting for a lover.," Rodríguez Del Orbe drafts a polyamorous triangle between self-love, romantic love, and community love. This triangle mimics the opening tercet of the chapbook: "some nights I want to write about the revolution / but I can only write about love / my best friends called them synonymous" (5).



Figure 10. Mazara, Aimeé. Illustration on page 11 of Danyeli Rodríguez Del Orbe's *periódicos de ayer: a lover's archive*, 2019.

In "I told mamá about you and nía too," a poem about a lover who watches Rodríguez Del Orbe twist and untwist her hair, works through miscommunication, and dances the night away even when there is conflict, the poet accompanies the piece with a line drawing of a woman lying down in bed, her legs open and bent, her hand pressing a man's face to her vaginal region. The woman's head is tilted up, eyes closed, indexing enjoyment. The line drawing serves as another form of undocuBlack nonperformance. The insistence on oral sex speaks to nonreproductive sexual pleasure which fails to perform within what L.H. Stallings (2015) identifies as the "privatization and politicization of love and intimacy via monogamy and marriage" (125). In analyzing the surveillance of Black women's bodies, Stallings argues that "men are configured as the only persons of leisure" (185), an ideology that maintains the Black women in a position of perpetual "domesticity" (186), where sex is strictly for reproductive purposes. Through this line-drawing, Rodriguez del Orbe enacts a visual action of undocuBlack nonperformance that breaks epistemological frameworks of Black women as intimate domestic subjects who are not to engage in leisure.[83]

Love and pleasure as analytics of undocuBlack life are practices of fugitivity. In chapter two, I place Yesi's photograph "caminando por el bosque me encontre a una morena," in conversation with an 1837 advertisement titled "The Runaway," and John Hood's 1987 "CAUTION" sign. In the analysis, I situate undocuBlack fugitivy as part of a longer history of Black life in the Americas predicated by settler-conquest and the transatlantic slave trade. On July 8, 2010, *L.A. Weekly* ran a cover page that reinterpreted Hood's "CAUTION" sign. The sign depicts a husband and a bride; the child's figure is replaced with a bridal bouquet for no one to catch. Underneath the "CAUTION" sign is another sign that reads, "MAKE A RUN FOR THE ALTAR." The image is accompanied by

[83] "Zinesters as everyday theorists are also taking on the politics of the body and especially the body-in-relation, to include desire [and] pleasure" (Licona 2012, 70).

an article authored by journalist Gustavo Arellano who anonymously interviewed three couples who married purely for immigration status, and not romantic love even though the charges for marriage fraud include immediate deportation and a $250,000 fine. In *L.A. Weekly*'s cover image, the union between a U.S. citizen and a migrant is what the viewer is cautioned about, suggesting that all marriages concerning migrants should be investigated as potential fraud. What I find useful in this re-interpretation of John Hood's sign is that the *L.A. Weekly* image exemplifies the fact that migrants must narrate their romantic pursuits in the law's terms, an act that poet Rodríguez Del Orbe refuses to participate in. In the United States, the migrant is a subject bound to legal regulation, and in the *L.A. Weekly* image, the intimacy of the migrant must also be legally regulated.

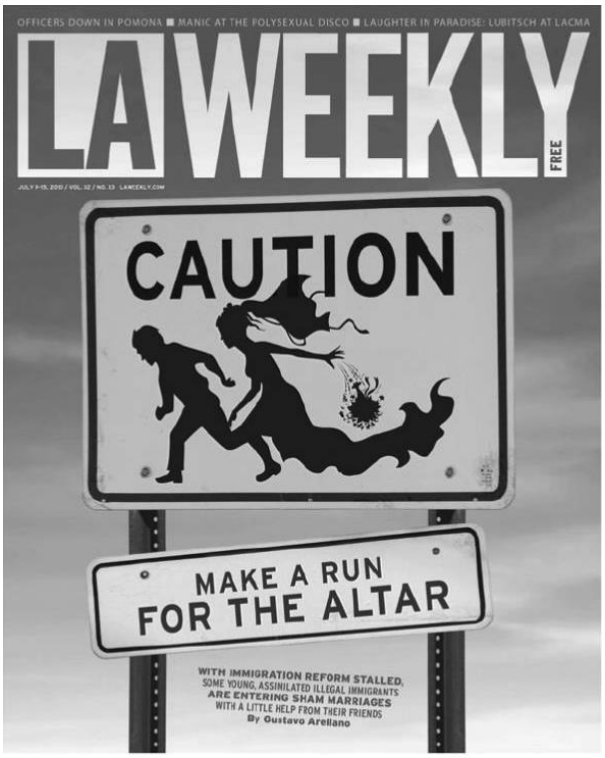


Fig 11. *L.A. Weekly*, cover page, "Make a Run for the Altar" (July 18, 2010).

Felicity Amaya Schaeffer (2013), in a reading of the *L.A. Weekly* front page image argues that "romantic love is a compulsory sentiment for migrants to prove their potential for modern citizenship" (35). The reinvented caution sign exposes a national anxiety that posits the undocumented subject as a coerced subject that will unsettle the institution of marriage, dismantling the social structure of heterosexuality, monogamy, and regulated romantic love. The subjects running in the caution sign symbolize the law's potential for failure. These anxieties are addressed by immigration agents who surveil migrant communities during immigration interviews and assess the migrant's performances of romantic love. Because the migrant is asking for legal recognition in the United States, the migrant not only has to love their spouse, but they must also love the nation-state. Following Schaeffer, "romantic love and heterosexual marriage perpetuate foundational myths of U.S.-style democracy, citizenship, and freedom of choice" (42). While *Obergefell v. Hodges* served as the condition of possibility to rescind the Defense of Marriage Act in 2015, marriage and love in the United States are still measured under heterosexual

standards. Marriage—for immigration purposes—still means monogamy, and perpetual performances of "good moral character," which limits the ways in which migrants can access and imagine sexual, reproductive, and familial futures. In the legal archive of *Obergefell v. Hodges* (2015), Justice Anthony Kennedy writes: "No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family," which infers that marriage is an everyday form of work (2593). One must perform compulsory love; one must agree to an everyday surveillance of fidelity and devotion without any direct measurements of when fidelity and devotion might be abuse; and one must also make sacrifices without the assurance of protection. The protection is assumed in the contract of citizenship, but as the LGBTQIA+ liberation movement continuously proves, the contract of citizenship is not reliable.

The Politics of Self-Love & Self-Publishing

Sociology and political theorist Tim Soutphommasane (2012) argues that patriotism "involves a political sentiment, or a love attached to the political form of one's country" (19). In chapter one, I demonstrate the DREAM Act to be a proposed legislation that necessitates undocumented youth to love the United States, which is most obvious in the framing of the Act as an opportunity in a nation of immigrants. Dan-el Padilla Peralta, at the end of his memoir, *Undocumented: A Dominican Boy's Odyssey from the Homeless Shelter to the Ivy League* (2016) admits: "As much as I love America, I'm angry with it too" (295). Padilla Peralta's statement is responding to what Soutphommasane (2012) names "the political form of one's country" (19).[84] Padilla Peralta is angry because the liberal democracy of the United States does not hold up: the progressive DREAM Act failed, his petition to immigration failed, and his admission to Princeton University and University of Oxford were neglected, or not considered enough for his appeal to adjust status in the United States. Padilla Peralta's anger is rooted in the political form of the nation-state, yet Padilla Peralta makes his love for America known. Perhaps this is because Padilla Peralta has already been undocumented, and the writer knows that whatever he published will be surveilled. The patriotic love in Padilla Peralta's critique exposes the ways in which performances of love are not only required from the undocumented, but they are also required from the resident alien (Padilla Peralta holds "resident alien" status at the time of publication).

Undocumented queer Kenyan writer, Gladys Wangeci Gitau-Damasko's in *there's the truth then there are other things* (2019) narrates being in a romantic relationship with a lover who makes the writer suicidal and how difficult accessing love is amid depression, responding to their mother's order of removal, and alcohol abuse. The seventy-one-page book is composed of photographs, untitled poems, handwritten letters, collages, line drawings, journal scans, and reproductions of the author's Facebook statuses and tweets. The multidisciplinary of the book refuses (political, literary, and spiritual) containment in similar ways that zines like *The Comet* in the 30s, *Fantasy Commentator* in the 40s and *Riot Grrl* in the 70s demanded and carved out space for unrestricted speech (Arnold 2016). Poetry scholars might identify the book as a hybrid collection that lives at the intersection of the epic poem and the multimedia memoir, but no matter how close that

[84] "The idea of patriotism is based on the idea of loyal identification with one's country, or more specifically a 'historical identity,'" on that I argue is difficult for the undocuBlack subject to directly identify with (Soutphommasane 2012: 33).

description might match the collection, the title negates it: *there's the truth then there are other things*. The collection is about the *things* that make undocuBlack life, life. Towards the end of the collection, a poem that adds to my exploration of patriotism and migration appears aligned center-page. Gitau-Damaskos writes: "one day / if i don't answer my calls / & you see a screenshot / on someone's ig story / saying i've been detained / & they won't release me from / custody / if i don't make bail / or choose to self deport, / come meet me in Kenya / at my cucu's house / wearing a leso / making ngima / & relearning kikuyu / trying to figure out how my mother / left everything she knew / one day / & never looked back" (66). In the poem, Gitau-Damasko's is not committed to what Soutphommasane (2012) names "the political form" of the United States (19). Instead, Gitau-Damaskos (2019) names the fact that they can "choose to self deport," fragmenting the patriotic idea that the United States is the ideal democratic nation that the writer wishes to live in (66). Gitau-Damaskos' poem carefully considers the contradictions of the life that is possible in the United States with a life that the poet can also make possible in Kenya. In the quoted poem, Gitau-Damaskos activates an AfroIndigenous framework of futurity outside nation-states. As a Kikuyu (Agĩkũyũ/Gĩkũyũ) migrant, Gitau-Damaskos sees a future for herself in reconnecting with their Indigeneity, cooking traditional food, wearing traditional clothing, and insisting on the Kikuyu language. I'd like to consider this framework as a love not for nation-states, but a love for her people and ancestors. In writing, "come meet me in Kenya," Gitau-Damaskos posits the East African country as a place where kinship, connection, and celebration are possible, thus debunking the myth that undocumented migrants come from unlivable nations. The naming of "Kenya" is also important because the proper noun highlights the border disruption experienced by the Kikuyu community, as their traditional homeland rests in Central Kenya and Northeast Tanzania.

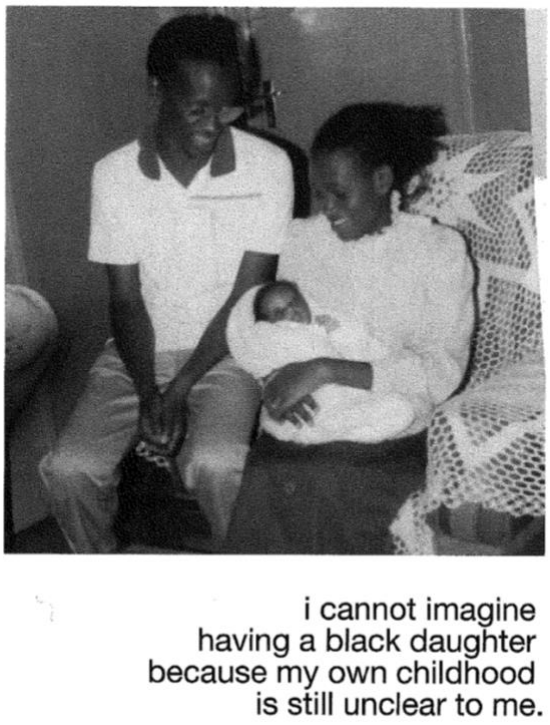


Figure 12. Gitau-Damaskos, Gladys Wangeci. Scan of image on page 17 of *there's the truth then there are other things* (2019).

Gitau-Damaskos' collection is urgent for reasons that parallel the work of Danyeli Rodríguez Del Orbe, but also because for Gitau-Damaskos, the collection is lifesaving. On page 17 of the collection, Gitau-Damaskos offers readers what one can speculate is a family portrait of the author's parents and the author as a newborn. The photograph is cropped as a square and one does not know if this photograph was first shared on Instagram (as much of the collection lives on different social media outlets), if the photograph is a polaroid, or if the shape is in its original format. Underneath the photograph Gitau-Damaskos writes: "i cannot imagine / having a black daughter / because my own childhood / is still unclear to me." In the photograph, the newborn's mother sits on a one-person couch, holds them as they gaze and smile at their newborn. The father sits on the arm of the couch and looks down at the child with a smile. Both smiles in the photograph show teeth, indexing a sense of deep pleasure and love. The love-filled photographed contrasted with Gitau-Damaskos writing signal that sometimes, love cannot provide one clarity which poses the question: is love enough to survive? In asking this, I don't mean to say that love is an analytic bound to fall apart. Instead, I suggest that love is an analytic that breaks open questions about sociality, temporalities, space, and the possibility of a future. Gitau-Damaskos' childhood is unclear to her, but they have evidence that there was a time when the smile, the family unit, and a sense of home was clear. Perhaps Gitau-Damaskos' childhood is unclear because of their illegalization in the United States and the abuses she experiences in the country.

Theories of love must also account for abuse and notions of neglect. By giving readers the photograph of the family unit, Gitau-Damaskos insists on the photo as archive-worthy evidence of presence. Here, the photograph is no longer a *neglected document* in the writer's life, but a vital one that tells a larger story of migration and un/belonging. On the next page, Gitau-Damaskos reproduces what might be a photograph of a sketchbook. The reproduction is a cream-colored sheet of paper with handwritten black words that read, "I'm giving this away for free / I remember when I couldn't / afford my safety or my / education or my truth. / So I'm giving this / away for free" (18). On the right-hand corner of the paper is an illustration of a flower. Readers do not know if the sheet of paper was given away to a stranger, relative, friend, or acquaintance after it was photographed, or if the writing is directly speaking to all the handwritten archival documents in the collection. I theorize the latter to be the case. Gitau-Damaskos is literally giving away so much of her personal thoughts, meditations, correspondence, and visual art. While this is a self-published bound book, the collection resonates with anti-capitalist feminist punk aesthetics.

Self-publishing, when considering Gitau-Damaskos collection is a political act that transcends the neoliberal ask of the Undocupoets petition, "give us the best poems (regardless of the author's citizenship)!" Because much of the collection consists of Gitau-Damaskos' personal notebooks, there is no revision. Demian DinéYazhi´ (Diné), in their second self-published collection *An Infected Sunset* (2018), invents the "liberated poem," a poem that exists in a poetry collection as unbound. The poem is supposed to be passed around, lost, rearranged, etc. In one of the liberated poems, DinéYazhi' writes, "manuel asks me if I edit anything I write, and I tell them no, who has time for that." I do not know if Gladys Wangeci Gitau-Damaskos and Demian DinéYazhi' are aware of one another, are friends, or if they have read each other's work but both writers are in dialogue with one another. Perhaps the dialogue comes in that they are both queer Indigenous writers who

are thinking through the notions of containment, liberation, freedom, and antifreedom. Many of the poems in Gitau-Damaskos' collection are "liberated poems" and many of them also refuse the process of revision. Poetry scholars might argue that photographing her journals and reproducing them in a collection is a form of revision since the pieces are recontextualized, but in a sense, Gitau-Damaskos is very clear that they're creating an archive :: a trace: "I'm giving this away for free / I remember when I couldn't / afford my safety or my / education or my truth. / So I'm giving this / away for free" (18).

Like Yesi's work, analyzed in chapter two, Gladys Wangeci Gitau-Damaskos is also invested in the self-portrait and departing from Yesi, images of the self, taken by others. Gitau-Damaskos provides readers with 15 photographs of the writer not including the self-portrait on the front cover and the one on the back cover. There are also 7 drawings that may all be of Gitau-Damaskos. Some are obvious but some are abstract while others are cubist illustrations. For Gitau-Damaskos, the reproduction of the photographs and drawings seem to be an insistence on continuing to live when the author is cutting their wrists and engaging in alcohol abuse. Like Yesi, the photographs and illustrations seem to speak to "good moral character."

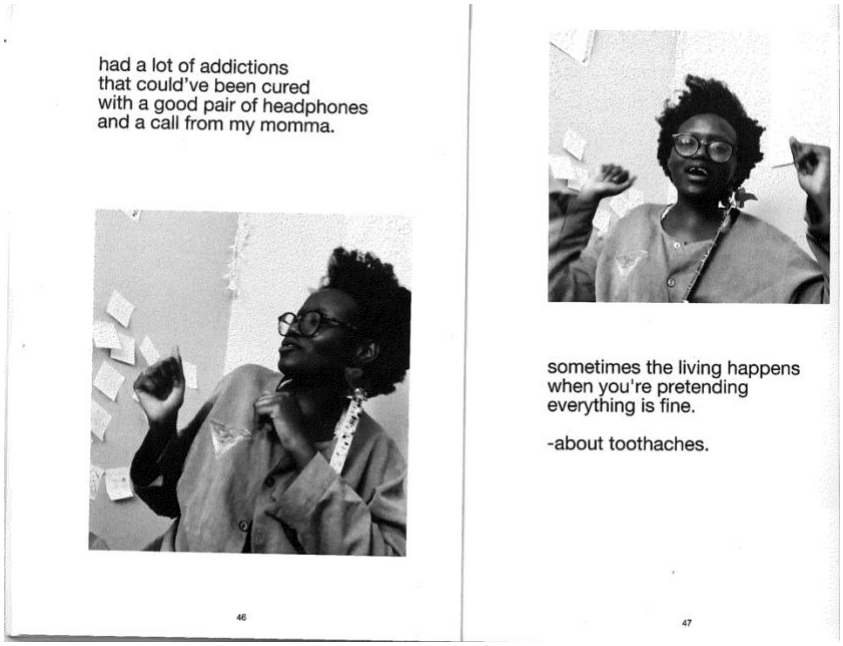


Figure 13. Gitau-Damaskos, Gladys Wangeci. Scan of pages 46 and 47 of *there's the truth then there are other things* (2019)

Halfway through the collection, there are two images that appear to either be stills from a video or timed self-portraits in motion. The motion of both images indexes the author in the middle of a celebratory dance. On the left page, readers get some text that contextualizes the image— "had a lot of addictions / that could've been cured / with a good pair of headphones / and a call from my momma." (46)— followed by the square-cropped photo of Gitau-Damaskos appearing to perform the "lean with it, snap with it" dance. On the right page, readers get an image first, the subject is in the same room (an office space) and wearing the same green top. Gitau-Damaskos appears to be in the middle of a speech act and her arms are preparing to reach for the sky. Under the photograph, Gitau-Damaskos writes, "sometimes the living happens / when you're pretending / everything is fine // –about toothaches" (47). In these images, Gitau-

Damaskos centers herself and tenderly holds their depression and celebration together, demonstrating that self-love is a laborious practice that may not always be accessible. Here is where reading Gitau-Damaskos and Rodríguez Del Orbe together is helpful.

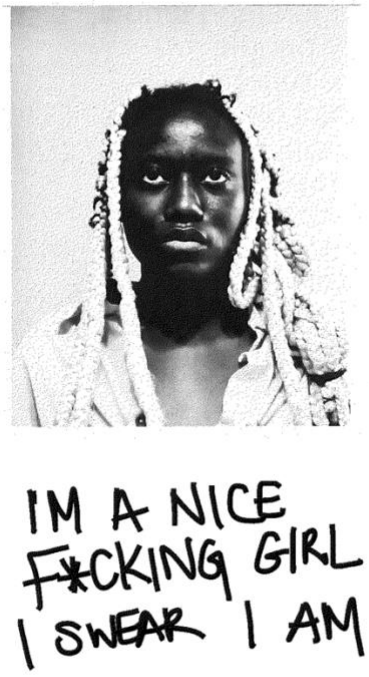


Figure 14. Gitau-Damaskos, Gladys Wangeci. Scan of image on page 58 of *there's the truth then there are other things* (2019).

For Rodríguez Del Orbe, love is only possible through community. I speculate that Gitau-Damaskos knows this too and thus the collection is trying to grapple with what it may mean to attempt to love in the isolating rooms of depression. The practice of self-publishing, then, is one rooted in addressing loneliness, echoing the poetic declarations and methods in Claudia Rankine's *Don't Let Me Be Lonely* (2004). A few pages later, Gitau-Damaskos provides a screenshot to one of their tweets dated July 16, 2019 that reads, "why all the gladyses i know either undocumented or dead?" (55). The tweet :: the question brings me to a discussion of undocuBlack sociality. As Rodríguez Del Orbe's YouTube video "undocumented black boy" (2019) demonstrates, living as undocumented and Black is not only a lonely condition, but a condition continually subjugated to social death. The reproduction of the tweet, I hold, is an offering that Gitau-Damaskos makes to her readers. It is almost as if I hear Gitau-Damaskos whisper something akin to "please, ask for the care that you need." In making space to hold herself, Gitau-Damaskos is indirectly critiquing the ways in which federal immigration law demands performances of care for the spouse but not the self. Gitau-Damaskos unapologetically holds herself first in the images, text, and tweet. Later, the writer—I speculate—realizes that even though the collection is self-published, the collection can be read by immigration officials and be

used against any immigration case they act upon. As a response, Gitau-Damaskos provides a selfie, her torso and face directly in front of the camera, gaze up to the ceiling. Under the selfie, Gitau-Damaskos writes with what appears to be a marker-brush in Adobe Illustrator: "I'M A NICE / F*CKING GIRL / I SWEAR I AM" (58). I take the writing to be in direct commentary with the verbiage of "good moral character" because through the collection, Gitau-Damaskos reveals the messiness of undocuBlack life while never making a political commitment to the United States and going as far as speculating all that they will do if they return to Kenya. In the absence of patriotic love to the nation-state that has marked her subjectivity illegal, they tell, not show, the nation-state that she is "A NICE / F*CKING GIRL" (58).

The aesthetic choices in Danyeli Rodríguez Del Orbe and Gladys Wangeci Gitau-Damaskos' multimedia collections are calculated and controlled, though also ungovernable. In Rodríguez Del Orbe's collection, for example, almost every poem has a title, there is a line drawing on every page that directly speaks to the theme of the text on the page, there are letters, but the letters are typed and italicized, there is political commentary and much of the commentary seeps into the pages through the invocation of Spanish-language phrases and asides.

Gladys Wangeci Gitau-Damaskos' collection is also calculated and controlled but in different ways: Gitau-Damaskos' photographs, scans, and screen captures seem to be a critique of both poetic and immigration forms. There is no time for typing, rearraign and revising. I speculate that if Rodríguez Del Orbe and Gitau-Damaskos did not self-publish, the poets would most likely face a difficult time sourcing a publishing house because both writers are so experimental.[85] Their work demands what I identify in chapter two as an *undocuBlack nonbinary reading method* that explicitly considers the U.S. legal system's investment in a cosmology of white supremacy and the visual epistemologies that index binary genders and heterosexuality as respectable ways of being. To read Rodríguez Del Orbe's work through and *undocuBlack nonbinary reading method* is to understand that while Rodríguez Del Orbe is a heterosexual subject, the writer is also invested in queer sexual and romantic futures, which are frontloaded in her commitment to community. Gitau-Damaskos collection also demands an *undocuBlack nonbinary reading method* because the collection foregrounds the self-portrait as a visual analytic that tells us something about what it means to be a dark-skinned Black, socialized "girl," and queer subject in the U.S.-nation. Like Odigie's spoken word video, Gitau-Damaskos opens new visual imaginaries that posit the undocumented subject as a speaking and acting continental African subject. Gitau-Damaskos position as a Kenyan migrant also opens questions about the relationship between undocuBlack subjects who are descendants of enslaved peoples and undocuBlack subjects from continental Africa. This connection, which I fully address in chapter four, is central to the fields of Black and Native studies.

Creating Dangerously; Creating Futures

Danyeli Rodríguez Del Orbe and Gladys Wangeci Gitau-Damaskos are teaching me to be rigorous and attentive to nonconsensual contracts of love. Their self-published collections live the politics that Jamie Berrout maps out in "Against Publishing: A Letter to Trans

[85] In borrowing from the aesthetics of zine culture, both writers make space for their "[e]mbodied knowledges, embodied resistances, and representations of the body in third-space contexts" that "reveal much about multiply-situated, relational, coalitional, and corporeal subjectivity" (Licona 2012: 65).

Women Writers" (2019). Rodríguez Del Orbe and Gitau-Damaskos don't wait for the seal of the literary community. They self-author in similar ways that Javier Huerta (2004) self-authors: "without an official seal."

I first met Gitau-Damaskos when she was in high school. I was recruiting undocumented youth for the Student Immigrant Movement. A young Gitau-Damaskos told me that she was a writer, reached into her bag and took out a stack of business cards. I had never met an undocumented writer who announced themselves as so; I was moved. I aspired to one day have Gitau-Damaskos' confidence. This was over ten years ago.

Years later, when Sonia Guiñansaca introduced me to the work of Edwidge Danticat, I began to make sense of what Gladys Wangeci Gitau-Damaskos work was doing in the world. Prior to reading Edwidge Danticat's *Create Dangerously: The Immigrant Artist at Work* (2010), I was unsure what the role of confessional documentary writing had for subjects who addresses their birth countries in their art but were not present in their countries. In *Create Dangerously,* Danticat explains that in Haiti, artists are some of the first people to be disappeared by their governments, a reality that is true in much of the Global South, and argues that the migrant creator is an art practitioner working against the stakes of surveillance and governmentality.[86] Immediately after reading the essay collection, I perused through Gitau-Damaskos' Facebook archive and learned to contextualize her art as invested in creating dangerously. As an openly queer Kenyan, Gitau-Damaskos is not only at risk of deportation from the United States, but if she were to be deported, they would also be at risk in Kenya. Under Section 162 of the Kenyan Penal Code, sodomy is illegal, punishable by fourteen years in prison. *there's the truth then there are other things* feels more urgent. Gitau-Damaskos work is one that places the question of safety in flux. While the author transgresses gendered, raced, and classed norms of coloniality in the publication, the author reveals to us that no matter how empowering self-publishing is, there is also risk: the risk of not being part of the traditional literary community; the risk of deportation; and the risk of being subjugated to two different legal systems: U.S. Federal Law, and Kenyan Law. With this said, I often think about Dominican poet, _____ _____, who often tells me that if it was safer to share their art as an undocumented Black migrant, they would, but right now, there is too much to lose and so, they create in the quiet, practicing another form of undocuBlack nonperformance.[87]

Through my years of research, Danyeli Rodríguez Del Orbe has become a friend. I am thankful for our friendship. I would have never thought of the links between romantic love, community love, and federal immigration law if it weren't for many of her self-published poems on Instagram, poems that have now been deleted. I wish that archive was still around because it was formative to my thinking of discipline, punishment, and governmentality. In 2018, I was invited to present a paper at Northwestern University, where I was able to theorize Rodriguez Del Orbe's Instagram footprint as one that insisted

[86] "The immigrant artist shares with all other artists the desire to interpret and possibly remake his or her own world. So though we may not be creating as dangerously as our forebears—though we are not risking torture, beatings, execution, though exile does not threaten us into perpetual silence— still, while we are at work bodies are littering the streets somewhere. People are buried under rubble somewhere. Mass graves are being dug somewhere. Survivors are living in makeshift tent cities and refugee camps somewhere, shielding their heads from the rain, closing their eyes, covering their ears, to shut out the sounds of military "aid" helicopters. And still, many are reading, and writing, quietly, quietly" (Danticat 2010).

[87] I do not use the subject's name as to protect their anonymity.

on an AfroIndigenous epistemology to think about the island of Quisqueya and the forced migration of Haitian and Dominican subjects, especially those who identify as Black, Afrodescendant, and Taíno descendant. In the future, I hope to revisit that work and ask for written permission to write about the poems I screen captured while working on the Northwestern paper.

Akin to the work of Yesi's photographs, Danyeli Rodríguez Del Orbe and Gladys Wangeci Gitau-Damaskos' work is informed by a Black feminist flesh that speaks, powered by their organic writing. I use "flesh" following the work of Cherríe Moraga and Gloria Anzaldúa who argue that one can theorize and make sense of the world through "flesh" in their seminal collection *This Bridge Called My Back* (1981). But I also footnote Black studies in my writing of flesh, particularly the work of Hortense Spillers (1987) who argues that flesh is a "cultural text" that speaks to the "potentialities" of Black embodiment that live outside of binary genders and, I infer, compulsory heterosexuality (228). Danyeli Rodríguez Del Orbe and Gladys Wangeci Gitau-Damaskos' collections produce enfleshed work filled with future-driven imaginaries that do not conform to the political formations of nation-states. Their work is rooted in a vision that center love as a serious analytic of relationality that dislocates national membership, threatening the foundations of patriotism and nationalism. Their enfleshed writings echo the work of Alisha B. Wormsley (2012): "THERE ARE BLACK PEOPLE IN THE FUTURE." This future though is dependent in exorcising governmentality from Black life.

Although this chapter has focused on love, I cannot end by saying that love is what leads us to a future. Rodriguez Del Orbe makes it clear that love is simultaneously a war zone and worth fighting for. The fight however must be calculated because the nation-state demands patriotic love from noncitizen subjects. A failure to perform patriotism can be dangerous, especially for undocuBlack queer migrants like Gitau-Damaskos whose home country criminalizes queerness. As a result of these material realities, undocuBlack subjects must not only negotiate performance but decide when—to protect themselves—they must perform within the nonconsensual contracts of US law. These negotiations nuance the theory of nonperformance. When does nonperformance liberate? And can nonperformance exist while rendering a nonconsensual performance?

Chapter 4

trans*imagination[88]

Rooting :: Routing UndocuBlack Trans*Imaginative Subjects

I moved to California for the first time in 2014 to complete a fellowship at the UCLA Labor Center.[89] At the time, I was living in Connecticut and the fellowship at UCLA was only 10-weeks, so I asked undocumented activists I had been connected to via the internet if anyone could house me. A friend offered his living room and said that I'd be sharing it with an undocumented migrant who had recently arrived at the United States. The migrant was a transgender woman from Mexico, [ ].

I flew to Los Angeles and was greeted by undocumented activists, many of whom I had only ever spoken to on Facebook and through an anonymous blog that I deleted in 2012.

In Los Angeles, [ ] asked me if I was a *travesti*, too.[90] I struggled to articulate that I was trans* but unsure if I was a trans* woman.[91] I shared with her that I would often buy t-blockers from a dealer at a McDonald's in East Boston, Massachusetts. I shared that the purchases were rooted in a desire to exist outside my facial hair and the constant erections that reminded me that I was in a masculine body. The dealer didn't only sell me t-blockers, he also sold me my first [ ] and [ ].

A few days after making the living room a home-of-sorts, I was on the phone with a friend from Boston, who had been recently sequestered in an immigration detention center with both her parents. My friend's father was in the background listening, and he

[88] This chapter utilizes brackets where proper nouns of people, places, and objects that I do not wish to offer to unknown readers appear. This decision is informed by my precarious conditions as a conditional resident of the United States who must perform "good moral character," and to respect the anonymity of members of the undocumented organizing community, the community I have belonged to since I arrived at the United States. Footnotes in this chapter are also the place "to go" not only for my argument but to follow my genealogical and epistemological frameworks.

[89] 2014 is the same year where 30 Latinx LGBTQIA+ community members across the United States and I co-found FAMILIA: Trans Queer Liberation Movement, the largest organization working for the visibility of queer and trans Latinx communities in the United States.

[90] In Mexico, LGBTQIA+ elders and rural peoples use *travesti* when referencing someone who is transgender or a cross-dresser, which marks *travesti* as both a classed and geo-political term. In metropolitan areas of Mexico, *travesti* is mainly employed by migrant and poor communities, which again codes the noun as a classed identification and secondly, a transient identification.

[91] "The asterisk speaks to a range of configurations of Black being that take the form of translation, transatlantic, transgression, transgender, transformation, transmogrification, transcontinental, transfixed, trans-Mediterranean, transubstantiation, transmigration, and more" (Sharpe 2016: 30).

heard [ ]'s voice. He recognized her immediately. They had shared the same cell in detention.[92]

The person I was in love with at the time had also been detained in the same center, in solitary confinement.[93]

Every night, [ ] and I would share stories about Mexico, her time in detention, my time as a [ ], and the people we both knew who had also been sequestered at the same center. We'd make jokes about being undocumented. Often, the jokes revolved around one of us being deported for seeking out illegally acquired t-blockers, hormones, and/or [ ] injections. Through dark humor, stories, and honesty, we formed language and a communal political analysis rooted in the knowledge of our illegalizations, trans* experiences, and most importantly, our imaginations.

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"[S]ome of us live in constant and continual rupture," writes Jennif(f)er Tamayo (2018: 17) in a collection that recalls their incarceration in an immigration detention center when they were "too little to be little" (3). This chapter—in essay form—traces the "constant and continual rupture" of undocuBlack trans* subjects in the United States and the mechanisms of imagination we employ to rupture the constancy and continual logics of empire, gender, and political membership.

Detention, as an analytic, speaks to the containment not only of people but also of people's imaginations. People do not engage in unauthorized border crossings without a concrete vision for the future. Unauthorized border crossers, I argue, engage in crossings because they have imagined a livable life whose conditions of possibility depend on border crossings because their race, ethnicity, class, and/or level of dis/ability may not make them eligible for immigration visas to the United States.[94]

People who undertake unauthorized border crossings understand that their crossing may end in death. In chapter two, I engage with the photograph of Óscar Alberto Martínez Ramírez and his 23-month-old daughter, Angie Valeria. While the photograph was used by *The New York Times* to highlight the risk of undocumented migration to the United States, the photograph also speaks to the fact that physical and imagined borders are the mobilizers of death as opposed to rivers, desserts, or other natural landscapes that settler-nations frame as dangerous, unlivable, and/or uninhabitable (also an argument employed by settler-empires to justify occupation). Martínez Ramírez must have had a dream for himself and his daughter. What would have happened if both made it safely to the United States? In 2019, the year Martínez Ramírez and Angie Valeria attempted to cross into the United States, "69,550 migrant children were incarcerated in the US… more

[92] "Immigrant incarceration is a form of gendered violence enacted and enforced by the state" (Walia 2021: 81). Detention centers organize migrants by genitalia, not gender, and age, not kinship structure. These realities have detrimental material conditions that specifically target transgender, intersex, and nonbinary migrants while also producing isolation in breaking up Indigenous kinship units as well as undocumented families.

[93] This web may represent what Hortense Spillers (2003) terms "the powerful grammars of capture" (14).

[94] As Luibhéid argues, "the 1965 Hart Cellar Immigration and Nationality Act (1965 INA), which forms the basis for current immigration law, is generally lauded for ending explicitly ethnic and racial discrimination in U.S. immigration law. Yet, historians have shown that the act was deliberately calculated to enable continued racial and ethnic discrimination by elevating nuclear family and sibling ties as the primary grounds for legal admission" (Luibhéid 2021: 21).

children separated from their families and detained than in any other country" (Walia 2021: 20). Had Martínez Ramírez and Angie Valeria survived and been caught by border patrol agents, would their physical bodies be detained in an immigration center? What I'm mapping is the fact that a migrant's imagination is what poses the threat to the nation-state. The migrant as an imaginative subject is an ungovernable subject who must be held off (from social life), kept away (from the nation), surveilled, disciplined, and punished.[95]

My theorization of the *trans*imagination* follows Alicia Schmidt Camacho's (2008) argument that "the migrant imaginary articulates what citizens and state actors have only begun to comprehend— that the ethical imperative of *survival* cannot conform to the geopolitical fiction of sovereign borders" (286, emphasis in the original). A migrant's imagination, then, is an imagination that betrays borders, and social and legal codes, and thus, the migrant's imagination is a weapon that threatens what Michel Foucault names "the order of things" (1966). When people challenge the order of things, epistemic shifts, according to Foucault, open "the possibility for another metaphysics; one whose purpose will be to question… all that is the source and origin of representation" (243). Metaphysical openings are the danger of a migrant imagination, particularly the *trans*imagination.*[96]

In this chapter, the *trans*imagination* cannot be solidly defined. Instead, the *trans*imagination* is an ever-forming epistemic shift approaching a metaphysical elsewhere rooted in worldling abolitionist futures.[97] The asterisk in *trans*imagination* gestures not only to Christina Sharpe's (2016: 30) "configuration of Black being," but it indexes the active refusal of the Black transgender subject as one who is always nonperforming within the nonconsensual contracts of binary genders, biological essentialism, and rational *Man*.[98]

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[95] I write this sentence with the knowledge that "detain" stems from the Latin "detinere," meaning to 'hold off' and 'keep away,' and thus, the sentence begins with those two definitions and then computes a series of parallel material realities produced by holding off and keeping away.

[96] This chapter theorizes *trans*imagination* by reading the intimate events and experiences of my own life and my undocumented trans* community. In the field of trans* studies, German cultural studies scholar Terence Kumpf (2016) theorizes "trans*imagining" as the process by which the music industry breaks down socio-cultural barriers to make space for feminist and trans* artists. Kumpf's understanding of "trans*" in "trans*imagining" explores "trans*" as both "transgender" and "translation." My writing of the *trans*imagination* is not rooted in Kumpf's theoretical work, but I do honor Kumpf's scholarship as it is crucial to think of how imaginations are translated across cultures, nations, and continents. My writing of *trans*imagination* works parallel to Schmidt Camacho and it is interested in how an undocuBlack trans* interiority shapes the trans*imaginary in contrast to an unracialized, ungendered, undocumented migrant imagination.

[97] In *Funk the Erotic: Transaesthetics and Black Sexual Cultures* (2015), L.H. Stallings introduces the framework of a "transworld identity" described as an "identity across possible worlds" and an identity that is "more metaphysical than social" (207). When I write of *worlding*, I do so with Stallings' argument that Black transgender subjects shape worlds outside of conquest, worlds that exist at the metaphysical level, which enhances my use of Foucault.

[98] "The human, in [Sylvia] Wynter's writing, is representatively linked to figure of Man1 (invented by the Renaissance's *studia humanitais* as *homo politicus* and therefore differentiated but not wholly separated from *the homo religiousus* conception of human) that was tethered to the theological order of knowledge of pre-Renaissance Latin-Christian medieval Europe; this figure opened up slot for Man2, a figure based on the Western bourgeoisie's model of being human that has been articulated as, since the latter half of the nineteenth-century, liberal monohumanism's *homo oeconomicus*. These figures, both Man1 and Man2, are also inflected by powerful knowledge systems and origin stories that explain who / what we are" (Sylvia Wynter and Katherine McKittrick 2015: 9-10).

The asterisk is a portal and a pause.

The asterisk is not a signifier of a destination.

A destination, here, is a form of violence.

The asterisk is an invitation to meditate on a material condition with legal, social, and cultural consequences in the hopes that one can depart from that reality.

The asterisk is not a star; it is not a burning rock but some might argue that it is a rock that burns.

The asterisk feels. It is a feeling of stillness and prolonged puncture.

The asterisk is alive but one cannot insist life onto it.

The asterisk is not a person or an identity.

The asterisk has been attended to and perhaps, it does not want to exist anymore. This is why the asterisk is a portal and a pause.

The asterisk is not an arrest, it is a pause.

The asterisk is not a hold, it is a portal, but the asterisk [temporarily] embraces the hold [of the ship :: belly :: sigh :: breath].

The asterisk is not a signifier of gender or race or nation-states; all those kill, kill, kill.

The asterisk is a portal and a pause.

As a pause, the asterisk speaks to sequestration. As a portal, the asterisk speaks to the living on post-amidst-before sequestration [of detention :: depression :: deportation :: the middle passage and its contemporary manifestations].

***

When my fellowship at UCLA ended, I moved back to Connecticut and remained in constant contact with [ ].

In 2015, a few months after leaving Los Angeles, I receive a call that the F.B.I. raided a friend's mother's home looking for [ ]. [ ] was later arrested and placed in solitary confinement at Orange County's Central Men's Jail.

In the summer of 2015, I moved back to Los Angeles. Every month, I'd visit [ ] at Orange County's Central Men's Jail with [ ], my then partner. When I moved to Oakland, California, I continued the visits, flying to Los Angeles monthly.

Shortly after [ ]'s detainment, in 2016, my parents were stopped in a tunnel in East Boston, Massachusetts. The policeman didn't tell my parents why they had been stopped. My mother turned to the backseat, where my then 10- and 9-year-old siblings sat, and told them not to worry, in Spanish. In the shock of a Black woman speaking Spanish, the policeman asked my mother and my stepfather for their legal documents, which they did not have. The policeman took out a paper and began to write charges that criminalized my parents: identity fraud, endangering minors, etc.

One of the closest people in my life was in a prison in California, and now my family faced the potential of prison in Massachusetts and deportation. For a semester of my graduate studies, I regularly flew to Boston, Massachusetts, and Los Angeles, California to serve as a witness to the conditions of those around me and myself.

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"What then is the fashion of survival?"
- Darieck Scott, *Extravagant Abjection* (2010:17)

In *Raising the Dead: Readings of Death and (Black) Subjectivity* (2000), Sharon Patricia Holland argues that the shift from enslaved subject to free subject is an "unaccomplished imaginative shift," not because the descendants of formerly enslaved peoples cannot imagine their free subjectivity, but because the conditions of the world—especially white supremacy—do not allow non-Black people to imagine a Black subjectivity (15). In narrating the geographies of arrest, detainment, and sequestration that surround those closest to me, I establish the reality that my kin's bodies are not the only things arrogated by the police-state, their imaginations are too: [ ] is detained in a "men's" unit, a direct attack to her subjectivity and *trans*imagination*. When my mother opens her mouth and speaks in Spanish, her mastery of the colonial language catalogs a series of fugitive choreographies in antebellum Nueva España (Mexico) that enabled Black escapes through marronage.[99] The policeman's shock speaks to the unintelligibility of Black life in Latin America, and my mother's articulations become a threat precisely because following Holland, "the dead and their relations are perhaps the most lawless, unruly, and potentially revolutionary inhabitants of any imagined territory, national, or otherwise" (23).[100] Here, I argue, my kin are repeatedly arrested and detained for being *trans*imaginative* people who have managed to live through the racialized, gendered,

[99] When I write about marronage, I am writing about the literal action of fugitive enslaved subjects hiding in rural geographies, and in the case of the village that I am from, entering in critical relation with Indigenous peoples, thus charting new Afro-Indigenous geographies amidst colonial occupation. I am also thinking with Caribbean philosophers Édouard Glissant (1990) and Kris F. Sealey's (2020) understanding of *creolizing*, where for Glissant, surviving the Middle Passage was predicated on mixing cultural knowledge (creolization). Sealy, expanding Glissant, argues that for new world Black subjects, *creolizing* is a methodological act employed to disrupt citizenship and invoke a creolized nationalism that does not draw borders, but uses the language of borders and sovereignty to declare colonial emancipation and sovereign freedom from the Global North.

[100] I also want to nod to Fred Moten's 2019 poetry collection, *all that beauty,* where Moten writes: "The blackness of the whole thing / is that our flesh lights up the world, / the ringing, the bubbles, // the particles appear / to fade / in suspense. What else / might happen to us folds us / in…" (64).

and vilified conditions of illegal alienage.[101] This is to say, the law creates the "illegal alien," and the law punishes the "illegal alien" for their capacity to imagine and execute sociality and aliveness amidst their illegality.

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During one of my visits to [ ], I asked if she had ever heard of CeCe McDonald. She replied that she hadn't, and I told her a story: CeCe McDonald, a Black transgender woman, was arrested in 2011 after she and her friends decided to go to the grocery store for snacks. CeCe McDonald was wearing a lavender My Little Pony t-shirt and as she and her friends walked by a dive bar, they were verbally harassed. The verbal harassment grew into physical harassment. CeCe McDonald had been slammed to the floor as were others in her friend group. A white man snuck up behind her when she thought she had gotten away from the perpetrators. CeCe McDonald had silver scissors on her and she stabbed the attacker in the chest. The attacker died and when CeCe McDonald and her partner hailed a police car, CeCe McDonald was handcuffed and arrested, later charged with second-degree murder, and sentenced to 41 months in prison.[102]

I remember [ ], leaning into the bulletproof glass that formed a border between us as I briefly outlined CeCe McDonald's story. I also remember gripping onto the phone so hard that when the guards told us our time was up, I noticed my nails had left marks on my palms.

In a letter dated May 11, 2012, and sent from prison, CeCe McDonald writes, "You can't LIVE if you don't love yourself."[103] I translated the quote in Spanish and repeated it to [ ] a couple of times that day. I remember the tears building. [ ]'s eyelids were holding the weight of an anti-trans and anti-immigrant reality.

Sharing CeCe McDonald's story with [ ] was one of the only ways I could prove to [ ] that the prison-industrial complex is a system rooted in the detainment not only of bodies but dreams for the future. Before introducing [ ] to CeCe McDonald's story, [ ] would voice repentance and utterances about her detainment in a men's prison as a deserved reality. The longer [ ] spent in prison, the more she believed her own criminalization.

I think that CeCe McDonald's story helped [ ]. I'll never know to what extent. I can ask, but the metric doesn't matter. What matters is the fact that stories of trans* resistance helped activate a dual transition. Together, [ ] and I began to transition. I had to develop an anti-prison position because it seemed that everyone in my life was subjected to the violence of detainment and sequestration. I remember prepping a press release for my parents "just in case" and arguing with a friend that we couldn't use the language of "hard workers" or the framework of a nuclear "family" because both frameworks were not abolitionist positions. I remember having to articulate and rearticulate myself whenever I re-narrated the precarious conditions my parents were in.

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[101] "Sexual and gender logics, in their intersections with economic dispossession, racialization, settler colonialism, and empire, shape who is targeted for detention and eventual deportation" (Luibhéid 2021: 29).

[102] For a detailed account of CeCe McDonald's case, see Nicole Pasulka's "The Case of CeCe McDonald: Murder—or Self-Defense Against a Hate Crime?" (MotherJones: May 22, 2012)

[103]See: McDonald, CeCe. "'Go Beyond Our Natural Selves' Letters from Minnesota Correctional Facility—St. Cloud: The Prison Letters of CeCe McDonald." *Transgender Studies Quarterly*. 4.2 (2017): 243–265.

I also remember having to bite my tongue while visiting [ ] so that I could let her teach me.

After some time, I began to mail books to [ ]. One of the books was Mayra Santos-Febres' *Sirena Selena vestida de pena* (2000), a novel about a Puerto Rican drag queen taken to the Dominican Republic by her Black transgender "mother" to launch a career as a performer. Through reading trans* texts together, we began to form a politic and visions of trans* futures.[104]

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In *The Principle of Hop*e (1995), Ernst Bloch defines hope as a "daydream"—described "as what has never been experienced at all" (115)—and as a "teachable" feeling (3). Bloch argues that Western philosophers up until Marx have theorized hope through "static thinking" (351) that frames hope as a form of salvation instead of relating to hope as an analytic with the capacity to architect a future. I begin this vignette with Bloch because I began to lose hope during visits to [ ], and I know [ ] began to lose hope in being able to access a future in the United States since she had previously been confined in an immigrant detention center, and then in a prison. If for Bloch, hope exists within the realm of the daydream, I wonder what would happen if trans* studies and migration studies seriously considered the daydreams of those of us subjected to conditions of illegality. In chapter one, I argue that dreaming is a method of survival employed by undocumented subjects in the United States. Without the ability to daydream, people would not be able to cross unauthorized borders. Here is where I'd like to re-state my theory: the state illegalizes both people and their dreams. "Every goal," Bloch writes, "attainable or unattainable, must first be imagined" (165). For migrants, once the goal is attained—the unauthorized border crossing—their achievement is framed as a national threat to the United States.

In *My Bondage and My Freedom*, Frederick Douglass describes being sent to Lloyd Plantation (owned by Edward Lloyd V.) at the age of six. At Lloyd's plantation, a young Douglass encounters enslaved Guineans who can name their parents and the horrors of the middle passage, which Douglass describes as "knowledge quite worth possessing" (101). Douglass claims that knowing about a human existence outside of slavery for enslaved kin at Lloyd's plantation sparked a "dream" inside of him (101). He describes the "dream" as "a constant menace to slavery" (101). Douglass' use of "menace"— from the Latin *minae* meaning "threat"— speaks to the social order of antebellum America. The enslaved subject is not legally a citizen or a full human, therefore, to dream of personhood is an action that threatens the citizenry of the nation. Douglass' narrative is quite important because his writing does not frame enslaved peoples as outside the institution of society. Instead, Douglass understands that slavery

[104] In "'Necessary Bonding': On Black Trans Studies, Kinship, and Black Feminist Genealogies" (2022), Amira Lundy-Harris coins the phrase "textual kinship" defined as "the relationship…between the text and the Black trans reader," a kinship that highlights how a text can inform "collective creation" (91-2). By reading Mayra Santos-Febres, seeing myself in the characters, and witnessing [ ] read Mayra Santos-Febres within prison confinement, we were architecting a *trans*imagination*. Neither of us knew so. I had not thought of all our independent studies until the writing of this chapter. This collectively conjured *trans*imagination* resembles what philosopher Ernst Bloch (1995) would identify as a "Not-Yet-Conscious" future-building (116).

is crucial to society, especially for the plantation state. Enslaved subjects are constituted as necessary parts of the nation, but their role is one of objecthood, and the dream world interrupts that objecthood.[105]

I attend to Douglass' writing because Lloyd's plantation is another geography of detainment as is the immigrant detention center and the prison. In all three, dreaming is not illegal, but dreaming is disciplined. In chapter three, I engage Foucault's notion of governmentality. I invoke Foucault again here to argue that dreams are governed by settler-nations. In Lloyd's plantation, Douglass understands his dreaming as a threat to the institution of slavery. Inside detention centers and federal prisons, dreaming is also a menace, but to the institution of the democratic state. Prisons are narrated as social spaces where *bad citizens* are sent as a form of discipline, punishment, and reflection. While inside a detention center or prison, dreaming is a threat to the United States citizenship's disciplined and exclusionary practice because, following Douglass, "the state is little more than a dream" (331). The state is held together by an imagined citizenry: the white, heterosexual, male, property owner. Because the state is both a dream and a material reality, the noncitizen subject's dreams can rupture the state's dream and disrupt social order. The nation-state, I argue, knows this, and thus, dreaming is to be governed.

In the previous vignette, I narrate [ ]'s and my experience to map storytelling and reading as practices of disobedience that are dangerous to engage especially as migrant subjects who are continuously produced as "illegal aliens."[106] My narration of kinship is important because it frames the *trans*imagination* as something that happens in continual rupture and improvisation.[107] In chapter one, I argue, following Moten (2003), that improvisation is not only a characteristic of Black performance but a necessary tool of undocuBlack nonperformance that speaks to the social life of nonconsent. In chapter two, I analyze the nude self-portrait as another form of improvisation that fails to perform "good moral character," and in chapter three I triangulate self-love, polyamorous love, and love towards undocuBlack subjects as an undocuBlack nonperformance that fails the institutions of marriage, monogamy, and compulsory heterosexuality. In this chapter, I advance my theorization and argue that the *trans*imagination* is another site of undocuBlack nonperformance. The imagination requires one to dream. If Douglass is correct and dreams are a menace, then the undocuBlack transgender subject who dreams is a menacing subject that the nation-state must be wary of, indicative of the continual encounters between my undocumented trans* community and the systems of detention and deportation.

Sharon Patricia Holland's (2000) insistence on thinking of Black (social) death and subjectivity together is rooted in attending to the Black imagination. Holland argues that national imaginaries are universal: the nation imagines order through legal codes; the nation dictates what is normative and what is not, therefore, all national imaginaries will be the same within that nation. However, the imaginative space is not universal, which is

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[105] "While slavery exists, and the union of these states endures, every American citizen must bear the chagrin of hearing his country branded before the world as a nation of liars and hypocrites; and behold his cherished flag pointed at with the utmost scorn and derision" (Douglass 1969:434).

[106] On one occasion, guards raided [ ]'s cell and took all her books, loose leaf papers, and writing utensils, a clear attack against her right to communicate with her community and the political content of the texts she was reading.

[107] This work may also be understood as what scholar Claudia Sofía Garriga-López (2016) names "grassroots transfeminism."

why this chapter attends to trans*kinship as the propeller of a radical *trans*imagination*. I am invested in exploring the textures of an undocuBlack *trans*imagination* that are unstable, ungovernable, and, at times, contradictory and/or everyday-like.

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Around the same time (2016) that [ ] was imprisoned, I volunteered at the UndocuBlack Network retreat in Miami, Florida, the first convening of its kind in the United States. The night before attendees began to arrive, the five co-founders of the UndocuBlack Network and I got together over Dominican food to share our excitement to finally be in a space in which we could collectively dream as Black undocumented and formerly undocumented immigrants. I wish that I had journaled that weekend, but I was too occupied translating for Spanish and French speakers. Our keynote was Grace Lawrence, formerly undocumented trans Liberian photographer whose early years in the United States were spent in a men's prison, two-and-a-half years in solitary confinement.[108] As a community organizer of over ten years, I can assure you that Lawrence's conditions in solitary confinement are not unusual. Most of my organizing since 2012 has been centered on working with transgender and queer undocumented migrants in detention centers, helping local organizations build cases to get queer and trans detainees out, and visiting detention centers, migrant shelters, and churches that offer refuge to migrants who have received deportation orders from the United States. Through the years, transgender women have explained that they are not initially sent to solitary confinement. Instead, they are sent to cells solely composed of cisgender men.[109] They have often been physically and sexually assaulted by other detainees and guards. When they file formal complaints, the complaints are sometimes attended to, but that attention manifests as a sentence to solitary confinement.[110] The repeated argument by law enforcement is that solitary confinement is safer for the trans detainee than the cell they were previously in. Detention is unsafe for everyone detained. Under surveillance and domination, the transgender subject is ungovernable, and thus, solitary confinement is the state's solution.

The carceral system fails not only the transgender subject but its own logic and imagination. Carceral logic states that prisons simultaneously make society safer and reform detainees but the carceral system does not imagine trans subjects as worthy of protection, which is enough evidence to question its existence.

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[108]Verified by KALW public radio 91.7: https://www.kalw.org/show/crosscurrents/2012-06-21/transgender-immigrant-detainees-face-isolation-in-detention#stream/0

[109] For more on undocumented transgender women's experiences in solitary confinement, see Frankel, Adam. "'Do You See How Much I'm Suffering Here?': Abuse against Transgender Women in US Immigration Detention." *Human Rights Watch*, March 23, 2016. ; Briana Lee, "Immigration Reform: Transgender Immigrants Skeptical of New Detention Guidelines Designed to Protect Them," *International Business Times*, July 9, 2015, http://www.ibtimes.com/immigration-reform-transgender-immigrants-skeptical-new-detention-guidelines-designed-2000057; and Amy Stillman, "Migrating to the US is already risky. Try being a transgender migrant," *Global Post*, February 17, 2016, http://www.globalpost.com/article/6733747/2016/02/16/lgbt-migrants-mexico.

[110] Simone Browne (2015) argues that when surveillance intersects with Foucault's panopticon, the prison materializes as a "ceremonial terror" (35). For the lives of transgender women in immigrant detention centers, solitary confinement *is* a "ceremonial terror."

Although I did not keep a journal where I took notes of Grace Lawrence's keynote at the UndocuBlack retreat, in 2012, *KALW Public Media* (Bay Area's radio station 91.7 FM) published an audio story titled, "Transgender immigrant detainees face isolation in detention" where Grace Lawrence's story is uplifted as a form of advocacy against solitary confinement. In the transcript, *KALW Public Media* quotes immigration lawyer, Cara Jobson, stating, "It's harder to prepare a case for someone who is spending 23 hours of the day in administrative segregation. It's harder for them to get out and call me. It's harder for them to get out and call whatever legal advocate might be helping them," which speaks to solitary confinement not as the safer option for transgender detainees, but as the option that helps the state claim absolute power over the transgender subject and their *trans*imagination*. Transgender undocuBlack migrants like Lawrence are hyper-imaginative subjects. After three years imprisoned, "Lawrence's lawyer, Cara Jobson, had proven that if Lawrence were deported to Liberia, she would be tortured and killed for being transgender. She was granted asylum under the United States Convention Against Torture – one of the more difficult types of asylum cases to win" (*KALW Public Media*).[111]

In a 2013 YouTube video titled, "Grace Lawrence reaching out to transgender immigrants in the U.S.," and captioned, "Grace at Trans March 2013, Dolores Park San Francisco, California…," Lawrence is introduced by an MC as the "only known spoken transgender women from that nation [Liberia]" (0:27 – 0:33). While I cannot prove if Lawrence was the first publicly-out Liberian trans* woman, what I can do is meditate on what the unnamed MC's statement means about the *trans*imagination*.[112] I assume that Lawrence wrote her introductory bio and in situating herself as the "only known spoken transgender woman from that nation," I gather that Lawrence knows of no other trans* Liberian who is publicly out. This claim is smaller and more contained to her experience, emphasizing the extreme loneliness and isolation faced by undocumented African transgender migrants in the United States. The video takes place after Lawrence has been sequestered in solitary confinement, state-employed exile. When Lawrence takes the microphone and welcomes all attendees to Trans* March, Lawrence states: "When West Africa told me I was 'nobody,' I was 'cursed,' I should 'kill' myself, I moved to San Francisco. [Crowd applauds.] San Francisco! [More Applause.] And you know what, I ask you one question. I said San Francisco, I want to know what love is and because of you, I am a lover today" (1:03-1:28). Lawrence's brief comments exemplify one of the controlled narratives that the undocumented asylum seeker must rehearse and render in the United States. Form I-589, Application for Asylum and Withholding of Removal, is a twelve-page application that all asylum seekers in the United States must file and send to the Department of Homeland Security and the U.S. Department of Justice. For asylum seekers to secure their stays in the United States, they must prove a credible fear of returning to their home country. In Part B of Form I-589, the asylum seeker must narrate any harm, mistreatment, or threats that they, their family members, friends, or colleagues experienced in the country they seek asylum from. In question 1b of Part B, the form asks,

[111] In 2012, the year before Grace Lawrence's speech, the Liberian Legislature proposed to raise the criminal charges for same-sex sexual activity from one year in prison to five years in prison. The proposal never passed and as of today, in Section 14.74 and 14.79 of Liberia's penal code, the punishment for same-sex sexual relationships is one year in prison and/or a fine of 1000 Liberian dollars.

[112] When I attempt to search for traces of openly transgender Liberian activists online, the "Miss Trans Diva Liberia" Facebook page is the earliest transgender-specific trace I can find on the internet. Their Facebook page was created April 2017, 2017.

"Do you fear harm, or mistreatment if you return to your home country?" The question architects the *impossible story* that I map out in chapter one. Through this question, the asylum seeker knows they must pledge themselves to the United States to meet the nonconsensual contract of patriotism that I outline in chapter three. Form I-589 requires asylum seekers to vilify their home countries while not critiquing the United States even if the United States has detained the asylum seeker in inhumane conditions. The transgender asylum seeker's 'freedom' is dependent on a strict narrative arc: "When West Africa told me I was 'nobody,' I was 'cursed,' I should 'kill' myself, I moved to San Francisco" (ibid). Had Lawrence not narrated her experience as one of fear of return to Liberia immediately after she had been released from detention, it is fair to ask: would the state reconsider her case? I am not sure if Lawrence had residency, then or was waiting on her residency card, but I must stress: United States residency is conditional, it is not a stable nor promised category of political membership. Ironically, a Green Card is narrated as a "Permanent Resident Card," eliding its precarious conditions. These are the nuances one must attend to when watching Lawrence's Trans March speech.

As Grace Lawrence stands on stage and gives San Francisco credit for making her a lover, there appears to be a sense of patriotic alignment with the United States, and it is this contradiction that complicates the *trans*imagination*. In 2013, Lawrence credits San Francisco for showing her what love looks like. One may misread Lawrence's speech as one that vilifies not only Liberia but all West Africa in the same breath as the activist uplifts the United States. The context here is the crux: Lawrence is speaking at Trans* March in San Francisco from an embodied Liberian migrant experience. I understand her narrative as one that gathers other African migrants. I read her speech in this way because as a trained organizer, I understand the power of publicly saying something akin to "I come from a society that does not value queer and trans lives, and here, I am valued." Perhaps the "here" in Lawrence's speech is the trans* audience not necessarily the city of San Francisco, the state of California, or the United States. The *trans*imagination* is not an individually shaped imagination, the *trans*imagination* is rooted in a collective worlding. Lawrence's brief comments expose her willingness to draft a world where West African trans* people can live:: will not be told they should kill themselves.

During Lawrence's keynote at the UndocuBlack Network retreat in 2016, I was seated next to Karolina Lopez, a formerly undocumented Afro-Mexican transgender activist. As Lawrence spoke, I translated. Because I was engaging in on-site translation, I wasn't processing Lawrence's speech, I was merely thinking of syntax, translation, and cultural references to effectively re-state what Lawrence had said to Lopez. My memory is foggy, but I remember Lopez's constant head nods.

Lopez was my roommate during the convening. Lawrence gave her keynote during breakfast and when Lopez and I returned to the hotel, we lay on the bed and Lopez began to reflect on her life. She shared that like Lawrence, she had been detained, in solitary confinement, at an immigration detention center. In 2009, Lopez's purse was robbed and because she did not have a valid identification at the time of filing the report, the local police found out Lopez was undocumented in the United States and immediately transferred her to the Eloy Detention Center. She was detained for three years, six months

of those three years in solitary confinement. In the all-male detention center, Lopez experienced sexual violence from guards and migrant detainees.[113]

After listening to Lopez's story, we both got quiet and after some silence, I offered stories about others in my life who were/had also been detained. Lopez shared that after being released, she found Mariposas Sin Fronteras, an organization that visits transgender women in detention and works to liberate them. As a Black trans* migrant who had been subjected to illegality, Lopez shared that what she needed the most when she was detained was human connection. Her finding of Mariposas Sin Fronteras can be understood as a form of undocuBlack nonperformance: Lopez continued to return to detention centers after she had been released even though entering a detention center as a Black trans* undocumented migrant could result in another detainment.[114] Lopez was not legally authorized to be in the United States and to physically show up at a detention center and insists on visitation rights mirrored Yesi's undocuBlack nonperformance in chapter two which I theorized as 'showing face' by 'showing ass.'

Lawrence, Lopez, and Yesi's movements in the world are representative of radical *trans*imaginations*. Lawrence gathers trans* African migrants through her speech no matter how messy and/or contradictory it may sound. Lopez claims her right to intimacy as an undocuBlack trans* woman at the very same detention center that can re-capture her. And Yesi photographs their nude body in public spaces to be in communion with Oshun and una morena, which can be coded as a form of bad moral character as the nudes are taken in public parks. These moments of undocuBlack nonperformance open portals to thinking of an existence that is outside the nonconsensual contracts of legal, social, and gender citizenship. Lawrence, Lopez, and Yesi's undocuBlack nonperformances are invested in gathering, intimacy, and kinship: substances for undocuBlack trans* and nonbinary subjects that allow them to continue to live, and thus, these undocuBlack nonperformances are threatening to the political body of the nation as they defy technologies of control and exclusion.

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Lawrence's YouTube speech is a portal through which to pass through; the speech holds the political mindset that Lawrence is at immediately after detainment. I do not understand the speech as neoliberal or problematic because to do so is to refuse the process of politicization that transitions and shifts as much as the trans* subject does. As stated before, the asterisk is an invitation to meditate on a material condition with legal, social, and cultural consequences in the hopes that one can depart from that reality.

In 2017, Ola Osaze, Femi Shittu, and Audu Kadiri conceptualized what they called an "LGBTQ Black Immigrant Justice Project." In an email invitation dated July 17, 2017, Osaze invited me to participate in a gathering to consider what "building leadership and power of LGBTQ Black Immigrant communities in the US" could look like (2017, Gmail communication). I accepted the invitation and on September 8-10 of 2017, 30 Black,

[113] I re-pieced Karolina Lopez's story by fact checking my narrative with three public news stories. See: Wimmer 2015, Allen 2017, and Arce 2022.

[114] "At Mariposas, Lopez works alongside a team that writes letters of support, visits detention centers, helps address legal issues, and raises public awareness. Since its founding in 2011, the organization has raised bond payments totaling more than $100,000, providing freedom to LGBTQ detainees while they await court hearings" (Allen 2017).

LGBTIA+ migrants, and first-generation migrants from across the United States gathered in Downton Oakland to midwife what is now known as the Black LGBTQIA+ Migrant Project (BLMP), an independent organization that "envisions a world where no one is forced to give up their homeland, where all Black LGBTQIA+ people are free and liberated. [BLMP] build[s] and center[s] the power of Black LGBTQIA+ migrants to ensure the liberation of all Black people through community-building, political education, creating access to direct services, and organizing across borders" (https://transgenderlawcenter.org/). Grace Lawrence, Ola Osaze, and I were three of the undocuBlack trans* migrants who cofounded BLMP on that September weekend.

Ola Osaze who worked for the Transgender Law Center at the time and had attained grant money to launch the project became the first staff of BLMP under the title of national organizer. For the rest of this chapter, I focus on Osaze's creative practice to argue that his writing had a role in the future-driven mission of BLMP. In the next vignettes, I think of Osaze's writing as a political practice that slowly developed multiple *trans*imaginations* that have helped BLMP grow into an abolitionist organization.

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I was first introduced to Ola Osaze by Sonia Guiñansaca at a protest outside the Glenn Dyer Detention Facility in 2015. Osaze and I bonded over being alumni of Voices of Our Nations Arts Foundation, an artist-led community that fosters the writing of people of color in the United States. I do not remember much of the protest, but I remember that on my commute back home, I googled Osaze and although the published stories were few, I emailed the links to myself and within a week, printed them all and sat, read, sat, and read.

A few months before meeting one another, Ola Osaze published, "A Queer African Tale: On Trauma, Gender Transitions and Acceptance" (April 30, 2015), in Autostraddle, an online magazine for lesbian, bisexual, queer women, and nonbinary people. Osaze opens his tale as an omniscient narrator who states: "When I first embarked on this journey of queerness I was a woman. I went to lesbian bars because that's what non-hetero women did, while ignoring that nagging voice in me that spoke of an identity more complicated than gay." Osaze generously sets a stage for his reader to think with, alongside, and outside gender and sexuality. The use of the past participle is always anticipating a different future, the one Osaze writes from, while "When I first embarked on this journey," signals that the journey is not yet over. The narration of time is trifold: a past external subject who "does"; an internal voice that "nags"; and the present subject who recounts "When I," "I went," etc. The essay, as Osaze uses it, can be theorized as a genre of time traversing that unauthorized migrants in the United States may not be able to materially engage, but when written down, the unauthorized subject can control and relate to time differently. This is the power of the "tale," an imaginative recounted story or narrative.[115]

[115] Through the writing of Edmund Burke and Samuel Taylor Coleridge, "the essay" has been theorized as a genre that is adequate to think through political turmoil. Paul Elmer More and T.S. Eliot are credited as writers who have mobilized "the essay" to speak against the failures of the democratic world. In this chapter, I will not place Ola Osaze's work in conversation with literary genre theory, but I do want to identify the fact that there is a tradition of essay writing and democratic critique.

In the tale, a young Osaze lives in Charlotte, North Carolina, and presents as a woman who is slowly piecing together what it means to be racialized as Black, a rough leap from his everyday identification as Yoruba and Edo. In the United States, Osaze is not Indigenous, but Black, or African at best.[116] In the tale, Osaze is undocumented and a frequent visitor to his local lesbian bar. The first character introduced is Star, "the resident wigger" whose "performance of swagger and ebonics both intimidated and repulsed" a young Osaze. Witnessing the performance of Blackness on a racialized white body makes it clear to Osaze that there *is* a way to be Black, and white subjects can code and attempt to perform that Blackness for the purposes of sexual and erotic pleasure. Osaze may be intimidated because he is not as versed in U.S. Blackness as Star, an indication of Osaze's unpreparedness to perform and render the performativity of Blackness in the US South. In encountering a "resident wigger," Osaze is introduced to the complex choreographies of race, gender, and sexuality in America, a complex framework that troubles his sexual encounters.[117]

Shortly after meeting Star, Osaze introduces Angel, the character I will explore in this vignette. Osaze describes Angel's gender nonconformity as something he "wanted to try on… but didn't yet have a lexicon to capture and understand, trans not being a word or identity" he "was familiar with at the time." Angel serves as a crucial person in Osaze's life who can cross between the external and internal voice that Osaze opens his narrative, a border crossing I find of particular interest. Recounting a sexual escapade with Angel, Osaze writes, "At night, steeped in herb and alcohol, we'd fuck relentlessly, exploring each other's bodies and surfing our mutual highs when the drugs in our systems crested… I was so feverish with desire for everything her body was about and weed took that feverishness to a ferocity I didn't recognize…". The sexual encounter allows Osaze to travel to another galaxy facilitated through the funk of "herb and alcohol." The "herb and alcohol" speedily transition into what Osaze calls "fuck[ing] relentlessly." Here, fucking invokes citational practices. Ola and Angel fuck as politically produced racialized subjects: one white, one Black. The fucking cites race and interraciality. They fuck as socially produced "women." The fucking cites binary gender roles informed by cis heterosexuality. They fuck through alcohol and pot, signaling—my reading—an escape from the material world that produces race and gender. Fucking while drugged and high speaks to fucking while subjugated. The performative act of "fucking," I argue, is the vehicle that renders Osaze the bodily mobility he does not legally or socially have as an undocuBlack trans* subject. Fucking, while "steeped in herb and alcohol" activates an undocuBlack

[116] Here, I am thinking of Frantz Fanon's (1952/1967R) "Look! A Negro!," where race is something that happens to Fanon versus something that is stable and concrete (89). I am also referencing Michael Omi and Howard Winant (1986/1994) who argue that "racialization is an ideological process, an historically specific one" (64). When I write, "African at best," I am referencing Kimberlé Crenshaw (1990) and Cornel West (1994) who argue that even if a researcher or person wants to avoid race, the analytical concept cannot be abandoned because the political foundation of the United States is dependent on the existence of race. However, scholars like Lisa Marie Cacho (2012) and Nicholas De Genova (2012) have argued that the political category of "illegal" is a new form of racialization, which further troubles Osaze's experience in the United States, heightening his interaction with "the resident wigger" (Osaze 2015).

[117] The interaction also reveals what Sharon Patricia Holland (2012) names as the moment in erotic desire where "history's power play" reveals itself (58). The fact that Osaze's interaction is queer may lead scholars to dismiss the fact that even in a nonreproductive encounter, queer white subjects can lean on their racial inheritance to manipulate racialized black queer subjects. Holland (2012) later explains that this omissions like these may exist because "Foucault's knowledge-power theory relies upon an erasure of the racialized body in order to prepare it for its inscription as homosexual" (75).

*trans*imagination* that cites the histories of Black mobility (forced and chosen), and Osaze's desire for Angel's gender nonconformity, which produces a future articulation of transness. Through an interracial, gender nonconforming, and pot- and alcohol-induced sex escapade, Osaze's experience reveals that there is a space that undocumented migrants can inhabit outside of citizenship and the regulatory demand of good moral character.[118]

Thinking of Osaze's encounter with Sar, "the resident wigger," and his sexual encounter with Angel, a gender-nonconforming White lesbian, through funk forbids us to read Osaze's lived experience through a necropolitical lens. Because most studies on undocumented migration are framed through the advocacy lens, the necropolitical works as an effective strategy to get certain members of the public sphere to consider the conditions that create undocumented migration. But, there is no useful space for the necropolitical in my analysis because Osaze's engagement with the erotic transforms him into a traveling being that escapes the trope of the migrant as a figure who cannot speak, act, or go after their desire. The erotic allows us to see *illegalized pleasure*, an understudied aspect of the undocuBlack everyday. *Illegalized pleasure* is a gesture that the illegalized subject puts forward into the world, it is not an articulation, it is an act. Illegalized pleasure is another form of undocuBlack nonperformance that seriously considers the temporary possibilities of pleasure and temporal freedom that sex, drugs, and alcohol can offer the undocumented subject even if the subject's engagement and use are understood as a failure to perform good moral character. Illegalized pleasure transess time: the undocuBlack migrant is no longer bound to a temporal timeline that labels them illegal, nor the suffocating experience of waiting to be caught as unlawfully present in the country.

Osaze's undocuBlack nonperformance challenges the liberal understanding of undocuBlack freedom. Osaze is fucking because he is literally "fucked" by the legal regime of U.S. coloniality.[119] Sex acts open new epistemologies in which to imagine new epistemes as "black sexual cultures formulate a site of memory that can be necessary to both

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[118] In *Funk the Erotic: Transaesthetics and Black Sexual Cultures* (2015), L.H. Stalling theorizes funk as a transaesthetic that intimately speaks to Black life, or as they state: "descendants from the shipped" (212). Stallings makes the case for funk as a field of study and an analytic through which to read cultural production because "funk allows us to understand black existence, creative production, and the imaginary outside of what it means to be human and alive in the West" (2). Stallings continues, "funk produces alternative orders of knowledge about the body and imagination that originate in a sensorium predating empires of knowledge" (6). Ola Osaze's encounters at his local lesbian life and in the bedroom are funky. A lesbian bar may invoke funky scents such as the combination of sweat, pheromones, beer, perfume, body lotion, etc; funky presentations: "the resident wigger," gender-nonconforming subjects, interracial couples, etc.; funky sex acts; and more. Osaze's narration of his sexual encounters is also funky: pot and alcohol simultaneously produce funky smells and funky imaginative spaces where Osaze encounters a desire to wear Angel's presentation. Much of my writing in this vignette is informed by Stallings use of "funk" as analytic of trans* life.

[119] In "Mismatched" (2016), a creative nonfiction essay published on *Hippocampus Magazine,* Ola Osaze writes of landing at the United States and immediately encountering anti-Nigerian signs at an airport in North Carolina. Within minutes of arriving, Osaze notices that a Black female customs officer is the one who ridicules him and his mother, force them to dump out the context of their backpacks, followed by calling them and their belongings "contraband." When I write about Osaze literally being "fucked" by the United States, I write with the recollection of the first experience he has in the U.S., re-narrated in this footnote.

revolution and liberation," through "funk's futuristic implications" (Stallings 2015: 235,14).

Osaze's rejection to perform good moral character troubles the framework of the political asylee (in later essays, readers find out that like Grace Lawrence, Osaze is an asylum-seeker). Osaze briefly mentions that bi-monthly, he gets in a car and drives to sell his plasma. Osaze writes:

> the form would ask me if I was Nigerian, because apparently Nigerian blood, like gay men's blood, is tainted by AIDS. I needed the $25 something fierce so I decided to shirk my Nigerian identity, all hundreds of years of Yoruba and Edo history, all 19 years of my born-and-bred-in-Port-Harcourt life, to lay in a stupor for the hour or two or three it took to drain the requisite amount of blood out and pump the plasma-less gruel back into me.

In this haunting articulation of selling his plasma for $25 a tube, Osaze reveals that his blood can circulate throughout the U.S. empire via the medical-industrial complex, but Osaze has no access to legal claims. To financially support himself, Osaze participates in a transaction where the very material possession that gives him life and is rendered "illegal"—plasma—is sold for $25 a tube. Not only does Osaze sell his bodily substance, but the transaction also requires him to "shirk" his Yoruba and Edo roots by not claiming Nigeria as his birth country. This decision speaks to the mechanisms of experimentation presupposed by the undocuBlack everyday.

Christina Sharpe's 2016 monograph, *In the Wake: On Blackness and Being,* understands "the wake" as "the track left on the water's surface by a ship; the disturbance caused by a body swimming or moved, in water; it is the air currents behind a body in flight; a region of disturbed flow" (3). As an undocuBlack trans* migrant, Ola Osaze produces continual wakes in "the air currents behind a body in flight" (ibid.). Undocumented migrants live through perpetual fugitivity. In previous vignettes, that fugitivity manifests as the need to stay alive in solitary confinement, the risk to announce oneself present at a detention center knowing one can be arrested at that moment, and the fugitivity of having to narrate one's story under the narrative arcs of the political asylum petition. All these fugitivities leave imagined "air currents."[120] In Osaze's case, he does not only produce that wake, but a wake is also taken out of him. In the extraction of his plasma, there is a disruption inside of his blood vessels. In the selling of his plasma, there is another larger disruption. Like fucking, plasma invokes citational practices. In a discussion about human blood and water, Sharpe writes:

> The amount of time it takes for a substance to enter the ocean and then leave the ocean is called residence time. Human blood is salty, and sodium, Gardulski tells me, has a residence time of 260 million years. And what happens to the energy that is produced in the waters? It continues cycling like atoms in residence time. We, Black people, exist in the residence time of the wake (Sharpe 41, 2016).

[120] Here, I am thinking with Black, trans* Brazilian scholar, Dora Santana (2019) who argues that "fugitivity is a refusal of systems that keep us captive to situations that oppress us" (217).

It is the "residence time" that I am interested in Sharpe's work, as it not only articulates the lifeline of plasma but suggests an aliveness that may last longer than human life on earth. I theorize "residence time" as a form of suffocating citizenship that all descendants of kidnapped, transported, and enslaved Africans inhabit. I also postulate that residence time is something that Osaze inherits when he sells his blood. Osaze's history as a continental Nigerian migrant could be read as separate from Karolina Lopez as a descendant of enslaved Africans in Nueva España, or Dan-el Padilla Peralta (in chapter one) as a descendant of enslaved Africans in the West Indies. UndocuBlack migrants, regardless of where they come from, inherit certain experiences and conditions of Blackness in the United States. This is true because Star, "the resident wigger," is the first to introduce the performativity of Blackness under a white lens to Osaze.[121] This is also true because criminalization does not necessarily care for the legal status of Black subjects (Padilla Peralta 'turns himself in' despite being an Ivy Leaguer who would benefit from the DREAM Act, for example). Citizenship depends on settler law, the production of the criminal subject, and the nonconsensual performance contract of patriotism. UndocuBlack subjects cannot physically perform good citizenship, for the criminalization of Black life makes it impossible, therefore the undocuBlack African, the undocuBlack Black diasporic subject, and the Black (legal citizen, resident alien, asylee, refugee, visa-holder, anything Black) all meet in that they inhabit a sort of residence time.

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Romantic and platonic intimacy, I argue in chapter three, is surveilled by Federal Immigration law. Sex acts are as well, but not as explicit as love. Sex acts are criminalized through anti-sex work legislation and the verbiage of "good moral character." Sex acts, however, are also liberatory. They are moments of hyper-sensorial experiences in a country that labels some migrant communities as "illegal aliens." To engage in sex is to come back from the extraterrestrial, or to create an extraterrestrial pleasure that the law cannot entirely govern. In *there's the truth then there are other things* (2019), Gladys Wangeci Gitau-Damaskos writes, "everything in those days / was sex & death, / both if i was lucky" (48). I quote Gitau-Damaskos here because the poem speaks to the duality of Black life, the suffocation, and the exhale. To hold these dualities is to hold the reality of the quotidian but to seek fugitive escapes. In chapter two, I situate Yesi's work as temporally bound escapes after the work of Fred Moten who argues that escape is "an activity" (2015). The activity of sex may be a temporary escape from death. But, if I am reading Gitau-Damaskos correctly, death may also be a temporary escape from the modern episteme. If Holland (2012) is right and "the dead and their relations are perhaps the most lawless, unruly, and potentially revolutionary inhabitants of any imagined territory, national, or otherwise," then death may be as advantageous as sex (23). I would argue that Ola Osaze has known this.

Through a series of eight essays published between 2014-2021, Ola Osaze has critically thought about sex and death in relation to undocuBlack trans* sociality. In "I know where it's hidden" (2015), Ola Osaze recalls finding his parents' porn tapes as a twelve-year-old in Nigeria and being fascinated by the collection—of predominantly British porn—that his father has collected through his travels. One of Osaze's favorite

[121] "[B]lackness troubles vision in Western discourse" (Fleetwood 2011: 6).

porn tapes depicts a blonde woman in pigtails who is peeing in a bucket of raw potatoes and her lover picks her up mid-piss and they begin to fuck. Osaze understands the tape as one of his favorites because the tape "fascinates and disgusts" him. Although the essay is brief, I attend to this moment because it is the first instance in Osaze's life where sex is more than a private act, sex, through this tape, is a critical site of study (although Osaze does not name the tape as an artifact that shaped his imagination). To me, it is clear that Osaze's fascination with the tape is due to the fact that the two actors began to fuck in a moment (mid-piss) that may be unimaginable to others. The ungovernability of the event indexes the imaginative shifts that sex acts can offer. Sex is not merely an action between bodies, sex is an action that creates new ways of thinking, seeing, feeling, and living. Sex, therefore, opens new concepts of time that serve the imaginary: sex can be a fugitive escape that allows the body to release the reality of the moment.

When I began to read Olas Osaze's work, I did not have the language in which to articulate why his work was important with respect to undocumented life and undocumented scholarship. Through the work of Yesi, Gladys Wangeci Gitau-Damaskos, and Ola Osaze's life-writing, the answer to the *why* is obvious: a critical relation to sex, sex acts, and funk can come in useful when imagining Black, trans*, and Black trans* futures.[122] Furthermore, Osaze's writing reveals the relationship between sexualization and racialization where, following Sharon Patricia Holland (2012), "Blackness, at least as it is understood in visual culture, not only produces 'erotic value' for whiteness, but it holds the very impossibility of its own pleasure through becoming the sexualized surrogate of another" (46). Most importantly, Yesi, Gitau-Damaskos, and Osaze's cultural production is teaching me that Holland's final utterance in *The Erotic Life of Racism* (2012) holds much truth to think with and through: "We do not create intimacy; it is there awaiting our recognition" (104).

I believe that a relationship to the radical possibilities of sex is one of the reasons why Ola Osaze was prepared to be the national organizer of the Black LGBTQIA+ Migrant Project. I have been part of the migrant justice movement for half my life. Although I have written extensively on social media about the respectability politics of the movement, Ola Osaze's understanding of sex, drugs, and alcohol, opened space where folks who were directly impacted by anti-Blackness, detention, transphobia, and anti-sex work violence could show up, speak, and be prioritized.

During a steering committee meeting in Austin, Texas, I remember Ola Osaze demanding that we all publicly speak our positions on sex work as it relates to undocumented migrant communities. I remember sharing that I had [ ] and never had had the space in which to incorporate it in my organizing. Osaze's commitment to organize from a position of liberation-first and policy-second created the foundations of BLMP's abolitionist organizing.

To this day, I remember when [ ] outed me [ ] to a person I had been dating. She outed me from a place of love, to tell [ ] how excited she was that he was in a relationship with me knowing [ ]. He did not know and found out then. He eventually learned to accept it. Had we all been in an organizing

[122] The artistic and epistemological contributions of Yesi, Gitau-Damaskos, and Osaze are in direct conversation with the work of Kichwa Kañari undocumented poet, Sonia Guiñansaca, who I cite in chapters one and three. In "The Revolution" (2016), Guiñansaca writes, "A true liberation allows you to masturbate / No shame" and Guiñansaca continues, "A true liberation starts with each stroke / Slow / And fierce // This is how a revolution starts /The revolution will cum" (14).

place that thought of liberation at the material level first, instead of liberation as a theoretical policy change, the migrant justice movement would be in a better place today.[123]

***

A nation-state does not need to exist for the mechanisms of sequestration, detention, and deportation to remain in operation. In Ola Osaze's latest creative flash nonfiction, "The Lithe One" (2021), Osaze recounts a night out at Woody's, a bar and dance club in the gay neighborhood of Philadelphia two months after Donald Trump is elected president. Upon arrival, Osaze and his three friends are asked for their identification and the "tall and lithe" friend whom the essay meditates on is not allowed inside the club. Osaze describes asking her what happened, and she explains, "He [the bouncer] looked at my passport and said my visa was expired so I couldn't go in." In response, Osaze writes, "Is this the US border? Is this a customs line at the airport? It is neither. It is a club in the middle of downtown Philly. We four are here to dance. Not cross illegally into some national territory [...] But perhaps there's destruction in daring to be so free with our bodies, with daring to be in public." Through this narration, Osaze highlights the ways in which individual people internalize the carceral logic of both the Department of Homeland Security and the police. As a working-class citizen, the bouncer has named himself an extension of U.S. Immigration and Customs Enforcement, which brings me to a critical evaluation of what a future in the absence of nations might look like. If a bouncer working the door of a gay club in Philadelphia knows how to scan a passport for a visa, governmentality has infiltrated the imagination of everyday people. In the absence of a nation-state, will the ghost of documentation, visas, and legal passages still exist?

When I write about the *trans*imagination*, I am indexing moments when undocuBlack trans* migrants must immediately transition into a new choreography of being; the *trans*imagination* is one that is always predicated on experimentation and improvisation. Osaze is fast to realize that his comrade's commitment to the dance floor threatens the bouncer's status as a citizen. For the bouncer's citizenship status to remain fixed, the bouncer needs the figure of the criminal, the detainee, and the prisoner to exist. The bouncer's decision to go through "the Lithe one'[s]" passport is layered: "the Lithe one" betrays cisgender roles, she is African, she is tall, she has a foreign passport, and she's ready to dance knowing she is not legally present in the United States. The commitment that "the Lithe one" has to aliveness is the threat. Ola Osaze's essay documents the quotidian behaviors that everyday U.S. citizens employ to indirectly claim their governance over *trans*imaginations*.

A *trans*imagination* requires an everyday rehearsal because the violence of gendered, sexualized, and racialized discipline can be found in the everywhereness of life.

[123] Here, I am also thinking of "freedom dreaming" as proposed by Robin D.G. Kelley (2002), described as imaginative acts by "black intellectuals/activists/artists" that challenge and reshape "communism, surrealism, and radical feminism, and in so doing produced brilliant theoretical insights" that help Black communities architect futures (12). In a 2020 Vogue article, filmmaker Tourmaline proposes that freedom dreaming invites queer and trans communities to ask three questions that can re-steer the direction of trans* futures: "What does the dominant culture have that we want? What does the dominant culture have that we don't want? [and] What do we have that we want to keep?" As I write these pages, I lean on Tourmaline's questions and read for ways in which my own trans* community has begun to answer them.

The violence of *everywhereness* is that we must prepare for *it* but preparation is never enough. Later in "The Lithe one," after Osaze speaks back to the bouncer and "the Lithe one" is allowed entry to the club, Osaze realizes why "the Lithe one" wanted to return to the hotel instead of advocate for herself: she had already been detained once, denied hormones, representation, and visitation. Osaze realizes that he did not have her consent to question the bouncer, and, in this realization, Osaze rethinks his actions and admits that his intention didn't matter because one thing he cannot control is the repercussions that accompany being visibly Black, trans*, and coded as undocumented by the foreign passport. However, even in this space of antifreedom, there is still the possibility of *the dance*: the dance at the club, the dance of the imagination, the dance of community organizing, and the dance of the violence of everywhereness.

***

In this chapter, I have engaged in the politics of naming. I have named my kin, and I insist on their presence through the bracket when I cannot. I have named experiences and used theory and guiding quotes via footnotes to name scholars who have shaped my thinking. I have named the *trans*imagination* repeatedly. I have italicized *trans*imagination* not to insist on its importance but to signal its quotidian everywhereness.

In the absence of "field notes" as an organizer who never thought my political work would seep into this dissertation, I have leaned on the field of Black transgender studies to rethink what an archive can be. Syrus Marcus Ware's (2017) scholarship argues that "Black trans archives live in the moments of shared story, names called, of gatherings and celebrations in public space. Our archives live in our bodies and minds, and they span time and place" (177). Using three stars (***), this chapter has attempted to mobilize memory as an archive. Each star represents a stitch, or in Erin Durban-Albrecht's (2022) words, a "stitching together" defined "as a transgender… mode of (imperfect) reparation and survival" (197). Through my *** stitching, I have been honest about the potential inconsistencies of my memory, but I have not discredited the ruptures and fragments that appear in this writing.[124] Rupture and fragmentation are crucial to the development of the *trans*imagination* because as Christina Sharpe (2016) argues, "The orthographies of the wake require new modes of writing, new modes of making-sensible" (113).

Through the writing of this entire dissertation project, one of my parents has been denied political asylum in the United States and the other has been ordered removed from the country. The vignettes in this chapter speak to removal from society and the constant improvisation that undocuBlack migrants must master. Under the conditions of illegality, I have had to find a writing method that does not further consume my spirit. Thinking of the *trans*imagination* has not only been an outlet to survive another rupture in my life but a renewed commitment to lean on a Black radical tradition that does not read for what Jennifer Nash (2014) identifies as "evidence of the wound" (2). Instead, I read for the *trans*imagination*. My readings attend to, following Nash, that which is unleashed. Thinking of detainment, detention, deportation, and/or sequestration is not easy. Therefore, this dissertation has attended to the imaginations necessary to survive the regimes of papers, deportation, and sequestration. I am not an absolute optimist because

[124] For other theories of "stitching" and transgender life, see micha cárdenas (2021) and Jafari S. Allen (2021).

I am alive and present in the world that I research; I know that no one can make it out of the prison cell, the holding cell, and the courtroom unmarked. The mark here is the asterisk. The asterisk is a mark :: a portal :: a pause :: a :: a :: a.

This chapter's insistence on dreaming is necessary because "dreaming functions as yet another important form of antiviolence work, of reaching toward queer horizons of black trans* futures" (Durban-Albrecht 2017: 205). The work of sharing stories is taken-for-granted labor, but when one recognizes the radical potential of trans* stories, one can begin to think of the trans* story as the antithesis to what I term the "impossible story" in chapter one.

I zoomed in on the intimate lives of personal friends, activists, and writers because "transness" is "a communal practice rather than a process of self-making" (Lundy-Harris 2022: 197). In centering [ ], Grace Lawrence, Karolina Lopez, Ola Osaze, and myself, I highlight the ecosystems of care that nourish and materialize the undocuBlack *trans*imagination*. We must name to dream, but before we dream, we must understand the stakes of dreaming. This chapter's attention to detainment, detention and sequestration speaks to the connections between the middle passage, the plantation, the prison, and the immigrant detention center. Each space of containment makes it clear that dreaming is dangerous. So, I end here, in the space of danger and the imagination because the events that led to the perpetual illegalization of Black subjects in this continent are not yet over.

CODA

The Afterlife of Illegality[125]

"deportame al futuro"
– iki yos piña narváez (Instagram 2020),

"Hay mujeres inmigrantes sin papeles criminalizadas e ilegalizadas por su condición de no-nacional"
– Johan Mijail (*Chapeo*, 2021: 43)

〰 〰 〰
〰 〰 〰

i extend my right arm / hail a taxi / day after soldiers take my passport / leave me in a locked room / alone / don't matter i have a letter / from the ministry of education / to be in the country / all that matters / is that / i'm dique / mexican / mexican / mexican

〰 〰 〰
〰 〰 〰

<< pourquoi es-tu au sénégal?
— je suis poète. j'ai été invité à lire des poèmes dans une université locale.
— où as-tu appris à parler français?
— quand j'avais huit ans, puis de nouveau à l'université.
— un poète?
—oui. un poète :: un poète. >>

an academic i have been friends on fb sees soldiers take me / i am let go after multiple phone calls to the ministry of education / i see her sitting on a bench with her husband / weep at their presence

"amor to'ta bien?"
"ay yomaira, no lo puedo creer…"

[125] "The Afterlife of Illegality" invokes the symbol of three waves not to stitch, but to indicate pauses where readers play wave sounds for intervals of 20-30 seconds. Every wave-break represents a crossing.

“te invitamos a comer y luego te vas a descansar”

~~ ~~ ~~
~~ ~~ ~~

taxi stops / i ask / how much to take me to the port / get in / he asks / where i’m from / i respond / that day, mx is playing germany / in the world cup / he tells me he will always root / for mx before germany (i do not say nations are only good for killing) / asks if i still live in mx / tell him i am temporarily in the us / he asks / if it is / easy / no / he says he left / to / france / once

<< sans papiers
—moi aussi, aux etats unis
—pour combien de temps?
— beaucoup.>>

~~ ~~ ~~
~~ ~~ ~~

we / are from here / the taxi driver / and i
we / are / from / here / the taxi driver and i / the afterlife of unlawfulness

je vis ici
dans le désastre du colonialisme

il est d’ici
à quelques minutes de la porte du non-retour

here *here*
ici *i*...

we / are from in here, the taxi driver and i
we / are from in / here / the taxi driver and i: l'au-delà de la capture

~~ ~~ ~~
~~ ~~ ~~

i try to call [ ] while in the taxi. call never connects. i try to think of him walking around dakar, buying fish at the market, talking back at soldiers when they ain’t acting right. told him that i’ll take every photo i can of his neighborhood. all family died while he struggled to [ ] in the us. it never happened. under the conditions of coloniality, a home is theoretical, but the imagination is not; the will is not; desire is not. under the conditions of coloniality, one’s country is always someone else’s country.

~~ ~~ ~~

~~ ~~ ~~

taxi driver / asks / what i'm doing in the country / tell him i came / to read poems / asks me to read / something / and i say / our exchange / has been poetry… / will one day / be / the poem that splits the earth in half / and i / will look inside / and offer my body / to the underworld

every country / i have lived in / has unbodied me / perhaps / it is under the soil / that i will find / where nations hid my flesh

~~ ~~ ~~
~~ ~~ ~~

i p[r]ay / i exit

i look to the ocean and for a second, i think i am in oaxaca. everything on this side of the world looks the same: black men at the raft; children catching fish with their bare hands like abuela taught me; chard smoke coming from various grills; the noise; the noise; the noise. i buy a ticket to gorée and think of the stories [ ] has told me about going to the island every year as part of his education. the first time we meet, i tell him about slavery in mx. i tell him about the dutch plantations, the italian sailor who sequestered vicente guerrero and sold him to the euro elite and guerrero's execution in my home state; tell him about our dances; he plays a song on his guitar; we talk about finding one another; what kinship looks like at the end of the world—at the beginning of sociality. if i had a superpower, it be to hold [ ] the way he holds us.

~~ ~~ ~~
~~ ~~ ~~

at île de goreé, i find me in a cell that held captive children. it looks like the migrant processing center in cdmx, the center crammed with black children from honduras, panama, colombia, haití, jamaica, & trinidad y tobago. i think about the choreography of captivity; the ensemble of our kinships; the desires for a different world :: improvisation :: transplantation :: and and and and and and i sit at the edge of the island and wonder if illegality is something that the body will one day forget. in a future, somewhere, somehow, illegality ends. i pick up rocks at goreé and put them in my bag.

~~ ~~ ~~
~~ ~~ ~~

every day, i pick up the earth and put it in my bag. i made [ ] a promise and i mean to keep it.

we are from here, [ ] and i : the space between the breath and the utterance.
we are from in here, [ ] and i: the vision after the end.

~~ ~~ ~~
~~ ~~ ~~

mireille approaches after the reading, tells me to keep writing

(i think about fanon and césaire …
did you ever think bodies like ours would be marked illegal, *again*?)

i thank her for her words & say there is as much poetry in me as there is water

we are from here, she and i: the afterlife of the afterlife
we are from in here, she and i: where there is disaster and possibility

~~ ~~ ~~
~~ ~~ ~~

[ ] and i plant baobab seeds in the clouds; we build a jungle of black bois too tender for the earth. we teach the little ones to climb the trees and cut the fruit. we tell them stories of when the world fell apart and the sun reached toward her children and said, “do not worry, you will live. just hold on to my rays,” and the sun took us across the galaxies, bathed us in her warmth, hugged us with her stories and whispered, “i talked to the clouds, they will world you… respect them and they will respect you; trust them with your words and they will console you; thank them and they will dance with you. when you are ready to go down to earth, call for me. i will come for you and bring you down, but for now: plant, harvest, plant, and please try to dream gloriously.”

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