

Queer and Trans Migrations

Dynamics of Illegalization,
Detention, and Deportation

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Bridging Immigration Justice and Prison Abolition

JAMILA HAMMAMI

I first got involved in this work because my father is a North African migrant from Tunisia, and I recognized that if I were to have been born in Tunisia and not the United States, as a nonbinary queer person, I would have been seeking asylum and likely would have been caught up in the migrant detention system. I also come from a family that has dealt with incarceration, and I have my own experiences with the justice system.

The Queer Detainee Empowerment Project (QDEP), located in New York City, started out as an alternative-to-prison program, but with the co-optation of this language and approach by the state, QDEP shifted our model.¹ Our mission is not only focused on post-release support, but also support while folks are locked in cages. Thus, QDEP is a prison center visitation, post-release support, direct service, and community organizing project that works with lesbian, gay, bisexual, two spirit, queer, intersex, asexual, gender nonconforming, transgender LGBTQIA* GNC TG), and HIV+ migrant prisoners and their families currently in immigrant prison nationally, those that have been recently released from immigration prison, those at the border that need to cross and seek asylum, and those at risk of entering immigrant prisons in the Tri-State Area (Connecticut, New Jersey, New York). QDEP assists folks coming out of immigrant prisons to secure health/wellness, educational, legal, and emotional support and services. QDEP works to organize around the structural barriers and state violence that LGBTQIA* GNC TG and HIV+ detainee/undocumented folks face related to their immigration status, race, sexuality, and gender expression/identity. QDEP is committed to assisting folks in building lives outside of immigration prisons, to breaking down the barriers that prevent folks from building fulfilling and productive lives, and to keeping queer families intact by demanding an end

to deportations/immigration prisons/policing. QDEP works to create a world where LGBTQIA* GNC TG and HIV+ detainees/undocumented/migrant folks can pursue their own vision and dreams in their lives without fear of structural violence or violence due to their race, status, sexual orientation, and/or gender identity/gender expression. QDEP believes in creating a narrative of thriving, not just surviving.

QDEP fights for the rights of queer and trans migrants inside and outside of immigration prisons through community organizing, advocacy, policy change, and direct services. QDEP organizes folks in the community through base building, political education, training, and more, in order for folks to fight for themselves. QDEP's process is long and always in development but with the end goal of collective power to fight against the deportation machine.

One major issue that motivates the work of QDEP is the fact that only 14 percent of individuals in immigration prison have legal representation. This differs from the U.S. criminal justice system, in which folks have rights to legal representation. In addition, migrants are subjected to prolonged, arbitrary “detention” (incarceration), masked as “mandatory detention laws” (prison). They are jailed in local and state jails and prisons as well as in federal and private prisons, in beds purchased by Immigration and Customs Enforcement (ICE), where there is minimal oversight. Folks are picked up at ports of entry, as well as on the streets, through home raids, and more. ICE's collaboration with local police departments allows this process to flourish—even in cities that have adopted “sanctuary” status. “Sanctuary” cities are not real. End of story. As long as the federal government has reign over Constitutional-Free Zones (any place within 100 miles of the border, or the ocean, are zones that ICE has free ability to raid, arrest, and detain migrants), and local police departments are collaborators, the term *sanctuary* is not real and the theory is completely irrelevant. We must rely on community control—block watches, cop watches, hate-free zones, and more, in order to fight for the safety of migrant communities, especially the most marginalized—queer and trans migrant communities.

Without bridging the immigration and prison abolition movement, while centering the folks that are the most disproportionately impacted by state violence, we will never win. Prison abolition is often thought of through a criminal justice system lens, but it should be expanded to address the incarceration of migrants—for often indefinite lengths of time under atrocious conditions, which jeopardize their safety, health, and well-being.

Trans and queer migrants fall between the cracks in the migrant prison system, experiencing elevated levels of sexual violence, physical violence, psychological torture (at the hands of their peers and the guards alike), placement in solitary confinement for their own “protection,” denial of medical care, refusal of

hormone therapy and HIV care, and more. It's absolutely critical to address these issues in tandem, rather than siloed, as it currently stands. The system of criminalizing queer and trans migrants, and then punishing them again through the migrant incarceration system while denying them adequate legal representation, and requiring unattainable bonds, combines to form "the deportation pipeline." Movements to end prison abolition are often so isolated from movements to end migrant detention, that folks don't know that these are the realities of the migrant community. That's part of why QDEP came to exist: to unite these movements and create collective effort to fight for queer and trans migrants.

In order for queer and trans migrant folks to be free, we have to stop ICE from expanding and we have to push for divestment from federal programs that collaborate with local law enforcement to harm queer and trans migrant communities. Furthermore, we need to call "immigration detention" what it is: migrant prison. It is important to understand the reality of extensive immigration prison and deportation systems within the prison industrial complex. Violating immigration law is a civil violation, for which, migrants must go through a process, overseen by the Department of Homeland Security, to determine whether they can remain in the United States. But, as a community, we need to work harder not to create a good migrant/bad migrant narrative (the binary belief system that all migrants are "bad," until they receive some sort of legal status in the United States), in the context of explaining the realities of what queer and trans migrants face in the migrant prison system.

QDEP works not only to queer the migration narrative, but also shift hearts and minds around the migrant community. While migrant rights work often claims to be intersectional, it has become clear that this is not the case. The migrant movement has been very heterosexist, claiming strength in the heteronormative, monogamous, nuclear family, while erasing the identities of those that exist as LGBTQIA* GNC TG folks who experience family in tremendously different ways. QDEP works to ensure the inclusion of trans and queer migrant incarceration in the anti-carceral movement. Without bridging these two movements and centering the folks that are the most disproportionately impacted by state violence and marginalization, we will never win.

Living in a world where folks are truly free to live their truest selves and lives is something of a pipe dream to me in so many ways. The end of mass incarceration, racial profiling, Islamophobia, and state surveillance sounds like an incredible world. But it also has to come with critical pieces that feed into the thriving of our people: housing, mental health care, physical health care, substance use support/care, food access, trans health care, wrap-around social services to provide legitimate support to those that need it, and more are absolutely a part of this ideal world that I imagine.

Notes

1. Jamila Hammami served as the founding executive director of QDEP for five years and was in that position at the time they initially drafted this chapter. Since then, Hammami has left that position and enrolled in a PhD program. Although the editors made the decision to keep this written in present tense, Jamila does not intend to speak for QDEP's current work or leadership.