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CENTERING INTERSECTIONAL POLITICS

Queer migration activisms “after marriage”

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Editors' introduction:

In this chapter, five activists, researchers, and practitioners make the case for a vision of queer migration politics that is more critical and intersectional than the homonormative and homonationalist framings that drove marriage equality campaigns.

They address major issues of queer migration, making important links between those issues and larger social problems, including: neoliberal capitalism, labor, and poverty; policing and state violence; racism, Islamophobia, xenophobia, and imperialism. They explore the challenges that must be confronted by LGBTQ immigration activists and offer suggestions about how to overcome those challenges by centering intersectional politics.

Readers should consider the following questions: What are the advantages of making connections between issues that are often viewed as separate social justice concerns (immigration, labor, policing, etc.)? How has previous LGBTQ activism, such as the marriage equality campaigns, shaped the public understanding of which immigrants are considered deserving and acceptable? How should we decide who gets to live in the USA?

Introduction

Since the Naturalization Act of 1790, the United States has restricted entry, residency, and citizenship to people based on intersecting, normative categories of race, nationality, class, gender, sexuality, and perceived “moral character,” among other criteria. Laws introduced in the nineteenth and twentieth centuries, for example, barred individuals who were deemed by officials to be promiscuous, dangerously procreative, or “mentally defective”—a category that included homosexuals (Luibhéid, 2002). The ban on “sexual deviants,” a proxy category for lesbian and gay persons, stood until 1990. A travel ban on HIV+ people remained until 2010.

While LGBTQ¹ activists have been fighting discriminatory immigration policies for decades, the topic became a key feature of the “marriage equality” movement in one particular sense: the ability of a U.S. citizen or Lawful Permanent Resident (LPR) to sponsor the visa application of their non-citizen, same-sex spouse. In drawing attention to binational same-sex couples, many organizations supporting LGBTQ immigrants invested heavily in the family-centric rhetoric of committed, monogamous partners, “united by love, divided by law” (Rickard, 2011). Post-DOMA, advocates for LGBTQ refugees and asylum seekers have heralded same-sex marriage as proof of the country’s liberal credentials, confirming its status as a “safe haven” for people fleeing homophobic persecution elsewhere.

These narratives erase historical and present realities faced by queer immigrants. International love stories, journeys “from fear to freedom” (Morris, 2013) and other, related moral geographic mappings of the United States vis-à-vis the rest of the world obscure the ongoing threats and dangers faced by LGBTQ-identified immigrants living within, or attempting to cross, U.S. borders. Advocacy strategies and rhetorics that prioritize certain immigrant categories—spouse, family-member, asylum seeker—work in tandem with the homonormative² politics of the marriage equality movement to narrow popular ideas about which LGBTQ immigrants can be seen as deserving and acceptable members of U.S. society.

The neoliberal “politics of belonging” promoted in mainstream marriage equality campaigns also reproduces Orientalist, specifically Islamophobic, discourses, which frame the ostensibly liberal West in opposition to an “East” that is imagined as inherently oppressive, intolerant, and dangerous (Said, 2003). The assertive claim by one organization that LGBTQ asylum seekers and other immigrants are, “rarely supported by their families or fellow expatriates. Because of their nonconforming sexual orientation or gender identity, they are often excluded from the[ir] religious and immigrant communities” (ORAM, 2012, p. 1) is just one example of this perspective. Orientalist narratives erase the voices of LGBTQ Muslims in the United States, and LGBTQ activists in the Middle East, among other groups. They also tacitly justify increasingly militarized border securitization measures at home, and imperialistic “interventions” overseas, such as the U.S.-backed occupation of Palestine by an Israel Defense Force celebrated for its LGBTQ-inclusivity (Ahmed, 2011; Spade, 2017).

A recent example of this maneuver can be found in the Executive Orders issued by President Trump in January 2017. One Order, dubbed “the Muslim ban” in the media, explicitly framed Muslims as homophobic in order to justify their exclusion from the United States (Trump, 2017). Another Order granted immigration officials greater powers to detain anyone they deem to be a “threat to public safety”—coded language that further sanctions their already disproportionate targeting of LGBTQ people (Gruberg, 2016). This political sleight of hand may be also described as “homonationalist” (Puar, 2007); it effectively deploys a veil of pro-LGBTQ rhetoric over exclusionary, often racist policies in the name of “securing the nation.” In short, the post-marriage equality United States is only seemingly pro-LGBTQ. It continues to inflict violence against queer people, domestically and abroad, and

particularly those who are marginalized within intersecting hierarchies of normative race, class, gender, sexuality, and immigration status. As we more fully explore below, LGBTQ migrants in particular experience disproportionate levels of violence within our society, especially within the criminal justice system, and the closely related U.S. Customs and Immigration System (USCIS) nexus of raids, detentions, and deportations.

During the marriage equality campaign, the majority of well-funded, high-profile LGBTQ-rights non-profits and non-governmental organizations (NGOs) invested heavily in these limited and limiting discussions of LGBTQ immigrants. It was left to smaller, local grassroots-led groups to address, and to commit resources to, advocacy on broader issues such as undocumented peoples' rights, detention, and deportation. Even "after marriage," notably few large LGBTQ rights NGOs have paid lasting attention or provided significant funding to immigrants' rights. Those that did, have frequently refused guidance and ignored calls for solidarity from grassroots groups such as Undocuqueer or Transcend Arizona. Indeed, they have often pursued advocacy strategies at odds with, and even occasionally damaging to, grassroots organizers' abolitionist and immigration reform goals (Gutiérrez, 2016).

Now, and especially under the Trump administration, it is vital that large LGBTQ rights NGOs follow grassroots LGBTQ immigrants' lead. In this chapter, we draw on our experiences as researchers, practitioners, and activists to argue for a more critical, intersectional vision of queer migration politics "after marriage." We focus on key topics informing queer migration activism today. We situate each theme in relation to broader social issues, including: policing and state violence; neoliberal capitalism, labor, and poverty; racism, Islamophobia, and xenophobia; imperialism, and pervasive ideas about who "deserves" to live in the United States. Keeping activism at the forefront of our discussion, we highlight the politics and practices of NGOs and grassroots organizing, and explain some of the challenges we face as LGBTQ immigration activists. We conclude by outlining ways in which we might overcome those challenges by centering intersectional politics.

Family reunification

Policies that define family are a crucial site for a queer intersectional analysis of migration and citizenship. Currently, family-based migration accounts for over two-thirds of documented migration to the United States (Kandel, 2014). According to U.S. immigration law, family is defined through marital and biological connections, which are divided into categories of spouse or fiancé, parent-child, or sibling. Immigrant visas for family members are differently prioritized, based upon the petitioner's status as a U.S. citizen or LPR. Importantly, these categories do not capture the complexity of kinship and other relations that are especially meaningful for LGBTQ-identified people.

Legal categories of family are figured through intersecting hierarchies of gender, sexuality, race, class, ethnicity, and nationality (Luibhéid, 2005, 2008; Yue, 2008). Only some people can take advantage of family-based immigration benefits—particularly

those who already have a family member in the United States, are able to lawfully enter the country, possess economic and/or cultural capital, and can adhere to heteronormative standards of monogamy and marriage. Those whose identities, relationships, and immigration histories fall outside these normative parameters are often excluded.

Prior to *Windsor v. United States*, “binational same-sex couples” were not able to petition for the immigrant partner through the spousal relative category, and thus were denied access to a significant means of lawful migration—particularly important in a time of increasingly militarized border enforcement. Yet the advocacy efforts and policy measures that were developed to support rights for binational same sex couples are a fruitful site to think through the possibilities and pitfalls for current queer migration activisms “after marriage” (Carrington, 2016). Over the past 25 years, a number of high-profile NGOs formed around and focused attention on the immigration challenges faced by same-sex couples. This group became a prominent public symbol of LGBTQ immigrant politics more generally, pushing other LGBTQ immigrant populations and issues out of the spotlight. Advocacy efforts and strategies prioritized the inclusion of same-sex couples into existing immigration law as “family.” Framed by this politics of inclusion, NGOs’ proposed legal and legislative solutions to the challenges faced by binational same-sex couples, and employed a rights narrative that was tied to the U.S. citizen partner and the rights of marriage, rather than to the foreign national and their rights as an immigrant.

Advocacy campaigns developed by the most well-funded and visible LGBTQ immigrant rights NGOs frequently featured homonormative depictions of lesbian or gay immigrants, using images and narratives that marked couples as middle-upper-class families by highlighting their marital, professional, financial, and lawful legal statuses (Chávez, 2010). The NGOs Immigration Equality and The DOMA Project each developed advocacy campaigns around carefully vetted “spokesouples,” whose images, stories, and statements to Congressional leaders relied on normative rhetorics to argue for their inclusion into “the nation.” Photographs of binational same sex-couples in traditional wedding attire, standing in front of the nation’s capital, became a prominent feature in NGO campaign materials, explicitly marking the relationship as safe, familiar, and reassuringly lawful. Other advocacy campaigns featured spokesouples playing with their children, always on a well-manicured, expansive lawn outside their large, single family home, implicitly locating them within a middle-upper-class position.

These types of rhetorics and visual representations worked to produce the binational same sex-couple as a normative, nuclear family, and as the primary site of the “good gay immigrant” who was most deserving of state protection. In doing so, advocacy strategies and tactics also directly and indirectly disqualified other immigrants from access to the rights demanded for the stereotypical binational same sex couple. Immigrants whose photographs and statements would not appeal to the conservative elites in Congress, who did not explicitly express appropriate nationalist sentiments, or who lived in low-income housing, for example, were all obscured by these campaigns. Immigrants unlikely to marry a U.S. citizen, or those with complex immigration

histories and/or no lawful immigration status, were erased completely. Thus, campaigns that privileged this particular category of LGBTQ immigrant both worked to exclude already marginal immigrant persons and communities and validate state-sanctified marriage as the arbiter of rights, recognition, and national belonging.

Advocacy efforts focused on incorporating same-sex couples into existing immigration policies additionally failed to reflect critically on the relationship between marriage and immigrants' rights. Consequently, structural inequalities embedded in the law that impacted opposite sex couples are now similarly affecting same-sex couples. For instance, the rules and regulations regarding the spousal category of family reunification position the immigrant partner as dependent on the U.S. citizen/LPR partner in all interactions with the immigration service. This dynamic of dependency is open to abuse by U.S. citizen/LPR partners, who may use immigration status as a weapon against their significant others—coercing them to enter into, or to remain in, an unwanted or unsafe relationship. Existing frameworks do not adequately protect immigrant spouses, same-sex or opposite-sex, against intimate partner violence.

Finally, the inclusion of same-sex spouses as “family” does not disturb the class privilege that was already built into contemporary immigration law: in petitioning for an immigrant visa for any spouse, the U.S. citizen partner must prove that they have the financial means to support the immigrant partner, and sign a binding affidavit that they will do so until the foreign national partner naturalizes (becomes a citizen) or works for at least ten years. Further, if the immigrant partner receives public benefits during this period, the U.S. government can sue the U.S. citizen petitioner to recover the money. This means that spousal visa sponsorship is only accessible to those with significant economic capital. Those with few financial resources are, regardless of their partner's sex, denied the rewards promised to them by mainstream same-sex marriage campaigns.

A queer intersectional analysis of advocacy and policy for binational same-sex couples reveals how power is exercised through immigration regulation in a complex manner that goes beyond simple practices of exclusion. That is, immigration laws that define family also work to discipline those immigrants who are able to fit into existing legal categories, and compel them to fashion themselves in accordance with national norms that regulate belonging. Further, the dominant discourses and practices around binational same-sex couples unveil the exclusionary and productive power not only of immigration law, but also of advocacy efforts that overlook the nationalist and moralist implications of immigration regulation. Family reunification is, however, just one area in which intersectional interventions are required in order to disrupt initiatives that position “good” homosexual immigrants against “bad” queer intruders.

Asylum

The U.S. asylum system is another site in which LGBTQ immigrants are measured against homonormative expectations of “good gay” subjectivity. Intersectional

analyses of statist logics (claims grounded in a belief that the nation-state is, and should be, the exclusive source of law, social order, and morality, and that state agencies must forcibly uphold these ideals) are useful for understanding asylum adjudication mechanisms, particularly as they relate to questions of authenticity, deservingness, and belonging. An intersectional approach is also necessary for creating effective justice campaigns and appropriate initiatives to support LGBTQ asylum seekers.

The United States, as a signatory to the 1951 United Nations Convention and 1967 Protocol on the Rights and Status of Refugees, is obliged to offer protection to foreign nationals fleeing persecution in their home countries. Unlike refugees, who enter the United States after being granted protected status overseas, asylum seekers apply directly to the U.S. government for protection after travelling to the United States. Also unlike refugees, asylum seekers are not eligible for federal aid or legal support, and are barred from legally working until six months after submitting their claim. As private immigration attorneys are costly, many asylum seekers rely on “pro bono” legal services. The few organizations that provide financial, housing, or other material support to asylum seekers are often under-funded and heavily reliant on volunteer staff.

Asylum seekers must prove that their fear of persecution is “reasonable” and “credible.” Adjudicators frequently expect LGBTQ claimants to “prove” their non-conforming sexuality and/or gender identity in a manner that is legible within U.S.-centric norms and stereotypes about homosexuality (Kimmel & Llewellyn, 2012). This is an impossible task. Worldwide, people who do not self-identify as “LGBT” may nonetheless face persecution because of their non-normative sexual activity, desires, or gender presentation. For example, men who have sex with men but identify as straight can still face criminal charges where sodomy is illegal. Others may self-identify using culturally-specific identities and terminologies, such as *hijra*, *travesti*, *kuchu*, *muxe*, or *mashoga*, for example, which do not map easily onto Western identity categories. Even those asylum seekers who do identify as “LGBTQ” may struggle to produce verifiable “proof” of their identity.

LGBTQ claimants are not all equally situated to obtain documentation in support of their claim, such as medical reports, police statements, news articles, threatening messages, support letters, country profiles from reputable sources, and so on. For example, outspoken members of LGBTQ rights organizations overseas are often better able to provide compelling evidence of their public persona and the persecution they have faced than those who have experienced violent repression in private. Women’s experiences of anti-LGBTQ violence are doubly concealed, as country-context reports, laws, and high-profile moral panics primarily focus on male homosexuality and gender nonconformity. The particular threats posed to LGBTQ women are consequently less known and understood by asylum adjudicators (Lewis, 2013). Additionally, where anti-LGBTQ prejudice is widespread, victims often do not report the full circumstances of hate-crime to police or medical examiners, if they report them at all. This makes official verification of events difficult. Asylum seekers who are estranged from their family, who have little formal

education, or who have worked largely in the informal sector—all common experiences within LGBTQ populations—may struggle to prove even the most basic facts of their lives. Indeed, adjudicators frequently reject LGBTQ asylum claims on the subjective grounds that they believe that the claimant is “not really” LGBTQ, or that they have not suffered persecution for that reason. These decisions are informed by pernicious racial and religious stereotypes (Morgan, 2006), in keeping with Salvador Vidal-Ortiz’s insight that, in the United States, “LGBTQ” is coded as White (Vidal-Ortiz, 2014, p. xi).

Emphasis on the “immutability” of sexuality in U.S. asylum law makes it especially challenging for bisexual or otherwise sexually fluid claimants to win asylum. Adjudicators generally pursue lines of questioning about childhood experiences and self-realization or self-acceptance that presuppose a fixed sexual identity, and those who have been in heterosexual marriages or who have children often arouse suspicion (Rehaag, 2009). Salient ideas about sexuality and gender identity as essential, fixed, and demonstrable are reinforced by advocacy efforts that frame LGBTQ asylum seekers as “persecuted because of who they are,” but able to live as their “authentic” selves, if granted protection (McGuirk, 2016, pp. 95–99).

Campaigns for LGBTQ asylum seekers often also deploy homonationalist framings, which assertively present the United States as inherently safe and welcoming for LGBTQ people in contrast with “other” global locations. Ubiquitous examples include NGO slogans and magazine headlines that describe LGBTQ asylum seeker’s journeys as ones “to freedom” or “to safety.” This mapping of the United States vis-à-vis other countries echoes adjudicators’ expectations that credible claimants should regard their homes and their fellow nationals as pathologically homophobic, and attest to feeling safe and liberated in the United States (Cantú, Luibhéid, & Stern, 2005). Consequently, asylum seekers who avoid mainstream U.S. LGBTQ scenes, retain ties to diaspora communities, maintain their religious practice, or are in regular contact with people back home may be regarded as disingenuous or “closeted”—in either case, as not “genuine” LGBTQ asylum seekers. Anxieties over so-called “bogus” claimants permeate government and non-governmental spaces alike, creating additional barriers to safety for those who do not conform to U.S.-centric norms and stereotypes about LGBTQ individuals. Service providers who share adjudicators’ normative expectations can subject their clients to questioning, suspicion, and rumor—and often decline to support those they do not deem “genuine” (McGuirk, 2016, pp. 119–132).

Intersectional analyses of the U.S. asylum system reveal that LGBTQ claimants must appear to adjudicators as “gay enough” (Kimmel & Llewellyn, 2012), and suitably traumatized, in order to win asylum. Homonormative tropes—conspicuous consumption, unthreatening political views, a stated desire to assimilate to U.S. norms, and fixed and knowable “out and proud” subjectivity—heavily inform adjudicators’ determinations. These tropes are notably raced, classed, gendered, and ethnocentric. Asylum seekers who fail to meet these limited expectations can struggle to secure NGO and pro bono support, and are more likely to face criminalization, detention, and deportation. Even those who are granted asylum often continue

to encounter prejudice—racism, xenophobia, and Islamophobia, in addition to new forms of anti-LGBTQ sentiment—and exploitation.

Labor trafficking and labor migration

Some LGBTQ immigrants are spouses, while others are refugees or asylees. Yet, many more are students or workers and/or the siblings, children, or parents of people living in the United States. Of the estimated one million LGBT-identifying immigrants living in the United States in 2013, 30 percent were undocumented (Gates, 2013). Those 267,000 people are, as a result of U.S. policies, unable to access federal social service programs, denied workplace protections and subject to exploitative employment practices, and often separated from loved ones because their freedom of movement is restricted. As comprehensive immigration reform campaigns came to the fore in the late 2000s, Undocuqueer, #Not1More, and other undocumented youth-led groups sought to highlight the intersections between immigrants' rights and LGBTQ rights movements, and the diversity of immigrant experiences and struggles.

People migrate to the United States for a combination of reasons, ranging from personal and professional to structural factors. This often includes the search for a “better life,” for themselves and/or for their families back home. While so-called economic migrants in the United States are frequently portrayed as a social problem, or so-called “public charge” (Fix & Capps, 2017), the movement of people—by force or by choice—can only be completely understood in the context of imperialism, globalization, and neoliberal capitalism. U.S. interventions, in terms of foreign policy, trade agreements, or support for pro-U.S. regimes (including by military coup) have forced millions of people in Central and South America (Gonzalez, 2011), Asia (Choy, 2003), and elsewhere to flee their homes in search of economic and social security. Yet upon arrival in the United States, millions of immigrants find employment in the informal economy in sectors such as domestic work, construction, farm work, hospitality, and others subject to minimal labor protections and systemically high rates of exploitation (Passel & Cohn, 2015; Cooper & Kroeger, 2017).

Immigrant workers in the United States are particularly subject to low wages, lack of employment benefits, adverse and unsafe working conditions, and varying forms of verbal, psychological, and physical abuse. Undocumented workers face the added vulnerability of discrimination due to their immigration status, and the threat of deportation or immigration enforcement; as a result, they may be less likely to report abuse or file a formal complaint against an employer out of fear of retaliation. These realities are compounded in sectors with already limited worker protections, like domestic work, where the legacy of slavery and systematic devaluing of women's (unpaid) labor, resulted in exclusion from most major labor laws in the United States (Burnham & Theodore, 2012). LGBTQ immigrant workers are further at risk of workplace discrimination, sexual assault, and harassment, due to their perceived sexual orientation or gender identity, yet may be hesitant to come forward

or seek support in community spaces. Recognizing these challenges, organizations like Damayan and National Domestic Workers Alliance are working to address issues of homophobia and transphobia facing LGBTQ immigrant workers, both inside and outside of the workplace.

Mainstream LGBTQ rights organizations are, “after marriage,” increasingly focused on securing workplace protections for their constituents, prioritizing policies such as the Employment Non-Discrimination Act, and resistance to the proposed “First Amendment Defense Act,” which would sanction anti-LGBTQ discrimination on religious grounds. While important, these workplace protections often do not apply to, or fully cover, undocumented workers, who, if terminated from their jobs, may not be eligible for compensation or reinstatement. This reality also extends to workers (documented or not) who are employed in sectors of work that are largely unregulated or unprotected by the government, such as nannies, house cleaners, home health care workers, day laborers, and construction workers. They are also unlikely to protect those unable to readily access legal advice or counsel, or those working in sectors where filing a complaint could jeopardize one’s job due to employer retaliation. An intersectional approach to labor rights reveals that a more expansive view of “work” is required, if LGBTQ rights organizations are to advocate for all LGBTQ workers, and not only those already somewhat protected by citizen rights and socio-economic status.

Another advocacy area that has obscured the widespread exploitation of undocumented and other migrant workers is human trafficking. As further explored below, high-profile, anti-trafficking organizations, particularly those focusing exclusively on “sex trafficking,” have continued to base their efforts on “exceptional” categories of victims detached from the large immigrant rights and workers’ rights spheres. Similarly, some immigrant labor organizations have been hesitant to include sex workers in their policy and other advocacy campaigns. Yet, the differentiation between sex work and other forms of labor overlooks the intersecting marginalizations that confront immigrant survivors of trafficking, and obscures that systemic oppression requires systemic solutions, not exception remedies.

Sex work and trafficking courts

Pervasive imaginaries about who can be considered an authentic and deserving trafficking victim, and who should be seen as a criminal—by virtue of immigration status and/or labor activities—both shape, and are shaped by, policing practices and judicial process. An intersectional assessment of recent initiatives within the New York Judiciary illustrates how moralistic ideas about race, sexuality, gender, class, and immigrant status impact courtroom outcomes for women categorized as *sex trafficking victims*.

In September 2013, the New York Judiciary announced the launch of the Human Trafficking Intervention Initiative. The project established special Human Trafficking Intervention Courts (HTIC) as part of a new approach to criminal justice promoted by the State of New York, “designed to intervene in the lives of trafficked human

beings” in order to “break the cycle of exploitation and arrest” (New York State Unified Court System, 2013, p. 1). Notably, HTIC focus on sex trafficking is the most concerning manifestation of contemporary human trafficking.

HTICs are categorized as problem-solving courts, and are part of a broader movement focused on reforming the criminal justice system by providing alternatives to standard prosecution and incarceration (Nolan, 2003). To avoid jail time and lengthy involvement with the traditional courts system, HTIC defendants can be processed in such courts for misdemeanor offenses and violations. They enter a guilty plea in exchange for social services and benefits, and the opportunity to remove the arrest from their criminal record.³ Many HTIC defendants have been arrested for so-called “quality of life” offenses such as congregating and/or drinking in public spaces, public urination, panhandling, littering, or unlicensed street vending—a policing strategy reliant on racial and gender profiling (INCITE! Women of Color Against Violence, 2014). Yet ethnographic study reveals that HTIC outcomes are quite different from the courts’ stated intent. Rather than ending “the cycle of exploitation and arrest,” the alliance between the judiciary and the police has had devastating consequences on the lives of the New York City’s low-income communities and communities of color, including a great many LGBTQ immigrants (Howell, 2009; Steinberg & Albertson, 2016; Lieberman & Dansky, 2016).

An unsettling pattern of “status degradation” (Garfinkel, 1956) exists within the HTIC system, a process through which defendants are marked as morally corrupt, causing them social sanction and isolation, as well as feelings of shame, anxiety, and resentment. This particularly affects undocumented women, and “internally trafficked” Black and Latina sex workers. Notable contrasts are evident between the treatment of women seen by Judges as “rescued victims” and those seen as criminals. One example of discriminatory conduct is the habitual denial of representation to *unrepentant* sex workers by defense counsels affiliated with HTIC. These defense attorneys routinely claim scheduling conflicts, or lack of time and resources, when sex workers they perceive as “non-compliant” with the label of “sex trafficking victim” are present in court. This causes unnecessary delays in resolving cases. In contrast, the cases of individuals who have been “rescued” in police raids of massage parlors, the majority of whom are Korean or Chinese immigrants, are at the center of courts’ activities. These women, labeled by court personnel simply as “the victims,” are stripped of their identity but briefly granted a slightly different, somewhat elevated status compared with other sex workers. The differential treatment afforded to different nationalities is grounded in racialized and gendered tropes of Asian women as passive, quiet, and compliant, in contrast with black and Latina women, and most notably of transgender women, who are pathologized as sexually deviant—and therefore not deserving victims.

HTIC hearings can be read as performative spaces in which the state is configured as a “compassionate” protector of women that also upholds national moral values. This construction disguises the violence inflicted within the overlapping immigration and criminal justice systems. In HTIC courtrooms, defendants stand before a Judge, surrounded by defense attorneys, social workers and interpreters,

while their existence and experiences are used to validate the court's mission to rescue exploited women and to restore their moral virtue through intervention. However, sex workers' testimonies repudiate the carefully crafted narratives of humanitarian state intervention, which is also (re)produced by mainstream feminists and anti-trafficking advocates (Vance, 2012). According to sex workers themselves, courtroom personnel, social workers and HTIC-affiliated service providers frequently accentuate the already visible social differences between themselves and defendants. Adopting condescending, paternalistic or discriminatory language and demeanors, these professionals reveal their class and race privilege in ways that reinscribe defendants' ascribed position within rigidly defined subaltern positions.

The HTIC affords these women a glimpse into the possibility of exercising citizenship, albeit couched in the language of U.S. ideals of justice and equality. This promise dissolves after the defendants plead guilty, and the Judge issues a ruling. Endowed with the power of the state, HTIC personnel use their discretion to delay the cases of women deemed "recalcitrant," "disobedient," or "arrogant," and make recommendations with which defendants would clearly have difficulty complying, given the limited secure employment options available to immigrant women in general and particularly those who have a criminal record. These recommendations effectively punish sex workers by placing them at higher risk of recidivism.

Proponents of HTIC claim that those eligible for a "second chance," specifically "victims of sex trafficking," receive much-needed benefits, such as social services and mental health counseling, and, eventually, a reduced or expunged criminal record. However, to be eligible, sex workers are required to comply with HTIC-mandated services, which means being present at all assigned sessions and participating in exit programs. The courts additionally make job training and immigration services, as well as temporary shelter and medical services, available to defendants. Yet these services are insufficient to replace the income lost by exiting sex work, and career readiness programs generally do not help people secure meaningful, long-term employment, nor do they remove structural barriers to employment faced by low-income immigrants of color. These already significant obstacles are especially difficult to overcome for those with criminal records, which, despite courtroom guarantees, are rarely cleared quickly, if at all (Kohler-Hausmann, 2014).

Immigrant sex workers deemed undeserving of a "second chance" are frequently placed into deportation proceedings and held in Immigration and Customs Enforcement (ICE) jails, rather than provided with social services and helped to file a TVisa application (Das, 2008). The spectacle of justice enacted by professionals at all the HTIC sites delivers a powerful, and rather intimidating message. Sex workers, whether willing participants in the sex industry, or victims of trafficking, are triaged and classified according to arbitrarily set standards of worthiness: some are punished and made into scapegoats, others are elevated to "rescued victim" status. Everyone in between remains in a liminal state, silenced and undermined, with limited resources and vulnerable to more violence and discrimination.

Criminalization, detention, and incarceration

LGBTQ migrants experience disproportionate levels of violence within our society, especially within the criminal justice system, and the closely related ICE system of raids, detentions, and deportations. As noted above, LGBTQ immigrants are subjected to acute profiling and harassment at the hands of ICE agents, who “overwhelmingly use their discretion to detain LGBTQ immigrants” (Gruberg, 2016). The Presidential Executive Orders of January and February 2017 promise further discretionary powers to ICE, and promote racial and religious profiling. Southern states are pursuing legislation to allow police to act as immigration officers (Schmitt, 2017), effectively sanctioning further targeting of immigrants, and particularly trans women who are already disproportionately harassed by police officers. These moves are deeply concerning for queer immigration activists.

It is important to understand the reality of extensive immigration detention and deportation systems within the prison industrial complex (PIC). Violating immigration law is not a crime, it is a civil violation for which immigrants must go through a process, overseen by the Department of Homeland Security (DHS), to determine whether or not they can remain in the United States. Yet, while the U.S. government separates its criminal justice system from its immigration systems, detention centers are practically identical to prisons, hence their inclusion with the PIC.

Only 14 percent of individuals in immigration detention have legal representation (Eagly & Shafer, 2016). This differs from the U.S. criminal justice system, in which defendants have rights and entitlements to legal representation. In addition, immigrants are subjected to prolonged, arbitrary incarceration, masked as “mandatory detention.” They are jailed in detention facilities as well as in federal and private prisons, in beds purchased by ICE, where there is minimal oversight. “Immigration detention” should be called “immigration prison,” as it is similarly focused on the criminalization of Brown, Black, LGBTQ and Muslim communities in the United States.

People that are incarcerated in immigration prisons can be apprehended by ICE agents at ports of entry, or as they go about their lives in the United States. Immigration detainees, which allow ICE to detain immigrants if they come into contact with law enforcement, are an important piece of the carceral system, often overlooked in the media but ever-present to those in the LGBTQ migrant community. Individuals arrested for misdemeanors, like jumping a subway turnstile, or driving under the influence, can be picked up by ICE post-release, and placed in immigration prison. Some people are apprehended many years after being charged with a crime. ICE’s collaboration with local police departments allows this process to flourish—even in cities that have adopted “Sanctuary” status.

In immigration detention, LGBTQ people are subjected to elevated levels of bullying, physical violence, and sexual violence at the hands of peers and guards alike. They frequently suffer from medical neglect. LGBTQ people who seek support from ICE staff often face retaliation, specifically “administrative segregation,”

or solitary confinement. To add insult to injury, ICE claims that this punishment is designed to “protect them from the general population” (Gruberg, 2013, p. 6).

In *Lora v. Shanahan* (2015), it was held that non-citizens could not be subjected to prolonged periods of detention while their deportation cases were pending. Immigrants must therefore be granted a bond hearing within six months of their detention. However, this victory is not quite what it seems. While ICE does not control the amount at which bonds are set, it has created a “bond floor” of \$1,500. Immigration judges often set bonds at even higher levels, which are unattainable for working-class citizens, let alone those who lack immigration status and employment authorization documents. These bond numbers can climb above \$10,000.

In response to these extortionate bonds, the ACLU Foundation of Southern California (ACLU SoCal) and the national ACLU filed a class-action lawsuit, demanding that the government apply criminal case standards to immigration bonds (ACLU, 2016). A federal district court sided with the ACLU in November 2016. Celebrations have been tempered, however, by the acknowledgement that Trump appointees, particularly Attorney General Jeff Sessions, will pursue increasingly punitive future policies, justified by xenophobic, racist, and Islamophobic tropes.

The system of criminalizing LGBTQ migrants, then punishing them twice—through the prison system and then the immigrant prison system—then denying them adequate legal representation, and then requiring unattainable bonds, combines to form “the deportation pipeline.”

Case study: the Queer Detainee Empowerment Project

The Queer Detainee Empowerment Project (QDEP), a community organizing initiative in New York City, was set up in response to the current state of the immigration system. I am Jamila Hammami, MSW, the founding executive director of QDEP, and the specific author of this particular section. We opened in January 2014 to provide post-release support, detention center visitation, and direct services to LGBTQ, Two Spirit, and HIV+ immigrant prisoners and their families, whether they are currently in, or have been recently released from immigration prison. A key component of this work is assisting folks coming out of immigration prison in securing structural, health/wellness, educational, legal, and emotional support and social services, while also queering the international dialogue around immigration, immigration prison, the prison industrial complex, and the varying forms of state surveillance and violence that lies in alternative-to-incarceration and alternative-to-detention programs, or the “industrialized punishment” complex (Gilmore, 2007). Project staff and community members organize around the structural barriers and state violence that LGBTQI immigrant prisoner/undocumented folks face related to their immigration status, race, sexuality, and gender expression/identity.

At present, the wait to receive employment authorization documents (EAD) is ever-climbing, making sanctioned employment unattainable for many immigrants.

Immigrants—especially LGBTQ workers, who experience compounded discriminations—are often forced to rely on alternative economies to survive. QDEP works closely with other organizations and has supported its members in joining workers' co-ops, radical, community-led, sustainable businesses that offer an alternative to exploitative and discriminatory labor markets.

The organization's mission is to create a world external to the capitalist status quo; to not just to imagine, but to build the structures necessary for all people to live safely outside of the system. Other QDEP projects include: the first LGBTQ/HIV+ immigrant bond-raising project, the Trans/Queer Migrant Freedom Fund; Host Homes, providing safe and stable housing by redistributing resources (housing and space) between community members; providing “wrap around” case management social services in collaboration with, rather than for, members; and building a volunteer base of co-conspirators, not allies, to support LGBTQ migrants. All of these initiatives are informed by ongoing discussion among the QDEP member base about creating concrete alternatives to immigration prisons and to the broader carceral state.

QDEP's member base plays an important role in the organization, comprising half of the advisory board and highly involved in decision-making at all levels. For example, QDEP members recently decided to pull out of the Close Rikers campaign, when NYC Mayor DeBlasio announced that closing the island jail would only prompt a relocation of the current population, including to segregative LGBTQ jail units across the city (Goodman, 2017). While the campaign discusses reducing the population, QDEP members, advisory board members and staff did not want to be a part of the campaign any longer. Many QDEP members and staff have been justice-involved (meaning that they have had direct contact with the criminal justice system through incarceration, or alternative-to-incarceration programs). Our first-hand experience of the justice system, including, for some of us, surviving the notorious Rikers institution itself, informed our decision to say: “not in our names.”

Our sentiment was that QDEP absolutely could not be involved in any sort of a campaign that builds out additional facilities for our own community; our member base felt that this was against the prison abolitionist mission, values, and vision of the organization. While QDEP found that the Close Rikers campaign did not, ultimately, align with our values, we still support the campaign more abstractly. This experience reveals both the stakes and the complexity of grassroots community organizing, especially in the competing movement world of absolutist versus reformist ideologies.

Eschewing claims that LGBTQ people are equally “safe” and “free” in the United States, QDEP is one of a growing number of organizations are committed to assisting folks in building lives outside of detention at the same as organizing to end intersecting policing, ICE, detention, and deportation regimes. The QDEP motto, “we believe in creating a narrative of thriving, not just surviving,” is informed by a deep understanding of intersectional oppressions, and points to the necessary strategy of queer migration activists “after marriage.”

Activism, at the grassroots and in the NPIC

As the discussions and examples above reveal, non-profit and non-governmental organizations, grassroots groups, community centers, and other coalitions have a central role within LGBTQ immigration activist work. They provide sites in which to organize advocacy campaigns, and often provide greatly needed legal and social services to directly impacted individuals. Generally regarded as having a veil of legitimacy, they also frequently produce particular narratives about constituent—and non-constituent—populations that can significantly shape policy outcomes and popular discourses alike. Queer immigration activism demands that we think through the impacts of various organizations, both on macro-level policies and laws, and on micro-level lived experiences.

In a time of increased political insecurity for marginal populations (such as LGBTQ immigrants) NGOs can become a crucial resource for individuals, particularly for those not protected by marriage or citizens' rights. This is as true for LGBTQ-based NGOs as it is for NGOs focusing on immigrants' rights and immigration reform. Just as the mainstream LGBTQ rights movement has often excluded non-citizens from its rhetoric and priorities, the mainstream immigrant rights movement has very often employed heterosexist ideals, claiming strength in the heteronormative, monogamous, nuclear family, while erasing the identities of LGBTQ people, who experience family in tremendously different ways. Yet, if those same organizations reinforce state practices of exclusion (whether in the form of promoting neoliberal homonormative values, or traditional heteronormative ideals), queer immigration activists are duty-bound to actively challenge their institutional structures and goals as part of our broader political strategy.

As the topics above also demonstrate, queer migration politics are already heavily informed by outside influences, including federal and state laws, government institutions and bureaucrats, private business interests, and public opinion. A radical counter-balance is sorely needed.

Contemporary LGBTQ political organizing is also impacted by internal struggles. Feminist and queer scholars and activists in particular have voiced concern about the “non-profit industrial complex” (NPIC). Critiques of the NPIC highlight how neoliberal economic and political norms and structures have created an uneasy relationship between non-profits and the state. Consequently, non-profit-led advocacy can be seen as working to “maintain politics and institutions of oppression” promoted by the state, “while pushing organizations to provide basic services that quell unrest” (Mananzala & Spade, 2008, p. 56). Organizations' reliance on philanthropic funding further privileges the voices and values of wealthy funders, while entrenching clientelist relationships between non-profits, the state, and private capital (Nair, 2013). The professionalization of non-profit work has additionally consolidated power in the hands of historically privileged populations, further excluding historically marginalized voices from high-profile, salaried positions within the hierarchically-structured NPIC (INCITE! Women of Color Against Violence, 2007).

The concept of the NPIC draws on transnational feminist analyses of the “NGOization” of women-centered social movements, especially in Latin America (Alvarez, 1999), as well as more recent critiques of the “mainstreaming” of early lesbian and gay rights politics (Vaid, 1995) and of the increased centrality of homonormative and homonationalist ideals within LGBTQ rights campaigns (Beam, 2016). Yasmin Nair, arguing that radical queer voices have been watered down and drowned out by large LGBTQ rights NGOs’ “single issue” strategies, identifies the Gay Non-Profit Industrial Complex (GNPIC) as a significant barrier to queer liberation (Chávez, 2013, pp. 73–74).

For Nair and others, the rise of the GNPIC is directly linked to the rise of same-sex marriage as *the* pressing LGBTQ political issue, and to the privileging of certain identities, bodies, and histories over others. In prioritizing state-sanctioned recognition of erstwhile queer relationships, institutionalized and de-politicized LGBTQ social movements have effectively functioned to produce, and to police, the proper (civic, sexual, or laboring) gay and lesbian subjects of the U.S. state (Kwon & Nguyen, 2016, p. 4). In order to access state rights and recognition “after marriage,” LGBTQ-identified persons must fashion themselves to fit the (normative) subject position that is produced by dominant NGO discourse.

Understanding the position of LGBTQ advocacy organizations in the United States as part of the GNPIC can usefully inform analyses of why particular bodies, issues, and experiences are prioritized by, or excluded from, advocacy efforts led by large NGOs. It is also important to recognize, however, that many LGBTQ immigration groups and organizations simply could not function without foundation grants or philanthropic support. It is also not possible for some groups to disengage entirely from state agencies and political processes, as their work is deeply embedded within existing oppressive systems. Indeed, queer immigration activists are often faced with the difficult choice between supporting an individual and refusing to engage with the systems in which they are trapped—paying a bail bond in order to free someone from an immigration jail, for example, or adopting adjudicators’ language in order to win an asylum claim. The QDEP mantra of “reform to revolution”—working within the system without losing sight of radical goals—suggests one productive way of recognizing, and responding to, this tension in our work.

It is also important that we do not, in the shadow of the NPIC, overly romanticize grassroots organizations, which do not always or necessarily promote radical alternatives to dominant homonormative and neoliberal discourses—even if they have the potential to do so. Members of locally led, community-funded, or volunteer-run LGBTQ and immigrant organizations can—and do—embrace statist ideologies, hierarchical structures, and single-issue campaign strategies. They are not immune from promoting worldviews that are racist, xenophobic, classist, misogynistic, or informed by other prejudices, or from seeking to support only suitably deserving queer immigrant subjectivities.

In order to overcome these significant challenges to queer immigration activisms that are radical, inclusive, and free from moralist pronouncements, we

must avoid complacency and be critically self-reflective of our work, and of our working relationships. Within and without the NPIC, there is much work to be done.

Conclusion: where next for queer migration activisms?

During the marriage equality movement, many LGBTQ immigration activists working at the grassroots found creative ways to boost and center the voices of people left out of mainstream narratives, and to situate their advocacy within broader justice campaigns. Established non-profit organizations and other affiliated networks of activists have already productively addressed some of the concerns we raise above, in their own work. Among others, QDEP, Queers for Economic Justice, the Audre Lorde Project, UndocBlack, Undocuqueer, Southerners on New Ground, and Transcend Arizona, for example, have all adopted different approaches to advocacy and service provision that do not acquiesce to dividing practices of the state. These and similarly attuned activists are making important connections between various, overlapping forms of oppression pervasive in U.S. society, and are pushing back on the structures that (re)produce them. Now, we must continue to build on these efforts to push for a more radical reconceptualization of queer immigrant rights, freedoms, and subjectivities.

Reflecting on our analyses and on the effective work of notable activist organizations, we close by underscoring three key areas of popular LGBTQ immigrant rights activism ripe for intersectional intervention. First, we need to push back against the productive and exclusive forms of power exerted by the state through the construction of campaign and policy initiatives that position “good” homosexual immigrants against “bad” queer intruders. Second, we need to center the deconstruction of systems of power in which certain identities, histories, experiences, class positions, and kinship relations are privileged over others, rather than focusing on the inclusion of some of us into the existing system. Finally, we must continue to acknowledge how the privileging of certain subjectivities and kinship relations can disguise important connections between labor, migration, and family rights, in the interests of state, and in the interests of the politically and economically powerful (Nair, 2011; Reddy, 2011). It is important to draw these lessons into mainstream organizing around family, to make sure all of our relationships, histories, and identities are honored—and are not selectively celebrated, or marginalized, in order to fit the state-promoted divisions between “good” and “bad” queers/immigrants.

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Notes

- 1 We use the term LGBTQ throughout this chapter, to signify people who identify as lesbian, gay, bisexual, trans, and/or queer, as well as others who identify differently but who encounter similar discriminations and oppressions due to their sexual or gender nonconformity. Where organizations or speakers have used different acronyms or terminology, we have left their chosen language in place.
- 2 Lisa Duggan uses the term “homonormativity” to describe “a politics that does not contest dominant heteronormative assumptions and institutions, but upholds and sustains them, while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption” (Duggan, 2002, p. 50). Duggan’s definition marks how gay and lesbian politics are not necessarily radical or oppositional to oppressive state practices and institutions, but rather, and importantly for our analysis, can work to reinforce them.
- 3 This manner of adjudication is known as Adjourment in Contemplation of Dismissal (ACD) and takes place the end of a six-month probationary period, on the condition that the defendant has no further contact with the criminal justice system.

References

- ACLU. (2016, April 6). ACLU sues federal government seeking bond reform in immigration system. Retrieved from www.aclu.org/news/aclu-sues-federal-government-seeking-bond-reform-immigration-system.
- Ahmed, S. (2011). Problematic proximities: Or why critiques of gay imperialism matter. *Feminist Legal Studies*, 19(2):119–132.
- Alvarez, S. E. (1999). Advocating feminism: The Latin American feminist NGO “boom.” *International Feminist Journal of Politics*, 1(2):181–209.
- Beam, M. (2016). At the limits of “by” and “for”: Space, struggle, and the nonprofitization of queer youth. *S & F Online*, 13(2):1–14.
- Burnham, L. & Theodore, N. (2012). *Home Economics: The Invisible and Unregulated World of Domestic Work*. Chicago, IL: National Domestic Workers Alliance, Center for Urban Economic Development, University of Illinois at Chicago Data Center.
- Cantú, L., Jr., Luibhéid, E., & Stern, A. M. (2005). Well-founded fear: Political asylum and the boundaries of sexual identity in the U.S.–Mexico borderlands. In E. Luibhéid & L. Cantú, Jr. (Eds.), *Queer Migrations: Sexuality, U.S. Citizenship, And Border Crossings*. Minneapolis, MN: University of Minnesota Press, 61–73.
- Carrington, J. M. (2016). Ambivalent subjects: Binational same sex couples and non-governmental organizations in the United States (Unpublished doctoral dissertation). University of New Mexico, Albuquerque, NM.
- Chávez, K. R. (2010). Border (in)securities: Normative and differential belonging in LGBTQ and immigrant rights discourse. *Communication and Critical/Cultural Studies*, 7(2):136–155.
- Chávez, K. R. (2013). *Queer Migration Politics: Activist Rhetoric and Coalitional Possibilities*. Champaign, IL: University of Illinois Press.
- Choy, C. C. (2003). *Empire of Care: Nursing and Migration in Filipino American History*. Durham, NC: Duke University Press.
- Cooper, D. & Kroeger, T. (2017). *Employers Steal Billions from Workers’ Paychecks Each Year*. Washington, DC: Economic Policy Forum.
- Das, A. (2008). Immigrants and problem-solving courts (Report). *Criminal Justice Review*, 33(3):308.

- Duggan, L. (2002). The new homonormativity: The sexual politics of neoliberalism. In D. D. Nelson & R. Castronovo (Eds.), *Materializing Democracy: Toward a Revitalized Cultural Politics*. Durham, NC: Duke University Press, 175–194.
- Eagly, I. & Shafer, S. (2016, September). Access to counsel in immigration court. *American Immigration Council*. Retrieved from www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf.
- Fix, M. & Capps, R. (2017). Leaked draft of possible trump executive order on public benefits would spell chilling effects for legal immigrants. *Migration Policy Institute*. Retrieved from www.migrationpolicy.org/news/leaked-draft-possible-trump-executive-order-public-benefits-would-spell-chilling-effects-legal.
- Garfinkel, H. (1956). Conditions of successful degradation ceremonies. *American Journal of Sociology*, 61(5):420–424.
- Gates, G. (2013). *LGBT Adult Immigrants in the United States*. Los Angeles, CA: The Williams Institute.
- Gilmore, R. W. (2007). *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley, CA: University of California Press.
- Gonzalez, J. (2011). *Harvest of Empire: A History of Latinos in America*. Revised Edition. New York: Penguin Books.
- Goodman, J. D. (2017, March 31). Mayor backs plan to close Rikers and open jails elsewhere. *The New York Times*. Retrieved from www.nytimes.com/2017/03/31/nyregion/mayor-de-blasio-is-said-to-back-plan-to-close-jails-on-rikers-island.html.
- Gruberg, S. (2013, November). *Dignity Denied: LGBT Immigrants in U.S. Immigration Detention*. Washington, DC: Center for American Progress.
- Gruberg, S. (2016, October 26). ICE officers overwhelmingly use their discretion to detain LGBT immigrants. *Center for American Progress*. Retrieved from www.americanprogress.org/issues/lgbt/reports/2016/10/26/291115/ice-officers-overwhelmingly-use-their-discretion-to-detain-lgbt-immigrants/.
- Gutiérrez, J. (2016). Liberation not deportation #not1more. Unpublished paper, presented at: After Marriage, October 2016; CLAGS: The Center for LGBT Studies, City University of New York, New York.
- Howell, B. (2009). Broken lives from broken windows: The hidden costs of aggressive order-maintenance policing. *New York University Review of Law & Social Change*, 33(3):271–330.
- INCITE! Women of Color Against Violence. (2007). *The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex*. Cambridge, MA: South End Press.
- INCITE! Women of Color Against Violence. (2014). “Quality of Life” or “Zero Tolerance” *Policing Factsheet*. New York, NY: INCITE!
- Kandel, W. A. (2014). *U.S. Family-Based Immigration Policy*. CRS Report No. R43145. Washington, DC: Congressional Research Service. Retrieved from <https://fas.org/sgp/crs/homesecc/R43145.pdf>.
- Kimmel, M. & Llewellyn, C. (2012). Homosexuality, gender nonconformity, and the neoliberal state. *Journal of Homosexuality*, 59(7):1087–1094.
- Kohler-Hausmann, I. (2014). Managerial justice and mass misdemeanors. *Stanford Law Review*, 66(3):611.
- Kwon, S. A. & Nguyen, M. T. (2016). Nonprofits, NGOs, and “community engagement”: Refiguring the project of activism in gender and women’s studies and ethnic studies. *S & F Online*, 13(2):1–11.
- Lewis, R. (2013). Deportable subjects: Lesbians and political asylum. *Feminist Formations*, 25(2):174–194.
- Lieberman, D. & Dansky, K. (2016). The degradation of civil society and hyper-aggressive policing in communities of color in New York City. *Cardozo Law Review*, 37(3):955–1127.

- Lora v. Shanahan* (Court of Appeals, 2nd circuit October 28, 2015). (2015). 804 F.3d 601.
- Luibhéid, E. (2002). *Entry Denied: Controlling Sexuality at the Border*. Minneapolis, MN: University of Minnesota Press.
- Luibhéid, E. (2005). Introduction: Queering migration and citizenship. In E. Luibhéid & L. Cantú, Jr. (Eds.), *Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings*. Minneapolis, MN: University of Minnesota Press, ix–xlvii.
- Luibhéid, E. (2008). Queer/migration: An unruly body of scholarship. *GLQ: A Journal of Lesbian & Gay Studies*, 14(2–3):169–190.
- Mananzala, R. & Spade, D. (2008). The nonprofit industrial complex and trans resistance. *Sexuality Research and Social Policy*, 5(1):53–71.
- McGuirk, S. (2016). LGBT asylum seekers and NGO advocacy in the United States (Unpublished doctoral dissertation). American University, Washington, DC.
- Morgan, D.A. (2006). Not gay enough for the government: Racial and sexual stereotypes in sexual orientation asylum cases. *Law & Sexuality*, 15:135–161.
- Morris, A. (2013, December 18). From fear to freedom. *Immigration Equality*. (Electronic mailing list message).
- Nair, Y. (2011). How to make prisons disappear: Queer immigrants, the shackles of love, and the invisibility of the Prison Industrial Complex. In E. A. Stanley & N. Smith (Eds.), *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. Oakland, CA: AK Press, 123–139.
- Nair, Y. (2013). Gay Marriage Is a Conservative Cause. Retrieved from www.yasminnair.net/content/gay-marriage-conservative-cause.
- New York State Unified Court System. (2013). Press Release: NY judiciary launches nation's first statewide human trafficking intervention initiative. Retrieved from www.nycourts.gov/press/pr13_11.pdf.
- Nolan, J. L., Jr. (2003). Redefining criminal courts: Problem-solving and the meaning of justice. *American Criminal Law Review*, 40(4):1541.
- ORAM. (2012). *Rainbow Bridges: A Community Guide to Rebuilding the Lives of LGBTI Refugees and Asylees*. San Francisco, CA: Organization for Refuge, Asylum and Migration.
- Passel, J. S. & Cohn, D. (2015). *Immigrant Workers in Production, Construction Jobs Falls Since 2007: In States, Hospitality, Manufacturing and Construction are Top Industries*. Washington, DC: Pew Research Center.
- Puar, J. K. (2007). *Terrorist Assemblages: Homonationalism in Queer Times*. Durham, NC: Duke University Press.
- Reddy, C. (2011). *Freedom with Violence: Race, Sexuality, and the U.S. State*. Durham, NC: Duke University Press.
- Rehaag, S. (2009). Bisexuals need not apply: A comparative appraisal of refugee law and policy in Canada, the United States, and Australia. *International Journal of Human Rights*, 13(2):415–436.
- Rickard, J. (2011). *Torn Apart: United by Love, Divided by Law*. Ferris: Findhorn Press.
- Said, E. W. (2003). *Orientalism: Western Conceptions of the Orient*. London: Penguin Books.
- Schmitt, S. (2017, April 25). Texas lawmaker on four-day hunger strike in protest of “Sanctuary City” bill. *The Washington Post*. Retrieved from www.washingtonpost.com/news/morning-mix/wp/2017/04/25/texas-lawmaker-on-four-day-hunger-strike-in-protest-of-sanctuary-city-bill/?utm_term=.23331fdac06e.
- Spade, D. (2017). The right wing is leveraging trans issues to promote militarism. *Truth Out*. Retrieved from: www.truth-out.org/opinion/item/40109-the-right-wing-is-leveraging-trans-issues-to-promote-militarism.
- Steinberg, R. & Albertson, S. (2016). Broken windows policing and community courts: An unholy alliance. *Cardozo Law Review*, 37(3):995–1024.

- Trump, D. (2017). *Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States. Executive Order 13769, Section 1*. Washington, DC: The White House Office of the Press Secretary.
- Vaid, U. (1995). *Virtual Equality: The Mainstreaming of Gay and Lesbian Liberation*. New York: Doubleday.
- Vance, C. S. (2012). Innocence and experience: Melodramatic narratives of sex trafficking and their consequences for law and policy. *History of the Present*, 2(2):200–218.
- Vidal-Ortiz, S. (2014). Forward. In M. A. Viteri (Ed.), *Desbordes: Translating Racial, Ethnic, Sexual, and Gender Identities Across the Americas*. New York: State University of New York Press.
- Yue, A. (2008). Same-sex migration in Australia: From interdependency to intimacy. *GLQ: A Journal of Lesbian & Gay Studies*, 14(2–3): 239–262.