

BODIES OF EVIDENCE: A QUALITATIVE ANALYSIS OF THE LIVED EXPERIENCES OF FEMALE  
CENTRAL AMERICAN AND MEXICAN ASYLUM SEEKERS IN DALLAS

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This work addresses the experiences of female asylum seekers from Central and Mexico currently living in Dallas, TX. The main purpose is to analyze how these women engage in the gendered processes of both migrating to and accessing legal resources and protection within the United States. As the women move through male-dominated spaces in their home country, the borderlands, and the asylum court they must challenge the patriarchal institutions that attempt to silence their narratives and criminalize their bodies. Their physical wounds become evidence in the courtroom, while outside of the courtroom their movements are monitored and tracked through multiple mechanisms of state control: ankle monitors, detention centers, ICE check-ins. They face intersectional discrimination as they are targeted as both women and immigrants. However, these female asylum seekers are not victims. They constantly display agency as they represent themselves in court, find solace in their faith, and form community with each other.

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## CHAPTER 1

### INTRODUCTION

“Asylum may be granted to people who have been persecuted or fear they will be persecuted on account of race, religion, nationality, and/or membership in a particular social group or political opinion.”<sup>1</sup> This is the definition that U.S. Citizenship and Immigration Services (USCIS) currently uses to determine if a person can be classified as a refugee or asylum seeker. This definition runs at the heart of my current research working with pro se asylum seekers in Dallas, TX. Pro se asylum seekers are applicants who cannot afford a lawyer and are, therefore, required to represent themselves in immigration court.

My client for this research project is the Pro Se Asylum Clinic at Catholic Charities of Dallas. This legal clinic assists asylum seekers in filling out their I-589 asylum applications. The majority of the applicants who come through this clinic are women between the ages of 18 and 35 from Mexico, Guatemala, El Salvador, and Honduras who are fleeing domestic or other forms of gendered violence inflicted by their partners or gang members. Fitting their narratives into the USCIS refugee definition mentioned above is extremely difficult because gendered violence is not recognized as a protected form of persecution. The research question that I will be focusing on for this project is, “How do female Central American and Mexican asylum seekers engage in the gendered processes of migrating to, and seeking asylum within the United States?”

Through this research, I hope to address how female asylum seekers are impacted by male dominated state and security powers both in the United States and in their home country. In most of the research literature, female asylum seekers are written about as victims. This

research is about how the women whom I have worked with have agency even though they must act within oppressive power structures.

### Description of Client and Deliverables

In this section I discuss how I first became connected with my client and site sponsor, the multiple actors involved in the running of the clinic, and where the clinic falls within the larger organization of Catholic Charities. I first met my site sponsor, Paul Zoltan, through my committee adviser, Alicia Re Cruz. Alicia and Paul have been friends and collaborated in immigration programs since in the early 90's. When I expressed an interest in wanting to conduct research on issues of immigration, Alicia suggested that I meet with Paul, a Dallas based immigration attorney. Paul has been practicing law since 1992 and currently runs his own immigration law practice. He chaired the Advisory Board of the Dallas Office of the International Rescue Committee and sat on the board of directors for both the Center for Survivors of Torture and Proyecto Adelante.<sup>2</sup> For Paul, this work is extremely personal because he is a child of a refugee. His desire to aid refugees resulted in a lifetime of active service that began at Proyecto Adelante, a non-profit organization in Dallas that began providing legal services to asylum seekers during the 1980s.<sup>3</sup> After the closing of Proyecto Adelante, activists from the organization went on to formulate their own programs at such places as Human Rights Initiative, the Center for Survivors of Torture, and, Catholic Charities of Dallas, where Paul's Pro Se Asylum clinic is currently located.

## History and Format of the Clinic

Paul is the founder of the Pro Se Asylum Clinic. He started the clinic in the summer of 2014 after a surge of unaccompanied minors from Central America and Mexico began arriving through the U.S./Mexico border. The clinic was created to aid these children who were coming from Guatemala, Honduras, El Salvador, and Mexico and were seeking asylum in the Dallas area. Eventually, the clinic expanded to include mothers and their children from these same countries. Paul needed institutional support and space to conduct these monthly clinics, and through his long time friendship with Vanna Slaughter, the director of Catholic Charities of Dallas' Legal and Immigration Services, he was able to find this support. Catholic Charities of Dallas currently offers Paul the space and resources, such as paper, computers, printers, and personnel, necessary to conduct these clinics. Given the magnitude and number of cases, the clinic also requires additional volunteer attorneys, translators, and writers.

Since 2014 the Pro Se Asylum clinic has aided approximately 300 asylum seekers. 90% are women and children. Each clinic begins at 8:30 in the morning on the second Saturday of every month. Catholic Charities' staff members interview each applicant prior to signing them up for the clinic to ensure that all individuals at the clinic are eligible to apply for asylum. Each applicant is then matched with a volunteer translator and a writer. The writer types the applicant's information into the I-589 asylum application on the computers provided by Catholic Charities. The writers are responsible for ensuring that all parts of the questions are accurately answered. This is extremely important because, as Paul says frequently, every mistake on the application is considered a lie in court. Therefore, this is an extremely meticulous process. It involves constant checking and re-checking, and can last up to six hours.



After the application has been completed, Paul or another volunteer attorney conducts a legal review of the application. After it has been reviewed, the translators read the information on the application to the asylum seeker. The asylum seeker records the translation on their phone so that they can later review the information that is on their application before their court hearings. The applications undergo a final legal review after the clinic ends. The asylum seekers then return to Catholic Charities two weeks later to retrieve their completed applications.

The Pro Se Asylum clinic is one of the few affordable legal resources available to asylum seekers in the area. Immigration lawyers often charge upwards of four thousand dollars, a price that most asylum seekers cannot afford. Immigration lawyers who charge less are usually not reputable and have been known to scam asylum seekers, often preparing inaccurate applications. The Pro Se Asylum clinic, while it does not provide direct legal representation, helps to prepare applicants for their court hearings by offering reputable and inexpensive legal aid. The clinic's reputation has grown so large that immigration judges often refer applicants to the clinic. In order for an I-589 application to be accepted in court it has to be written in English. None of the asylum seekers whom I have worked with thus far speak English. Therefore, the translation service that the clinic offers is vital for Spanish-speaking applicants who otherwise would not be able to submit a completed application. The Pro Se Asylum clinic also offers translations of personal documents, such as birth certificates and passports, so that they can be added to the applicant's file and used in court. In addition, volunteers ensure that every question on the application is thoroughly answered. Volunteers are trained to ask follow up questions to ensure that applicants are providing all possible relevant information. The legal

review portion of the clinic also certifies that there are no discrepancies on the application and ensures that the asylum seekers' stories are presented in the most effective way.

Despite all of the resources that the Pro Se Asylum clinic offers, it is limited in its capacity by space, time, and volunteer availability. The clinic currently has a waitlist with over 100 asylum seekers. An average of fifteen asylum seekers are helped at each clinic, meaning that some individuals wait months to be helped. As mentioned previously, the clinic also does not provide direct representation to applicants or aid them after they leave the clinic. My deliverables will seek to address some of these current issues and limitations.

### Proposed Deliverables

When I first met Paul, he was interested in creating a digital archive of supporting documents that he hoped would help to expand the clinic's resources to more asylum seekers. As previously discussed, pro se asylum applicants are individuals who cannot afford legal representation and are, therefore, forced to represent themselves in court. While the clinic does connect some applicants to pro bono attorneys in the area, they do not have the capacity to legally represent all of the individuals who come through the clinic. One way in which they can further aid applicants in court is by providing them with case-specific country conditions packets, often referred to as supporting documents or "sup docs." These packets consist of excerpts from news articles, scholarly articles, NGO reports, government documents, and books that substantiate each applicant's individual claim. For example, an applicant from Honduras who fled gender based violence inflicted by her partner would receive a sup doc packet that includes human rights reports from Honduras that show high levels of violence against women,

news articles discussing femicide in the area, an NGO report discussing the limited resources available to battered women in Honduras, and government statistics on the number of women who have been abused. The purpose of sup doc packets is to give asylum seekers more evidence to present to the judge to prove that they are telling the truth and that their story of persecution is plausible. Paul's goal for this project was to create sample sup doc packets for each country (i.e. Honduras, Guatemala, El Salvador, and Mexico) and to be able to upload these sample documents online to make them publicly accessible to asylum seekers who may not be able to attend the clinic. The document packets could then also be used by other legal clinics who are doing similar work or by pro bono attorneys. I agreed to take on this project.

In addition, Paul and I discussed how I could look at the human dimension of the asylum process. While the supporting documents project would require extensive archival research, it did not require a qualitative research approach. Therefore, I proposed to Paul that in addition to the supporting documents project, I would do participant observation at clinics and in the courtroom as well as conduct semi-structured interviews with asylum seekers who had already gone through the Pro Se Asylum clinic to gain a better understanding of the process of seeking asylum as well as what resources applicants were still lacking. My deliverables for this portion of the project would be suggestions for how the clinic could expand its resources to better meet the needs of asylum seekers.

### Project Timeline

I began this project in February of 2016. I planned to spend from February to June conducting participant observation at the clinics. My goal was to then begin conducting

interviews at the end of June and continue interviewing through August. I originally submitted my Institutional Review Board (IRB) form in February and received approval at the beginning of March. However, in the original IRB proposal I did not include interviews as a data collection tool. Therefore, I had to amend my IRB over the summer, which delayed the start of the interviewing portion of my research. I began conducting interviews in the middle of August and continued interviewing through November. I stopped collecting data in November. I then coded and analyzed my data from November to January, and began writing in January. I presented Paul with the final version of the digital archive of supporting documents in January, and presented my recommendations to him in March.

#### Limitations

My inability to speak Spanish was a major limitation during the research process since none of the asylum seekers that I interviewed could speak English. However, I was extremely lucky to meet and partner with one of the most dedicated volunteer translators at the Pro Se Asylum clinic, Ana Fores Tamayo, who accompanied me on all of my interviews. In addition to translating, she also helped me to recruit female asylum seekers and was a key resource for any questions that I had about the technicalities of the asylum process.

An additional limitation to my study was that I did not have a chance to interview male asylum seekers. While there were large numbers of male children, due to the requirements of my IRB, I could not interview anyone under the age of eighteen. Because the clinic was created to aid women and children, adult male asylum seekers are an extreme minority in the clinic. While I at first worried that this would limit the scope of my research, I soon realized that

focusing on the experiences of female asylum seekers allowed me to dig deeper into the unique place that female migrants occupy in the male dominated spaces of the border and courtroom.

A final limitation of this project was the fact that any additional suggestions that I made for the expansion of the clinic would need to be time and cost effective. While Catholic Charities offers large amounts of support, they were unable to provide any additional personnel to the clinic at this time and were moving towards making the clinic a completely volunteer driven project. Therefore, any deliverables that I suggested would have to take into account the reality of limited resources and personnel.

While these limitations were at some moments frustrating and time consuming, in the end they encouraged me to be a more creative and engaged researcher. Some of these limitations even led me to meeting and collaborating with amazing and dedicated activists. In the next section, I contextualize the process of seeking asylum within the larger framework of U.S. immigration policy.

## CHAPTER 2

### ASYLUM DEFINITIONS AND DEPARTMENTS

Asylum policy, like any other policy, is bound within a complex network of legal definitions. In this section I discuss the definition of an asylum seeker as well as the current government departments in charge of enforcing laws pertaining to asylum seekers. This is by no means an extensive description of all the necessary legal definitions involved in the asylum seeking process, but I have provided the most pertinent information for the context of my research.

#### Asylum Seeker vs. Refugee

It is important to first outline the legal distinction between a refugee and an asylum seeker. Asylum seekers are individuals who apply for refugee status at a port of entry or from within the borders of a host nation, while a refugee applies for status prior to arriving in the host country. Both asylum seekers and refugees must prove that they have been persecuted on account of their membership in a racial, religious, national, political, or social group. This process of classifying and defining the necessary qualifications was created by the United Nations in 1951, and it has not undergone many large-scale changes since then.

#### Current Departments in Charge of Asylum Seekers

It is also important to understand the different departments in charge of enforcing and adjudicating immigration policy as it pertains to asylum seekers in the United States.

Contemporary asylum policy is bound within the post 9/11 restructuring of Immigration and

Naturalization Services (INS) and the subsequent creation of the Department of Homeland Security (DHS). The creation of DHS after 9/11 completely reorganized the federal agencies in charge of border and interior enforcement. All jobs that had previously been under the jurisdiction of INS became the responsibility of DHS. The main goal of DHS is “creating a strengthened homeland security enterprise and a more secure America that is better equipped to confront the range of threats we face.”<sup>4</sup> With the creation of DHS, INS was split into three new agencies: Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and Citizenship and Immigration Services (CIS).

When asylum seekers cross the border, the first individuals that they come in contact with are CBP agents. Individuals who enter illegally are subject to expedited removal, unless they express a fear of returning to their country. Individuals who express fear must then pass a credible fear interview conducted by a CIS asylum officer who then determines if there is “significant possibility...that the alien could establish eligibility for asylum.”<sup>5</sup> If the asylum seeker passes the credible fear interview then they are allowed to file an application for asylum and are eligible to be released from detention.

While DHS is in charge of the enforcement of immigration policy at the border and in the interior, the Executive Office for Immigration Review (EOIR) is in charge of the adjudication of asylum claims. Unlike DHS, which is its own department, EOIR is located within the Department of Justice. EOIR is made up of local immigration courts and the Bureau of Immigration Affairs (BIA). All asylum seekers file their I-589 asylum applications in the immigration court closest to where they live. The judges in the immigration courts are federal employees who answer to the attorney general. In the courtroom the asylum applicant and, if

they are able to afford a lawyer, their lawyer present the case to the judge. Also in the courtroom is the ICE attorney who represents the government and is allowed to interrogate the asylum seeker. A translator is also present if the asylum seeker does not speak English. After the case has been presented, the judge either approves or denies the claim to asylum. If the asylum seeker is granted asylum they receive all of the same benefits as refugees. If their case is denied they can appeal. The appeals go through the BIA, which is made up of adjudicatory attorneys.<sup>6</sup> While the BIA has the power to overturn the ruling of the local immigration judge, they are often extremely deferential to the judge's decision and uphold the judge's decision in the majority of cases. If the appeal is denied, the asylum seeker is then deemed as deportable.

### Conclusion

While asylum seekers are often thought to be refugees, the process that they must go through is very different. I have outlined the multiple federal departments involved in the asylum process to show the complexities of this process. In the next section, I discuss how immigration policy is created and implemented both internationally and in the United States.



## CHAPTER 3

### HISTORICAL CONTEXT

“Nations define themselves through the official selection and control of foreigners seeking permanent residence on their soil. Immigration policy involves not only regulating the size and diversity of the population, but also the privileging of certain visions of nationhood, social order, and international engagement.”<sup>7</sup> Through this quote, Daniel Tichenor accurately explains why immigration sits at the core of a nation’s understanding of itself. This understanding is bound within historical perceptions of racial superiority and sovereignty. In order to understand the complexities of the process of seeking asylum, one must first understand the dynamic nature of immigration policy internationally and in the United States. I argue that immigration policy in the U.S. has long been used as a mechanism of racialization and securitization.

#### Theoretical Principles of Immigration as a Process of Racialization and Securitization

Since the 1920s immigration policy in the United States has been built upon policies of racial exclusion. Mae Ngai states, “immigration policy is constitutive of Americans’ understanding of national membership and citizenship, drawing lines of inclusion and exclusion that articulate a desired composition...of the nation.”<sup>8</sup> The Johnson Reed Immigration Act of 1924, which implemented quotas for certain immigrant groups, shows the way in which notions of racial superiority impacted U.S. immigration policy by constructing certain racial groups as unworthy of citizenship. Through this act, racial groups were organized into a “hierarchy of desirability” where certain groups (i.e. Chinese, Japanese, Indian, Siam) were deemed as racially

ineligible for U.S. citizenship.<sup>9</sup> Michael Omi and Howard Winant define racialization as “the extension of racial meaning to a previously racially unclassified relationship, social practice, or group.”<sup>10</sup> I argue that the United States inscribed meanings of racial inferiority onto these immigrant groups through the Johnson Reed Act, showing that race and immigration are principles that have historically been linked.

Processes of racialization within immigration policy are usually justified using a perceived fear of threat or disloyalty. Many nativists’ groups champion the expulsion of immigrants using this logic of fear. John Higham says, “the nativist’s most characteristic complaint runs against the loyalty of some foreign (or allegedly foreign) group. Seeing or suspecting a failure of assimilation, he [the nativist] fears disloyalty. Occasionally the charge of disloyalty may stand forth naked and unadorned, but usually it is colored and focused by a persistent conception about what is un-American.”<sup>11</sup> Nativist groups historically have consisted of individuals who adhere to the belief that the white, Anglo-Saxon, Protestant culture is superior to other cultures. Immigrant groups who are unable to assimilate to this culture are deemed by nativists as unworthy of U.S. citizenship. This is an inherently racialized process because certain groups can never become white, forever excluding them from the rights of citizenship. The tension increases when the presence of such “un-American” immigrants are seen as a direct threat to the stability of what nativists see as an already united nation-state. The foreignness of immigrants is an indicator, to nativists, of the immigrant’s inability to ever become a “good” and loyal U.S. citizen. Such nativist sentiments have been a part of U.S. history and immigration policy for hundreds of years and can be seen in the Chinese Exclusion

Act, discriminatory housing laws, Japanese internment camps, and, most recently, in the ban of refugees from majority Muslim countries.

Such historical policies of racialization have contributed to the continued racialization of immigrant groups in the United States today. Refugee and asylum laws are not free from these same processes of racialization. Certain groups of refugees and asylum seekers are also labeled within the United States as inherently more threatening than others, creating a space in which certain bodies are coded as criminal. National policies then disseminate and uphold these ideas often justifying racial discrimination as a means of preserving national security. This fear of the “other” becomes increasingly worrisome when the sovereignty and the security of the state is thought to be under attack.

Thomas Faist discusses how immigrants have often been seen as “an international threat to ‘our’ jobs, housing and borders, but also more far-reaching ontological threats to the borders of sovereign states, bodily security, moral values, collective identities, and cultural homogeneity.”<sup>12</sup> When nations are faced with direct attacks on their national security, such as the United States after 9/11, they often respond by attempting to control and secure their borders. However, the increased securitization and militarization of the border only works as a means of further stereotyping and racializing immigrant populations. Faist states, “Demonizing ‘the migrant’ as a potential ‘terrorist’ creates fear and a perception of threat to ontological security far exceeding actual developments...Measures which try to handle the threatening migrant make him more visible as an alien.”<sup>13</sup> By focusing control measures on visible border security, the nation-state attempts to show citizens that action is being taken to protect them. However, politicians often fail to acknowledge that even such visible security measures are not

foolproof. The only real impact that such security measures have is to further increase fear of the “other.”

These theories of racialization and securitization within give context to how immigration policy is formulated. It is imperative to understand the impact that racialization and securitization have on framing certain immigrant groups, even refugees and asylum seekers, as unworthy of citizenship. In the next section, I outline how these same processes have impacted the construction of refugee and asylum policy both internationally and in the United States.

#### History of Refugee and Asylum Policy in an International Context

The right of persons to seek asylum from persecution was first acknowledged in the fourteenth article of the Universal Declaration of Human Rights in 1951.<sup>14</sup> The category of refugee was originally created for the purpose of giving relief to individuals displaced by the violence of World War II. It was exclusive to European refugees until 1967 when the UN adopted the Protocol Relating to the Status of Refugees, which expanded the definition of refugee to include individuals from outside of Europe.<sup>15</sup>

The main principle of refugee protection is the concept of non-refoulement which refers to the “protection against return to a country where a person has reason to fear persecution.”<sup>16</sup> While the aim of non-refoulement is to protect the individuals fleeing harm from being sent back to a place where they could be killed, there are some exceptions to the rule. In cases where refugees are considered “a danger to the security of the country,” non-refoulement may be suspended.<sup>17</sup> This is where tension arises and the line between refugee and terrorist becomes blurred. This policy caveat becomes contentious because definitions of terrorism and

criminality are constantly changing and often negatively target refugee groups who are stereotyped as a national security threat. The conflation of refugee movements with national security threats supports Higham's earlier argument that foreign groups are often "othered" using the justification of national security to support the restriction of refugee rights.

Despite the fact that refugee policy was originally created at the international level, the actors who play the largest role in the enforcement of refugee policy are individual countries who have the power to either accept or reject any person who enters their territory. Christian Joppke states, "Devoid of hard legal powers, the international human rights regime consists of the soft moral power of discourse," meaning that there is no international enforcement system that requires countries to uphold the principle of non-refoulement.<sup>18</sup> Michael Walzer argues that mutual aid is necessary in cases of dire need; however, each nation-state still maintains the right to exclude any person that it so chooses.<sup>19</sup> There is no international legal infrastructure in place to ensure that nation-states take in a certain number of refugees, and many would argue that the creation of an international agency of enforcement would infringe upon the individual rights of sovereign nation-states to determine their own requirements for citizenship and admission.

This right to exclusion lies at the root of the nation-state system, and restrictions are necessary for a country to define itself. However, issues arise when exclusionary policies are based on assumptions of race and superiority. This is one of the many reasons why immigration policy regarding refugees and asylum seekers is so contentious because it pits the interests of human rights against national sovereignty and security. Racial processes play into policy construction when entire groups of refugees or asylum seekers are categorized as threatening

or criminal. I analyze in the next section how the United States has chosen to implement these international refugee policies and the role that racialization and securitization continue to play in the making of such policies.

### History of Refugee and Asylum Policy in the U.S.

In the United States the construction of refugee and asylum policy is bound within historical processes of racialization and political control. The United States did not actually sign the UN refugee treaty until 1968, seventeen years after its original adoption in the UN. While the United States acknowledged a need to aid individuals displaced by World War II, it was, at the time, concerned with Soviet involvement in the UN Security Council, and therefore refused to sign on.<sup>20</sup> However, the United States did institute the Refugee Relief Act in 1953 and the Refugee Escape Act in 1957, which gave permanent residency to European refugees and special status to individuals fleeing communist governments.<sup>21</sup>

There was no distinction between individuals who were considered refugees and asylum seekers, rather the emphasis was put on admitting any individuals who were fleeing communist regimes regardless of whether they asked for protection before or after entering the United States. Cubans were encouraged to seek asylum in the United States throughout the 1960s after Castro's takeover. Refugee programs in the United States continued throughout the Cold War era, resettling Southeast Asian, Hungarian, Polish, Yugoslavian, Korean, and Chinese refugees.<sup>22</sup>

During the 1970s, Congress was forced to address asylum seekers as a unique group because larger numbers of individuals from Haiti, Ethiopia, Uganda, and Iran began arriving in

the U.S. on tourist visas with the goal of seeking asylum once they entered.<sup>23</sup> New policy allowed Immigration and Naturalization Services (INS) to immediately detain and quickly deny Haitians' claims to asylum.<sup>24</sup> The denial of Haitian asylum claims shows the racialized nature of asylum policy. Haitian asylum seekers were targeted by INS and treated more harshly than other asylum seekers and refugee groups during this time period. The case of Haitian refugees foreshadowed the treatment of Central American and Mexican asylum seekers in the 1980s and today.

Despite the fact that the 1980s saw a major growth in immigration policies addressing the needs of refugees, racial and ethnic discrimination continued. In 1980 Congress passed the Refugee Act, which standardized refugee resettlement programs and granted federal funding for such programs. Previously, refugee resettlement had been the sole responsibility of private and religious organizations.<sup>25</sup> These new programs often focused specifically on the needs of refugees who were being processed outside of the United States in refugee camps, without paying attention to the unique needs of asylum seekers who were already present in the U.S.<sup>26</sup> The passage of certain policies, like the Fair and Expeditious Appeal, Asylum and Exclusion Act of 1981, made it even more difficult for asylum seekers who entered without documentation, a common practice for individuals entering through the southern border, to receive protection.<sup>27</sup> Large numbers of Salvadorans, Guatemalans, Hondurans, Haitians, and Nicaraguans who were fleeing violence in their home countries were routinely denied asylum despite the fact that they qualified for protection under the UNHCR definition. Hamlin states, "Approval rates varied from more than 70 percent for applicants from the USSR to around 2 percent for Haitians, Guatemalans, Hondurans, and Salvadorans."<sup>28</sup>

In the 1980s many Central Americans were fleeing civil wars and revolution spurred by the institution of US-backed dictators in their home countries. Because these individuals were fleeing anti-communist governments, “the Reagan administration portrayed the asylum seekers as economic migrants, not as potential refugees.”<sup>29</sup> Foreign policy interests overtook humanitarian aid once again, leading to widespread discrimination against Central American asylum seekers. In 1984 asylum approval rates for Guatemalans and Salvadorans were under three percent, while in the same year, 60 percent of Iranian asylum cases were approved.<sup>30</sup> Advocates for these asylum seekers began to organize large-scale protests and grassroots coalitions, eventually succeeding in increasing public awareness of the blatant discrimination against Central American asylum seekers. The Sanctuary Movement developed to address the needs of Central American asylum seekers, offering them protection inside of religious spaces in blatant opposition to INS orders.<sup>31</sup> Legal advocacy groups then began to take on the cases of Central American asylum seekers.<sup>32</sup> One such group was Proyecto Adelante where my site sponsor, Paul, originally worked. The legal groups and clinics that developed during this time were the predecessors to today’s Pro Se Asylum Clinic at Catholic Charities. With the help of these religious and legal groups, Salvadorans and Guatemalans were granted new asylum hearings and work authorizations.<sup>33</sup>

The 1990s saw more change in the realm of immigration policy. With the fall of the Soviet Union, increasing numbers of asylum seekers entered the United States. When it was discovered that one of the bombers in the 1993 World Trade Center attack was an asylum seeker, U.S. citizens and Congress pushed for more restrictive asylum policies.<sup>34</sup> The passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) in 1996 made it even



more difficult for asylum seekers. IIRAIRA increased the number of asylum seekers who were required to present their cases in immigration court rather than just to an asylum officer. It also increased penalties for the use of fake documents, increased border enforcement, and prohibited individuals who had been in the U.S. for over a year from applying for asylum.<sup>35</sup> While immigration policy in the 1990s was already restrictive, I argue in the next section that the terror attacks of 9/11 completely revolutionized the way in which refugees and asylum seekers were processed in the United States.

#### U.S. Immigration after 9/11

Thomas Faist states, “the events on September 11 have reinforced the security-migration nexus, dramatizing a publicly convenient link between international migration and security.”<sup>36</sup> 9/11 was a critical juncture in immigration history that completely shifted the goals of national immigration policy to move even further away from inclusion and closer towards securitization and militarization, creating an increasingly hostile environment for refugees and asylum seekers.

Prior to the terrorist attacks of 9/11, President Bush was promoting an immigration policy of “compassionate conservatism” that supported the expansion of business relationships with Mexico. However, these policies were completely abandoned after 9/11. The fear and anger that many U.S. citizens felt after experiencing a terroristic attack at home, created a complete shift in immigration policy away from liberalization and towards securitization. The fear of terrorism became conflated with border security, despite the fact that none of the terrorists involved in the 9/11 attacks had traveled across the southern border. As a result,

Bush passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT), which increased funding for border patrol and created the Department of Homeland Security (DHS) whose mission was far from that of humanitarian protection.<sup>37</sup> Faist states, “Measures which try to handle the threatening migrant make him or her more visible as an alien. For example due to an increased focus on border control, unauthorized migrants gain more public and political visibility. Government agencies began collecting data on the numbers of undocumented immigrants detained at the border. The very collection of statistics legitimized stricter border controls and further contributed to the perception of migrants as illegitimate and potentially criminal.”<sup>38</sup> As control of the border became tighter, fear of the “illegal immigrant” grew stronger.

#### Undocumented after 9/11

In the eyes of many frightened Americans, all immigrants, especially those without proper documentation, became potential terrorists. Many asylum seekers fall within an even more racialized space within the U.S. immigration system because they often arrive without proper legal documentation. As a result, they are often stereotyped as “illegal immigrants,” leading to widespread racial discrimination and criminalization, despite the fact that they are fleeing persecution. Such forms of racialized discrimination increased after 9/11.

Daniel Tichenor explains how stereotypes about undocumented immigrants have developed over time, stating that in the United States there is “a long tradition of blaming illegal immigrants for everything from unemployment in the Great Depression, to disease and criminality in the 1950s, to an overtaxed welfare state in the 1980s and 1990s, to terror threats

before and after 9/11.”<sup>39</sup> Latinos have long been racialized as “illegal” ever since the 1920s when “immigration policy rearticulated the U.S./Mexico border as a cultural and racial boundary.”<sup>40</sup> Even Latinos who are not undocumented and have their citizenship are often racialized as “illegal” or undocumented because of the way that they look.<sup>41</sup> The crossing of Latinos through the extremely politicized and racialized southern border has always been dangerous, but after 9/11 with the increased militarization of the border and the increased fear of so-called “illegals,” the journey became more deadly. Increased border control forced migrants to travel across more dangerous terrain when crossing the border to avoid detection, leading to increased migrant death rates.<sup>42</sup>

The increased criminalization of undocumented immigrants after 9/11 led to the creation of policies that targeted certain groups of immigrants, including many asylum seekers, who were living without documentation. The passage of the REAL ID Act in 2005 imposed higher burdens of proof on asylum seekers, and made it increasingly more difficult for all immigrants to obtain identification.<sup>43</sup> After 9/11, undocumented immigrants were considered potential terrorists from the moment they crossed the border. Their status as “other” was made more visible and static by increasingly securitized immigration policies. Attempts by local law enforcement to differentiate citizens from non-citizens, documented from undocumented, and asylum seeker from terrorist became a national process of racial profiling, which was upheld and even encouraged by law. This was most clearly exemplified in 2010 with Arizona State Bill 1070, which would have allowed local police to inquire about the immigration status of anyone they arrested or detained as long as they had “reasonable suspicion” that the person was undocumented.<sup>44</sup> Despite the fact that this provision was blocked, Kris Kobach, who

authored the bill, is currently a part of President Trump's immigration team, indicating an ever more dangerous shift towards restrictive and discriminatory immigration policy at the national level.

### Conclusion

Currently, we are shifting into a new era where the criminalization of immigrants and the fear of terrorism dominate the creation and implementation of immigration policy, especially as it relates to refugees and asylum seekers. President Trump's recent attempt to institute a travel ban restricting both refugees and legal permanent residents from six Muslim countries reflects this fear and what Tichenor calls a wave of "new nativism."<sup>45</sup> As the stereotyping of immigrants as criminal and threatening has increased and is used as a campaign platform, immigration policies become increasingly restrictive and securitized, even turning backwards to reflect the pre-1965 era of national origins quotas. The issue with this type of exclusionary policy is that it increases the racialization of immigrants. The targeting of entire refugee groups and increased vetting of certain groups under the guise of national security, fails to acknowledge that the majority of refugees and asylum seekers have legitimate claims and are fleeing persecution. Continuing to deny and exclude refugees and asylum seekers only empowers the perpetrators of the violence.

In this section, I have outlined the general development of immigration policy internationally and in the United States as it pertains to refugees and asylum seekers. I explain why immigration policy has changed over time and the implications that certain changes have on refugee and asylum seeker communities. By explaining how contemporary policies have

developed, I show that immigration policy is deeply bound within social and national value systems that at times privilege national security over humanitarian aid. In the next section, I discuss the theoretical frameworks that informed my research decisions.

## CHAPTER 4

### METHODOLOGY

While I did not originally begin this project using any specific theoretical framework for my methodology besides grounded theory, I soon realized that because of the sensitive material that I was studying I needed to employ what many feminist researchers have termed an “ethics of care” approach. I analyze why this methodology is imperative for researchers who work closely with victims of trauma and how this perspective informed my own research practices. I also discuss why Didier Fassin’s method of “observant participation” was more relevant in the context of my research than traditional participant observation. I then argue in that “acompañamiento,” a methodology originally developed for use in education, is an effective methodology for anthropological research.

#### Feminist Methodology

After participating in one of the Pro Se Asylum clinics, I came to realize the central role that emotional experiences play within the asylum process. Feminists who advocate for an ethics of care approach discuss the inability of researchers to know all of the ethical implications of their research prior to beginning data collection, and in my experiences this was extremely true. Prior to beginning data collection, I did not realize how emotional the process of seeking asylum would be. I came to observe the importance of emotion and embodied experience as I watched my participants retell their stories of persecution, face deportation, and attempt to protect their children from the cruelty of a justice system that failed to acknowledge their pain. From tears to fainting, I saw the physical effects of trauma. I worried

for my participants and for myself as we sat together in these moments of deep pain. However, in neoliberal spaces, such as the courtroom and the academy, such moments of feeling are not often acknowledged as valid or productive.

Feminist theorists who adhere to an ethics of care approach critique neoliberal institutions that prioritize efficiency over vulnerability. One of these institutions is the academy where objective observation is often prioritized over personal engagement and emotion. The courtroom is another space in which massive case backlogs require immigration judges to discount emotional expression in favor of quick and efficient rulings on asylum cases. Employing an ethics of care approach is a useful research methodology when researching topics involving trauma because it requires researchers to acknowledge “interconnectedness and caring rationality”<sup>46</sup> as key elements of effective research and connection with participants. This approach is radical within neoliberal spaces that often try to work objectively and quickly with little room for personal expression or feeling.

Using this approach transformed the way in which I conducted semi-structured interviews. While previously I had planned to question female asylum seekers about their persecution, from the observant participation portion of my research, I realized what a traumatic process recalling these experiences had been for the women. I did not want to continue making them relive these moments for a purpose that would not necessarily benefit them. Therefore, in my interviews I shifted my questions to focus on the ways in which the women were able to cope and learn about the asylum process as well as how they navigated the complex system. In this way, I allowed them to speak about moments where they were

active agents rather than victims of persecution. While persecution is a key part of their story, it is by no means the entirety of their story, and I wanted my research methods to reflect this.

In addition, I also wanted to employ a tactic that Iris Marion Young calls “asymmetrical reciprocity.” This is a portion of the ethics of care approach that acknowledges the power differentials between researcher and participant. Following this approach, a researcher does not try to pretend that they fully understand the experiences of the participants, especially when there are race, class, and national differences. In regards to these differences, Rosalind and Mauthner state, “rather than ignoring or blurring power positions, ethical practice needs to pay attention to them.”<sup>47</sup> Paying attention to these differences allows researchers and participants to acknowledge their own positionality, in turn creating space for participants to tell their story in their own way. I employed this method while conducting semi-structured interviews. While my participants and I could relate on the level of our shared experiences at the clinic, I acknowledged that I would never understand the feelings of facing deportation and the pain of an asylum denial. By allowing the women to speak about what these experiences felt like, I hoped to create some sense of acknowledgment that these experiences were valid and important, despite the fact that I had never experienced them myself.

### Emphasis on Participation

In opposition to the more traditional anthropological practice of participant observation, the concept of “observant participation” puts an emphasis on the personal and political engagement of the researcher in a community. Fassin explains that at times the scholarly work that researchers do coincides with their actions as public citizens and advocates,



uniquely situating them at a crossroads between classical and public ethnography. In these moments a researcher may become more of a participant than an observer.<sup>48</sup> Fassin's framework was especially conducive for my own project because he developed this methodology while conducting fieldwork with asylum seekers and working with non-profit organizations that aid asylum seekers. As a result, he developed the observant participation methodology as a response to situations in which he found himself politically engaging in conversation and action as both a concerned individual and a researcher.

Before beginning this research, I had been actively involved in advocating for the rights of undocumented communities. This was one of the reasons why I chose to continue researching migration and border studies at the graduate level, and why I chose to work with the Pro Se Asylum clinic for my thesis research. Therefore, when I began to plan how I would first begin collecting data I could not simply watch as other volunteers filled out applications, but rather I had to be an active and contributing member of a clinic whose work I saw as being extremely beneficial to an underrepresented group. As a result during the initial phase of what many anthropologists would call participant observation, I was actually engaging in observant participation because often times I was more engaged in filling out the application than I was in taking field notes. At times these applications became a record of my field experience as well as a political and legal tool for applicants. This merging of the personal and political and the blurring of the lines between researcher and activist is exactly what Fassin describes as observant participation.

Observant participation helps researchers to act in a larger capacity than just that of a researcher. This methodology creates more space for researchers also to engage with the

public more broadly by talking about their experiences not only as social scientists but also as contributing volunteers and activists. Sepulveda's methodology of *acompañamiento* further builds on this call to advocacy and engagement.

### Walking with Asylum Seekers

In his article, "Toward a Pedagogy of *Acompañamiento*: Mexican Migrant Youth Writing from the Underside of Modernity," Sepulveda discusses the methodology of *acompañamiento*. This research approach merges critical literacy, poetry, and storytelling to allow migrants to speak back to society about their transnational experiences.<sup>49</sup> In his research Sepulveda uses *acompañamiento* as an innovative method of educating young Latino students. I argue that applied anthropologists should *acompañar* our informants as well, not only be engaging in dialogue with them, but also by taking part in mutual emotional exchanges.

Sepulveda advocates for the privileging of migrant knowledge and an active and emotional engagement with transnational stories. He encourages researchers to become activists. He states, "I learned firsthand from this fluid research project that advocacy and commitment to one's community should not have to be sacrificed in the name of neutral, objective research. In fact, commitment to a social justice framework compels one to question 'the false dichotomy between neutrality and commitment.'"<sup>50</sup> This process of *acompañamiento* is especially important when working with marginalized communities because, "human action in the service of others is the basis of life in community...to be in relationship with one another is to be among family, and to be among family is to be accompanied."<sup>51</sup> When working with migrants this process of acknowledging and

accompanying them on their journey within the United States is especially important because it gives them the recognition, emotional support, and respect that they often do not receive from the state or society at large. The only way that this type of relationship can be formed is through the act of empathetic love.

I believe that my research experiences forced me to breakdown many of the barriers that usually exist between researcher and participant. Because my participants allowed me to witness their most intense moments of vulnerability, I was given access to deeply emotional information. By accompanying them to their masters and merits hearings, I grew closer to the participants who at times looked to me for support and advice. I played with their children as they presented their cases, feeling as if I was given a personal responsibility that deeply connected me to them and their families. While I question if I was able to truly get to the level of accompaniment that Sepulveda advocates for, I feel that I was able to create deep connection with many of the women as I walked with them through multiple stages of the asylum process, seeing them and supporting them through the good and bad news that came from the court.

In addition, my collaboration with Ana, my translator, showed me how to be a compassionate and engaged advocate. The personal relationships that she formed with the women was the very definition of acompañamiento. She shared every moment with them, answering daily questions over text message, phone call, and in person, easing some of their stress and acknowledging their importance. Because of Ana's presence at the interviews, I feel as though the women felt safe enough to share their personal experiences with me.

## Conclusion

Using methodology informed by Fassin, Sepulveda, Young, Rosalind and Mauthner, I attempt to bridge the gap that often exists between the felt experience and research methods. I was forced to alter my initial project design in order to accommodate for ethical issues that arose throughout the research. Using these methodologies helped me see that my ethical responsibility was first to the emotional well being of my participants rather than the collection of data. As a result, I was forced to acknowledge my own positionality and engage in open dialogue with asylum seekers about our differences while creating close bonds that lasted throughout the year as they journeyed through the complex systems of the court. In the next section, I discuss the specific methods that I used to employ these frameworks throughout my project.

## CHAPTER 5

### METHODS

I used both archival and qualitative research methods to gain an understanding of the context of migration, persecution in the home country, and asylum policy in the U.S. while also observing how individual women embody these political practices. I used observant participation, primary and secondary archival research, and semi-structured interviews as my primary data collection tools. This mixed methods approach was necessary for studying a transnational issue because it allowed me to gain a broad understanding of country conditions in Mexico, Honduras, Guatemala, and El Salvador while also witnessing the lived experiences of asylum seekers after they crossed the border. Figure 1 shows the progression of these methods.



**Figure 1.** This graphic shows the stages in which I employed different methods. Each method builds on the knowledge gained from the previous stage of data collection.

#### Observant Participation

I conducted observant participation by actively volunteering at the Pro Se Asylum Clinics and attending three asylum court hearings between February and October of 2016. At the

initial Pro Se Asylum clinics I volunteered as a writer, filling out applications for asylum seekers. Throughout my time volunteering at the clinic, I filled out a total of eight individual I-589 applications.

Prior to volunteering at the clinic I had no knowledge of asylum policy. By participating in these clinics I was exposed to the intricacies of the asylum application and asylum law in general. I observed how the questions on the application impacted applicants. There was often confusion when trying to remember dates and names of extended family members, exhaustion as the clinic and application dragged on through lunch, and uncontrollable distress when the women and children had to recount their stories of persecution. It was at these clinics that I first became aware of the gendered dimension of persecution. All of the applications that I filled out were for female asylum seekers or unaccompanied minors who were fleeing gendered and gang violence. This realization guided the trajectory of my research as well as the theoretical framework through which I would analyze the data.

I also participated as a volunteer at the “packet pickup” sessions. I attended five of these sessions. I volunteered organizing sup doc packets. This involved printing the packets as well as numbering, tabbing, and hole punching. The sup doc packets averaged 300 pages per applicant. Each applicant must have three copies of the document, making it an average of 900 pages of sup doc material per applicant.

Participating in this portion of the clinic allowed me to learn the detailed and intricate nature of the legal system and the many formatting requirements that were necessary for the documents to be admissible in court. The sheer weight of the documents became a physical symbol of the weight of applicants’ stories. The packets became something tangible that could

use to prove that their stories had meaning and significance. Attending these clinics also allowed me to make personal connections with individuals who were willing to participate in semi-structured interviews.

In addition, I attended three asylum hearings in May and July of 2016. Ana Fores Tamayo, my translator, put me into contact with the women whose court hearings I attended. As a long time volunteer she had maintained close personal relationships with many of the applicants after the clinic. I had also created sup doc packets for two of the women. All of the applicants were more than willing to let me attend their hearings and many were excited to have more people there to support them. I attended one master hearing and two merits hearings. A masters hearing is the preliminary hearing where twenty to thirty asylum applicants present their applications to the judge. These hearings last for three to four hours. Applicants do not have to defend their case at these hearings. They simply present the application to the judge.

I also attended two merits hearings. The merits hearing is the final hearing where the judge makes a decision on the individual applicant's case. These hearings can last anywhere from three to six hours. In these hearings, the applicant must present their story of persecution and answer questions posed by the judge and the ICE attorney. Observing these court hearings became a key part of my research as I was exposed to the way in which immigration judges embodied the power of the state. I was able to see how court protocol impacted the re-telling of the narrative and the ways in which different judges communicated with the applicants.

## Primary and Secondary Archival Research

The second data collection technique that I used was primary and secondary archival research. After each Pro Se Asylum clinic I would read all of the applications from that month. There were an average of five to seven families per clinic. In total I reviewed forty-seven applications. After reading the application I would categorize it by country and form of persecution. I would then look for secondary sources, such as scholarly articles, journal articles, or news articles that would substantiate the claims that the asylum seekers were making in their applications. By the end of my research, I had read through and created supporting documents for forty-seven asylum seekers totaling nearly 40,000 pages of sup doc materials. Reading through these applications and creating these packets allowed me to see which forms of persecution were most prevalent.

## Semi-structured Interviews

For the next stage of data collection, I conducted semi-structured interviews with six female asylum seekers and one Catholic Charities volunteer. I conducted these interviews between August and November of 2016. They generally lasted for one hour. I used a convenience sample to select my interviewees. I chose applicants who were already a part of the Pro Se Asylum clinic and with whom Ana had already formed closed personal relationships. I had attended two of the women's court hearings. All of the applicants that I interviewed had already attended their first masters hearing. Three of the women had also already attended their merits hearings and were denied, but were in the process of appealing. Demographic and narrative information on these participants can be found in Appendix A.<sup>52</sup>



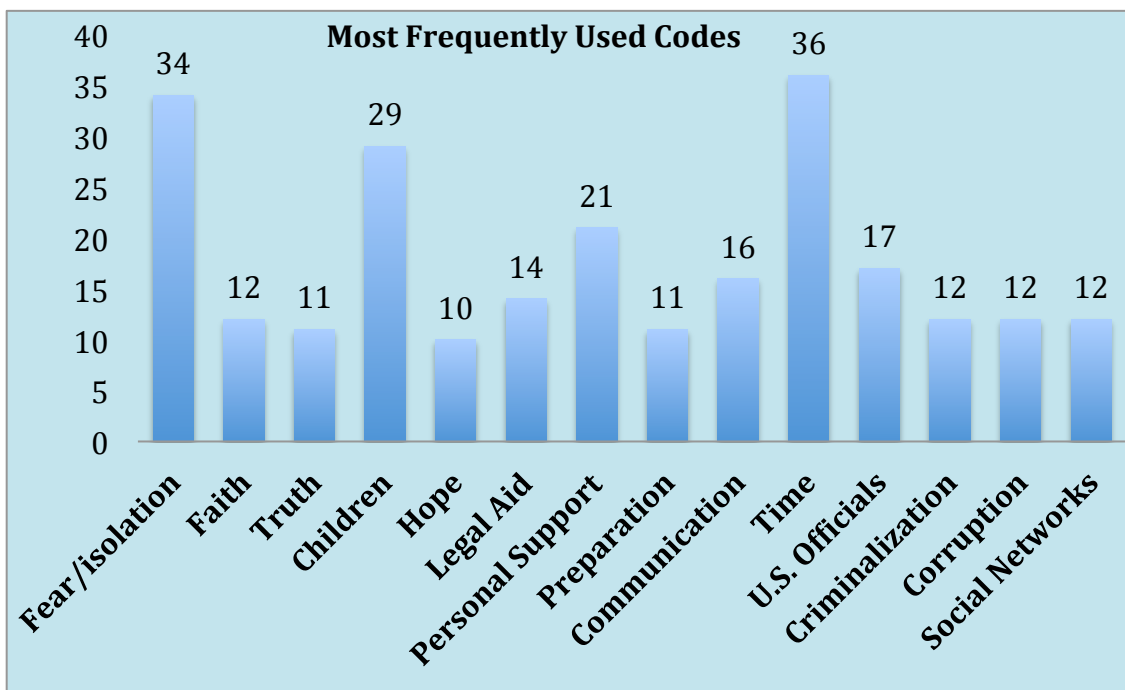
For these interviews, I wanted to focus on the women's experiences after they crossed the border. Through the archival research I had already learned about their stories of persecution and did not want to cause any further emotional distress by asking them to recall these experience. The interview questions focused on how women learned about the asylum process, how they accessed legal resources, the difficulties of applying for asylum, as well as what resources they wished they would have had. A full list of the interview questions can be found in Appendix B.<sup>53</sup> Through these interviews I was able to gain an understanding of the human dimension of this very political process.

### Coding and Analysis

After I finished conducting data collection in November, I began a process of open coding of the transcribed interviews and field notes in Microsoft Word. Through this process I developed a master list of sixty-six codes. After analyzing these codes, I then created four overarching, descriptive categories: demographics, emotions, the role of the state (United States), the role of the state (country of origin). After creating these categories, I then read through all of the data to see if I could identify any additional codes that fit within these four categories. I added an additional ten codes after doing this. Using this updated list I then analyzed the frequency of the codes in an Excel spreadsheet. The codes with the highest frequencies were fear/isolation, faith, truth, children, hope, legal aid, personal support, preparation, communication, time, U.S. officials, criminalization, corruption, and social networks. These frequencies are shown in Figure 2. I used these codes to develop larger thematic categories. I discuss these thematic categories in the Chapter 8.

## Conclusion

Using these methods helped me to conduct research in a space where my own advocacy and the emotional experiences of my participants could be acknowledged and discussed. Throughout each phase of my research, I employed a feminist research perspective that allowed for a more complex discussion of migration as a gendered process. In the next section, I discuss the frameworks that I use to frame my data within the context of larger global processes of movement and discrimination.

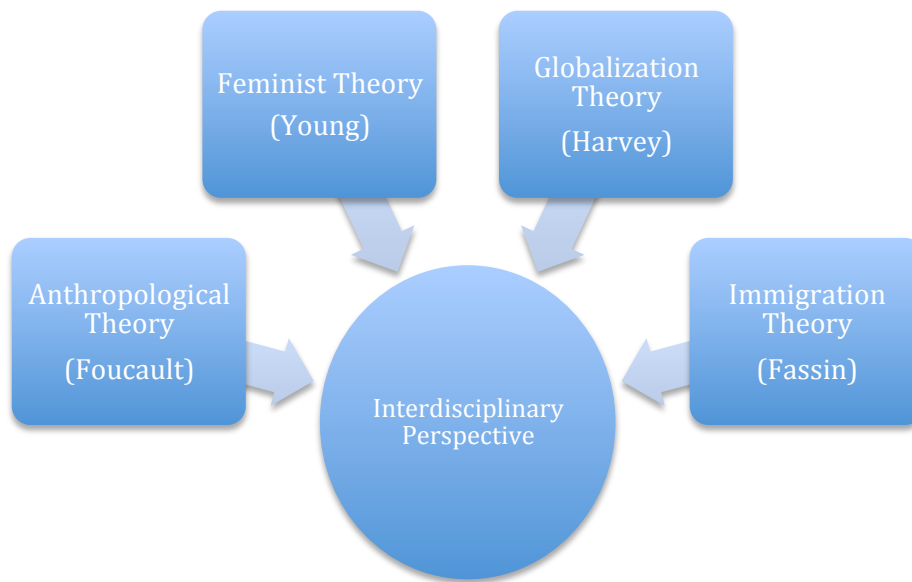


**Figure 2.** This graph shows the frequencies of the different codes. In this graph you can see that time and fear/isolation were mentioned the most.

## CHAPTER 6

### THEORETICAL FRAMEWORK

Throughout this section, I use the work of Michel Foucault, David Harvey, Iris Marion Young, and Didier Fassin to create an interdisciplinary theoretical framework that contextualizes migration as a global process embedded within the neoliberal structures of the masculine, capitalist state. Figure 3 shows the many disciplines that I used to create this multifaceted framework. I will be using a Foucauldian framework to explain the state's role in creating "illegality" and the ensuing documentation and punishment of these so-called deviant groups. Like Foucault, David Harvey's globalization theory discusses the role of the state in creating and defining certain groups of people as worthy or unworthy of protection and resources. However, Harvey explains the development of social inequalities as a result of unequal capitalist accumulation, rather than as a process of state knowledge creation. I will then focus on gender as a central axis of analysis, using Iris Marion Young's theory of the state not only as an institution of power and knowledge production, but also as one of masculinist protection. Using the work of Didier Fassin, I then shift from a macro to a micro perspective that emphasizes how structures of knowledge production and state policy formation impact the construction of asylum policy and the treatment of asylum seekers. Using these frameworks, I construct and analyze asylum as a multi-faceted process bound within global and state structures of power and restriction.



**Figure 3.** This graphic shows the multidisciplinary approach that I used to create my theoretical framework.

### Foucault - Knowledge and Power

Foucault’s theory of knowledge production and the creation of “illegality” explains the role that the state plays in determining which individuals are constructed as worthy of legal recognition. His classic work *Discipline and Punish: The Birth of the Prison*, provides a lens to understand how disciplinary structures of documentation criminalize asylum seekers and exclude them from participating in the state.

Practices of documenting and defining individuals have long been used by states as disciplinary mechanisms. Documenting individuals makes them visible to the state. Foucault says that the process of classification places “individuals in a field of surveillance” and “engages them in a whole mass of documents that capture and fix them.”<sup>54</sup> He argues that individuals in positions of authority have the power to create the categories of documentation, in turn controlling how individuals are constructed and treated within the state. This process of

documenting is not benign, it carries with it deeply political consequences, especially when documentation is used to determine legal status.

In the context of my research, the process of documenting asylum seekers carries with it extremely negative and discriminatory consequences. From the moment asylum seekers cross the border they are documented as criminals because they often enter without proper documentation. From this point on, their entire presence within the United States exists under the dark cloud of illegality. Foucault discusses how the creation of illegality requires the creation and implementation of surveillance to control these deviant groups. I can see this in my research when asylum seekers who have entered the country without documentation are detained and monitored by the state for the entirety of their time in the United States. Foucault explains that this need to create and monitor certain groups of people as “illegal” comes from a fear that there are already criminals within the nation. The fear of a threat from within creates state policies that target and criminalize groups of people that it views as potentially harmful, such as undocumented immigrants and single women. The state documents, categorizes, monitors, and eventually examines these individuals to determine if they are worthy of state protection. In the case of asylum, this examination comes during an applicant’s merits hearing when the applicant often faces final exclusion from the state in the form of denial of asylum and subsequent deportation.

Foucault’s analysis of the role of the state in constructing and documenting individuals showcases the discriminatory nature of labeling large groups of people. For asylum seekers this process of labeling becomes even more contentious as the label that they are assigned is “illegal.” While the technical term that DHS currently uses to refer to undocumented

immigrants is “unauthorized,” the term “illegal” has been taken on by the public and politicians who use this demeaning language to further criminalize foreign populations. Because asylum seekers have been designated as “illegal” they are subject to surveillance, monitoring, and, the majority of the time, final exclusion from the nation-state. In the next section, I discuss how David Harvey constructs both the state and the economy as spaces of exclusion.

### Harvey – Accumulation by Dispossession

David Harvey’s theory of globalization as a neoliberal process of unequal spatio-temporal development situates migration as a consequence of unrestricted capitalist accumulation. This theory, as developed in his article “The ‘New’ Imperialism: Accumulation by Dispossession,” looks at the social impacts of neoliberal economic policies. In this section, I explain Harvey’s theory of accumulation by dispossession and apply it to the process of seeking asylum.

David Harvey uses the theory of accumulation by dispossession to explain why the United States refuses to invest in social services and turns instead to increased militarization as a means of maintaining global control. While surpluses in capital can be reinvested into social services, elite groups in global hegemonic nations, like the United States, refuse “to give up any of its class privileges, thus blocking the possibility of absorbing overaccumulation through social reform at home.”<sup>55</sup> The current movement away from investment in social services creates what Harvey has termed “new imperialism.”

This new imperial system fails to acknowledge that capital is not the only thing being transferred across borders. An increase in free markets creates massive flows of people;

however, states obscure the human dimension of capitalism. In the United States this manifests itself as an increased militarization of the border and increased restriction on immigration. These processes target and criminalize the very people that the capitalist economic system has displaced. This process has real and political consequences for those living in nations impacted by U.S. investments.

As the United States faces increasing economic competition, the only way it can continue to express its hegemonic power is by militarizing. I argue that this is true for the current militarization of the U.S./Mexico border. In an economy based on imperialism the U.S. attempts to concentrate its power, justifying the increased militarization as “the only possible response to global terrorism,” which Harvey argues is actually just “a mask for trying to sustain a threatened hegemony within the global system.”<sup>56</sup> This system negatively impacts asylum seekers who are constructed as potential terrorists and criminals, despite the fact that they have actually been displaced and often persecuted as a result of U.S. investments. The convergence of dispossessed individuals within a nation often results in the criminalization and exclusion of those dispossessed individuals. More often than not this unequal distribution of resources and rights is part of a racialized and gendered process of discriminating against the threatening and foreign “other.”

Michelle Fin and Jessica Ruglis use Harvey’s theory in their work “Circuits and Consequences of Dispossession,” to explain how state policies are built upon the “the fantasy of the ‘postracial’ society’ and the ‘shadow discourse of personal responsibility.’”<sup>57</sup> In the neoliberal state the assumption of equality and personal responsibility obscures the existence of systems of racial and gendered discrimination. This shadow discourse of personal

responsibility can be applied to asylum seekers, who are immediately punished for entering the country. They are criticized for entering without documentation despite the fact that few governments will offer travel visas to individuals with low economic status. As a result they do not have the means or the time to attain proper documentation, while living in a country where they are persecuted. This form of accumulation by dispossession involves “dispossessing somebody of their assets or their rights...the taking away of universal rights and the privatization of them so it becomes your particular responsibility, rather than the responsibility of the state.”<sup>58</sup> In the case of asylum seekers their right to move and to live safely has been taken away. Policies that enforce the restriction of such rights are politically motivated and often carefully constructed with “a very sharp edge, around the contours of race, ethnicity, and class.”<sup>59</sup> In the U.S., the state often restricts the movement of brown bodies, in turn constructing certain groups of people as criminal, threatening, and unworthy of documentation. Fin and Ruglis poignantly describe the injustice of the current neoliberal system stating:

Elite, white youthful bodies un-self-consciously come to represent merit and a worthy investment. At the same time, and on the other side of the same public policies, many African American, Latino, immigrant, poor, and increasingly Muslim queer/trans youth are being read as disposable, embodying danger, worthy of dispossession, or in need of containment – in order to protect ‘us.’<sup>60</sup>

The existence of female brown bodies creates further tension as the female asylum seekers that I work with are impacted by intersectional discrimination within the capitalist state where their identity as Latina women obscures their worthiness and merit in the United States.

David Harvey’s theory of accumulation by dispossession contextualizes migration within the larger global structures of neoliberalism. Capital accumulation in global centers



dispossesses individuals, often those in the global south, of rights and resources. These economic processes inscribe racialized notions of worthiness onto groups of people, constructing some bodies as inherently unworthy of rights, protection, and movement, and others as disposable. Asylum seekers from Mexico and Central America often fall within this group of “unworthy” individuals, despite the fact that they have often been displaced as a result of the increased militarization supported by neoliberal hegemons, like the United States. Iris Marion Young builds on this theory, focusing on how the masculine nature of the state creates the need to construct certain groups of individuals as a threatening “other.”

#### Young – The State as Masculine Protector

Iris Marion Young in her piece “The Logic of Masculinist Protection: Reflections on the Current Security State,” explains how states take on the role of masculine protector and the real implications that this masculinist system has on immigration policy. She describes how masculinist protection states are created, using the United States in the post 9/11 era as a prime example. This theory explains how current asylum policy in the U.S. is bound within a state context of security and a national process of “othering.”

Young argues that the creation of a masculinist protection state is dependent on the creation of unity out of fear. She explains that protection states use fear to mobilize and consolidate citizens’ support. Masculinist protection does not simply mean the protection of females, but rather the protection of citizens by the state. The state uses widespread fear to create a desire for protection amongst the citizenry. Following this logic of masculinist protection, states will then justify the use of “surveillance, police, intimidation, detention, and

the repression of criticism” as a means of protecting citizens.<sup>61</sup> This model explains why asylum seekers and migrants in general face an increasingly militarized border and are often put under surveillance after crossing the border. These security structures are put in place to “root out the enemy within” and protect citizens from “the danger that among us are agents who have an interest in disturbing our peace, violating our persons and property, and allowing outsiders to invade our communities and institutions.”<sup>62</sup>

Masculinist protection states use racial profiling as a mechanism for determining and identifying threatening individuals.<sup>63</sup> Asylum seekers pose this kind of threat because they are unknown, brown outsiders. When a nation-state operates from a place of fear, all outsiders, even those fleeing persecution and oppression, become potential criminals. Masculinist protection also operates using a racialized notion of who an ideal citizen is. In the United States, the white citizenry are seen as in need of protection from the threatening and often darker “other.” Although Young wrote about masculinist protection in the aftermath of 9/11, I argue that her theory has become increasingly relevant under the Trump administration during which the rights of many immigrants, even documented, legal residents, have been suspended in the name of security. Young states that in a masculinist protection state, “Residents who are not citizens, especially those from places defined as sources of danger, lose most of the protection they may have had from attack by neighbors or arbitrary and punitive treatment by state agents.”<sup>64</sup> This kind of structure has negative consequences for asylum seekers who exist in a liminal space somewhere between citizen and alien. In a political era of increasing restrictions, asylum seekers face new policies that exemplify the logic of masculinist protection.

Being a female asylum seeker within this kind of security state poses an additional risk because of the ways in which the gendered nature of immigration policy upholds traditional and patriarchal notions of how women should move and act. The majority of the women whom I worked with throughout my research were single mothers with children. Oftentimes they had fled abusive relationships and were raising children on their own. A family headed by a single mother does not fall within the traditional notion of what a nuclear family in the United States should look like. Within a masculinist protection state certain laws and policies reinforce and reward “good” women who choose to live “under the male protection of a father or husband, submits to his judgment about what is necessary for her protection, and remains loyal to him.”<sup>65</sup> Therefore, the mere existence of independent, immigrant women is a threat to all that the masculinist protective state holds to be true. The women who I work with do not fall within this categorization of “good” women because they have moved without the protection of a man and often must deal with the negative legal consequences of this decision.

The masculinist protection state “threatens or allows men to threaten those women who wish to be independent of the individualized protection of husbands or boyfriends. Not only do the protectors withhold protection from the women who claim autonomy, but they may become attackers.”<sup>66</sup> This is true in the case of female asylum seekers. When female asylum seekers present themselves as independent women, their morality is questioned because of their lack of a male partner. When their cases are denied, the state returns these women who have been abused directly back into the arms of their attackers. Independent women are a threat to the very nature of the masculinist protection state. The very existence of my informants within these spaces is proof that at times masculinist protection fails and can

even become violent. The state's response is to silence these narratives and even rule in favor of the abuser.

Young's description of masculinist protection is applicable to my research because it explains why states promulgate a fear of the "other" and institute increasingly militarized security apparatuses. Despite the state's understanding that such masculinist protection is necessary for securing the safety of citizens, I agree with Young when she states:

When leaders promulgate fear and promise to keep us safe, they conjure up childish fantasies and desires. We are vulnerable beings, and we want very much to be made safe by a being superior in power to all that might threaten us. Democratic citizens, however, should resist leaders' attempts to play father over us. We should insist that government do its job to promote security without issuing guarantees it cannot redeem or requiring subordination from people it promises to protect. Democratic citizenship should first involve admitting that no state can make any of us completely safe and that leaders who promise that are themselves suspect.<sup>67</sup>

#### Fassin – Asylum in Space and Time

In this final section, I will be shifting away from the macrostructural approaches used by the previous authors, to explain how the production of knowledge within the masculine, neoliberal state impacts the historical development and current implementation of asylum policies. Didier Fassin in his article "The Precarious Truth of Asylum" analyzes how states' notions of "truth" change over time creating different definitions of who can qualify for asylum. He explains why certain groups of asylum seekers are seen as threatening and how capitalist economic systems have created new groups of asylum seekers that in previous times would not have needed documentation.

Fassin's main argument is that the definition of asylum is not static. It has changed over time as result of shifting state, economic, and political interests. The one thing that has

remained constant is the role of the state as the authority of truth. However, this idea of “truth” is contextually specific and politically motivated. Asylum often becomes an issue during time periods when there are large numbers of individuals attempting to claim asylum, like Central American asylum claims during the 1980s. Fassin argues that it is at this point that asylum is transformed from a form of humanitarian relief to an issue of national sovereignty and rights. As numbers of displaced persons increase, affluent societies’ policies towards refugees and asylum seekers becomes increasingly more restrictive.<sup>68</sup> This shows that states often value national sovereignty more than the universal protection of human rights, resulting in new policies that criminalize previously accepted immigrant and refugee groups.

Fassin’s theory coincides with Foucault’s explanation of the creation of illegality as a process of disciplining and controlling certain groups of people who have been categorized and documented as deviant. Prior to the 1970s, large groups of individuals were not applying for asylum because they were able to find jobs and live successfully and in relative peace without documentation. However, economic recessions created national movements to restrict undocumented labor, therefore, creating a new category of ‘illegal alien’ that had not previously existed.<sup>69</sup> The changing nature of the global economic system both restricted and criminalized immigrants who had previously had open access to labor markets in affluent nations. Increased restriction on immigration coincided with an increased suspicion of individuals applying for asylum. Fassin states, “This systematic suspicion regarding the asylum seekers transforms the inquiry on truth telling into a process of lie detecting, which can sometimes turn into an exercise of public cruelty.”<sup>70</sup> States create policies that restrict immigration and construct certain groups of individuals as deviant criminals. This “truth” is

disseminated and enforced by asylum officers and judges. Asylum officers and judges are given ultimate power in deciding what was the ultimate “truth.” However, I argue that truth can never be truly objective. Even immigration judges, who are presumed to be objective observers, are impacted by their own personal biases and understandings of immigrants. They are additionally impacted by the demands of the political party in control of their district as well as the political affiliation of the president. In this way “truth” is not objective but rather is constructed by the state and enforced on a daily basis, from the way asylum applications are interpreted in court to the measures taken to detain and monitor asylum seekers after they cross the border.

Fassin argues that asylum is a state-constructed definition that is constantly changing as a result of global, economic, and political pressures. Recently, this has resulted in increasingly restrictive and discriminatory policies that construct asylum seekers as suspicious criminals. This narrative becomes “truth” when judges enforce it in local immigration courts. Fassin’s analysis shows how macro processes of globalization and knowledge production impact individuals at the micro level as they attempt to apply for asylum and are in turn documented and labeled by the state as unworthy and dishonest.

### Conclusion

My current research bridges the gap between a wide variety of theoretical frameworks including globalization, feminist theory, political science, and anthropology. Each framework adds an additional layer of dimension to understanding migration as a gendered issue bound within larger neoliberal structures that engage in a constant process of “othering” non-citizens.

Nation-states play a powerful role in this process by creating policies that uphold discriminatory categorizations.

In the next section, I use case studies to pay homage to the researchers who have come before me who have used similar theory and methods to view asylum seeking as a dynamic and complex process. These authors look at the development of asylum policy as a gendered and global process that often negatively impacts women from Latin America. Others analyze the development of U.S. asylum policy as it relates to Central Americans, subjectivity in the courtroom, and the emotional and embodied experiences of both asylum seekers and asylum adjudicators. I hope to build on this research by analyzing how such experiences of dispossession and subjugation can create resistance by showing the ways in which the female asylum seekers that I work with are not victims, but rather active agents of change.

## CHAPTER 7

### LITERATURE REVIEW

In this section I review previous literature that analyzes the development of U.S. asylum policy and discusses migration and asylum as a gendered and structural issue. I first looked for sources that would contextualize immigration policy as it relates to asylum seekers coming from Mexico and Central America. The next sources address the historical development of asylum policy as it relates specifically to female migrants. The authors in the final section use a feminist perspective to analyze how emotions and embodied processes impact the asylum system.

#### Policy Formation

Ruth Wasem's article "Asylum and 'Credible Fear' Issues in U.S. Immigration Policy" and Kate Manuel's piece "Asylum and Gang Violence: Legal Overview" both discuss the historical development of asylum policy as it relates to Central American asylum seekers and gang related asylum cases. These sources are extremely fact based and give statistical data to explain migration trends from Central America and Mexico as well as current shifts in U.S. immigration policy that impact asylum seekers from these areas. Wasem gives an overview of the structure of the U.S. asylum system and the government bodies who have decision-making power in asylum cases. She then discusses the unique case of Guatemalan and Salvadoran asylum seekers in the 1980s who were routinely denied asylum despite having legitimate claims.<sup>71</sup> This information is extremely pertinent to my research since it shows historic cases of discrimination against Central American asylum seekers.



Manuel discusses how gang related asylum claims have been historically adjudicated in U.S. asylum court. Because gang violence does not fall within one of the protected categories listed in the 1951 Refugee Convention, quoted at the beginning of this paper, such claims are often denied despite the fact that gangs are a widespread and legitimate problem in the country of origin.<sup>72</sup> In addition to the issues discussed above, both authors also mention the biases of individual immigration judges in the decision-making process. Wasem states, “the size of disparities in asylum grant rates creates a perception of unfairness in the asylum adjudication process within the immigration court.”<sup>73</sup> Current statistics show that the main factor determining asylum approval rates is the individual judge.<sup>74</sup> No other trend has been found to explain the huge disparities in decision making between judges. Judges have ultimate power in the courtroom; however, individual judges are swayed by their own personal biases.

### Women in Court

In her article “Domestic Violence after the Matter of L-R,” Jessica Marsden explains why domestic violence, like gang violence, is often not acknowledged as a protected form of violence within U.S. asylum law. She argues that domestic violence is a systemic issue that is often ignored and in some cases promoted by the state. She uses examples from feminist scholars to argue this point, at one point quoting Celina Romany who describes domestic violence as part of the ““continuum of subordination which deeply affects women’s ability to develop as citizens.””<sup>75</sup> Governments often view domestic violence as a “private” issue, which only increases the veil of shame that already surrounds this type of persecution.<sup>76</sup>

In her article “Lazo-Majano: Alive, Well, and Thriving at Twenty-Seven,” Deborah Anker builds upon Marsden’s work by critically analyzing the most recent updates in asylum policy regarding victims of domestic violence since the ruling on the Matter of A-R-C-G. The Matter of A-R-C-G was a landmark case in asylum law that acknowledged “married women in Guatemala who are unable to leave their relationship” as a protected social group in 2014. The Matter of A-R-C-G was an important ruling for female asylum seekers because, for the first time, the immigration court acknowledged that gendered violence could be upheld as an acceptable form of persecution under U.S. asylum law.<sup>77</sup> Despite the benefits that came along with the Matter of A-R-C-G, many of the issues that Marsden previously addressed still continue today, with the majority of domestic violence claims from Central American and Mexican women still being denied.

In her article “Sophia’s Choice: Problems Faced by Female Asylum Seekers and Their U.S. Citizen Children,” Anita Ortiz Maddali discusses how asylum policy becomes contentious when female asylum seekers have U.S.-born children. This article is useful for the purpose of my own research because many of the women I have worked with have U.S.-born children and cite this as an additional cause of stress and confusion as they apply for asylum. If a female asylum seeker’s case is denied she is faced with the difficult choice of either leaving her U.S.-born child in the United States or taking the child back with her to the country that she fled. Maddali argues that Congress “should consider the importance of the familial unit while enacting immigration legislation.”<sup>78</sup> The role of a woman as a mother plays a huge role in the creation of immigration policy, with family reunification being the most common way in which most immigrant women receive legal status; however, in the case of female asylum seekers the

family unit becomes obsolete as their roles as mothers are subverted and unacknowledged in asylum court often resulting in the division of families and deportation of mothers.

One of the themes present in the majority of the articles that discussed policy formation was the gendered and discriminatory nature of asylum law as well as the idea that asylum officials have a large amount of freedom to interpret asylum law. This subjectivity and bias leads to widespread variation and a lack of continuity in decision-making. This becomes especially apparent in domestic violence cases where many women continue to be denied status despite positive ruling in the Matter of A-R-C-G. Individuals who are in positions of power have internalized the discriminatory and gendered policies that are constructed by the state.

#### Punishment and Bias

Margaret Maher and Stephanie Smith as well as William Walters use a Foucauldian framework to analyze how notions of discipline and control structure immigration policy. All of these sources create an image of the current asylum process as “a broken system that does not provide a safe harbor for women asylum seekers who have struggled through horrible experiences and are entitled to refuge under U.S. asylum law.”<sup>79</sup>

In their article “Asylum Seeker and Refugee Children Belonging, Being, and Becoming: the Early Childhood Educator’s Role” Maher and Smith discuss subjectivity and bias within the Australian asylum system. Despite the fact that this case study is very different from the specific community that I am working with, this source is useful for comparison because of the proliferation of anti-immigrant rhetoric and policy that exists in Australia that is very similar to the rhetoric surrounding immigrants in the United States. Maher and Smith discuss how

immigration officials become the “judges of normality.”<sup>80</sup> Asylum adjudicators are informed by the dominant discourse which views asylum seekers as “a security threat to Australia, that they take away place from genuine refugees in overseas camps, and that refugees do not contribute to Australian society in any meaningful way.”<sup>81</sup> Through their research, they use a Foucauldian framework to analyze how the state produces and disseminates knowledge about immigrants, often constructing them as threatening potential terrorists. Asylum adjudicators then enforce these discriminatory policies.

Like Maher and Smith, Walters in his article, “Border/Control” analyzes global migration through a Foucauldian framework using concepts such as discipline, power, and control to explain how notions of “us vs. the other” are perpetuated and internalized to create surveillance societies. Walters discusses how the state “deploys forms of authority that are exterior to the subject but which seek to affect relationships of interiorization and disciplined self-governance.”<sup>82</sup> Asylum officials are given overarching authority which they then use to control who is allowed to become a member of society and who is not. They become the embodied structures of control.

Both of these sources show the structures that underlie the discriminatory policies and practices of the asylum system using a theoretical framework that shows how local actors internalize and enforce these policies. In the next section I continue to analyze asylum as an embodied and internalized process.

## Feeling - A Feminist Critique

The following authors use a feminist lens to critique the patriarchal construction of asylum law and to analyze how embodied experiences impact female asylum seekers. In their article “Gendered Paths to Legal Citizenship: The Case of Latin-American Immigrants in Phoenix, Arizona,” Olivia Salcido and Cecilia Menjivar expose the masculine subjectivity of supposedly “gender neutral” immigration policies.<sup>83</sup> They state that the privileging of male narratives is common place in societies like the United States where “a patriarchal culture in which ‘men and male-associated attributes are valued’ manifests itself in immigration law, despite the presumed neutrality.”<sup>84</sup> This idea is especially important in the work that I am currently doing because so many of the applicants are fleeing experiences of male-inflicted violence that are often tolerated and coded as normal and acceptable behavior in their country of origin. Salcido and Menjivar go on to discuss the idea that asylum seekers’ stories are judged according to how a “reasonable” person would respond in a certain situation.<sup>85</sup> In many cases these ideals of reason and rationality are connected with the idea of a male subject, making the mere existence of a feminine body seem less credible.

In addition, women are often coded as more emotional, but emotions are not typically accepted as evidence in a court of law. In their article “Does the Body Matter? Determining the Right to Asylum and the Corporeality of Political Communication,” Eeva Puumala and Anitta Kynsilehto discuss how Finnish asylum officers view and judge embodied experiences of emotion. The authors state that asylum decisions are “produced in the event of the asylum hearing and largely based on the officer’s intuition and personal evaluation of the credibility of the account and the applicant’s behavior...the process of decision-making is only ‘seemingly

neutral.’ Communication, in the context of the asylum interview, is inherently corporeal.”<sup>86</sup> This idea is something that I had not considered prior to doing observant participation. However, as I listened to applicants’ testimonies both inside and outside of the courtroom I saw how important the embodied experience is as applicants emotionally relive the physical experiences of violence. I also came to see how the female applicants have both physical and emotional responses when their cases are denied; I have witnessed women faint and hysterically cry as they react to the judge’s final decision. Puumala and Kynsilehto’s piece theoretically validated these experiences in a way that I had not read in any other article before; however, they only interviewed asylum officers in their research. I think that applicants’ testimonies would have made their argument even stronger. This is an area in which my current research could add to the pre-existing literature.

Katherine Melloy in her article “Telling Truths: How the REAL ID Act’s Credibility Provisions Affect Women Asylum Seekers” uses a feminist perspective to discuss how embodied experiences of violence, specifically cases of rape and sexual assault, can impact a female applicant’s ability to recall and retell her story in court. Immense pressure is put on the telling of the story in court because applicants often lack any other kind of evidence. However, in a case of rape and sexual assault “cultural and psychological barriers...prohibit her [the asylum seeker] from effectively communicating her story.”<sup>87</sup> Difficulty telling the story is often viewed as an issue of credibility, which is then grounds for dismissal. Melloy makes a strong argument using quotes from immigration judges and psychologists to explain the ways in which stories of rape and sexual assault can easily be misinterpreted as seeming to not be credible. She then suggests that attorneys and advocates for asylum seekers prepare their clients by

teaching them how to tell their story in court. A major aspect of the current project that I am doing is to expand legal support networks and resources for female asylum seekers. The hope is to do exactly what Melloy suggests by familiarizing applicants with the court process and the structure within which they will have to tell their story.

### Conclusion

By reviewing this literature I hope to give context to the current space in which my research falls within the larger scope of publications. These authors use similar theories from political science, anthropology, feminism, and globalization to discuss asylum as a multidimensional process. These case studies show the different actors involved in seeking asylum as well as the ways in which power is often unequally distributed, with the asylum seeker often being viewed as suspect. In the next section, I analyze my own data to build on this pre-existing research, to showcase the ways in which female asylum seekers continue to face discrimination within the U.S. immigration system. I will add a new theoretical dimension to pre-existing literature by focusing on the ways in which my informants push back against restrictive structures that seek to criminalize them and deny them protection.

## CHAPTER 8

### DATA ANALYSIS

In this section, I discuss the findings from my archival research, observant participation, and semi-structured interviews. The recurring themes that arose from my data fell into five major categories: 1) gendered trends in persecution 2) credibility/morality in the courtroom 3) isolation 4) criminalization 5) resilience. As female asylum seekers move through gendered transnational spaces, they must cope with state created notions of womanhood that often discredit their stories of persecution. I analyze the powerful role that the state plays in both criminalizing and monitoring the bodies of female asylum seekers, while at the same time determining their inherent credibility and worthiness. Despite being impacted by these dominant and oppressive power structures, I argue that female asylum seekers find agency in their faith, in their confidence in their stories, in community, and in their role as mothers to continue fighting.

#### Gendered Trends in Persecution

State powers both in the home country and in the United States are complicit in the persistence of gendered persecution because they fail to acknowledge and protect against it. Throughout the observant participation and primary archival research portions of my data collection, I became acutely aware that the majority of applicants were fleeing forms of gendered violence or gang violence. In cases of gang violence, the male applicants that I worked with had often experienced extortion or recruitment from gang members; however, the majority of the female applicants who were fleeing gang violence had either experienced



sexual abuse at the hands of gang members or the threat of sexual abuse. This shows the way in which the type of persecution varied according to the gender of the applicant even when the claim was the same. In addition, female applicants were often targeted by gang members because of their relationship to a man rather than for any wrongdoing of their own. For instance, gangs attacked or threatened certain women because their boyfriends owed the gang money or their sons refused to join the gang. I use these examples to show that even when asylum cases are not specifically constructed as gender based violence claims, they still have a gendered dimension.

Additionally, many female applicants were fleeing domestic violence. None of the male applicants that I worked with were fleeing domestic violence. These claims fall within much more widely understood narratives of gendered violence. When I asked one woman what she would want U.S. politicians to do for female asylum seekers she responded, "To support women. Because in Mexico that's not done, especially when the other person has money...To help people who are coming to this country because they are in danger." In this case, the participant was fleeing an abusive relationship, but had to continue to face her abusive spouse even after she crossed the border. Because her spouse had money he was able to hire lawyers, locate her in the United States, and eventually take one of the children back to Mexico. Many women also continued to receive threats from their abusers over text or Facebook. In these cases, female asylum seekers who come to the U.S. to find safety do not find it. Violence does not stop at the border, and the governments on both sides of the border continue to allow this to happen.

These forms of gendered violence are so widespread in the home country because of the inability or unwillingness of police to prosecute perpetrators. In the majority of these cases, applicants stated that they did not report incidents to the police in their home country because they knew that the police would not do anything to protect them. Those who did report incidents to the police were not helped and were actually in more danger because it became public knowledge that they had gone to the police. The majority of the women came from small towns where information spread rapidly, making it difficult for women to ask for help without their abuser finding out. Gendered violence in the home country is also widespread because of gang warfare. Even in cases where women were not being targeted directly by gangs, they were unable to leave their abusive partners because the gangs controlled their neighborhoods and restricted the movement of all persons who lived in these areas. This kept women who had been abused from accessing resources and leaving dangerous households.

State officials both in the home country and in the United States fail to acknowledge gendered persecution as comparable to other forms of violence. In the home country this is exemplified by the failure of the police to protect women. In the United States gendered violence and specifically domestic violence cases are often viewed as private violence that is not protected under the 1980 US Refugee Act.<sup>88</sup> The framework of asylum law privileges the perspective of the rational, male citizen that is maintained within the heteropatriarchal state by refusing to even acknowledge gender as a protected status.<sup>89</sup> This makes the application process even more difficult for applicants, like the women whom I have been working with, whose cases are contingent upon their gender. The so-called “gender neutral” nature of asylum law actually is not gender neutral at all, rather “neutrality is figured through normativity” and

“the privileging of white upper-middle-class male subjects in criminal, civil, and immigration courtrooms.”<sup>90</sup> Prior to even stepping into the courtroom female asylum seekers are operating within a larger system that prioritizes and normalizes male experiences, making their own claims of gendered persecution comparably weaker.

### Fear and Isolation

Though most of the women I worked with fled to the U.S. with their children, they often did not come with any other friends or family members. Even in cases where women had friends or family members already living in the United States, these family members had never applied for asylum. This left many of the women feeling extremely isolated and unprepared as they navigated the complex and confusing legal procedures as well as the daily difficulties of living and raising children in the United States. One woman described attending her first court hearing saying, “I was very nervous because I didn’t know what I was going to be doing. I didn’t know what the judge was going to ask. I didn’t know...how I was to present myself or my case. I had no idea what was going to happen.” Another woman stated, “I didn’t know anything. I didn’t know the laws. I didn’t know anything...the thing I felt the most was that I felt very alone...I had this thing on top of me and I didn’t know what to do.” The volunteer whom I interviewed discussed one applicant she was helping saying, “I was calling [and] she told me her story and how she was doing everything by herself and she was very scared she was going up by herself.”

Being isolated and alone also exacerbates the daily fears that many of the women have. One applicant stated, “Yes we are better off [here] but we also live with that fear. We always

have to think about are they going to send us back, when are they going to send us back, am I going to get [asylum]...I'm always afraid." In addition to being afraid of the unknown, many women also come to the United States with an innate fear of the government that they have carried with them from their home country. As a result, they are not only scared that their case will be denied, they are terrified of having to go to government buildings and interact with government officials, because they have often only interacted with government officials who are corrupt. One applicant described this fear saying, "and so we see the government there [in her home country] and everything makes you fearful." The Pro Se Asylum clinic attempts to decrease this fear of the government and encourages asylum seekers to not be afraid of speaking with judges or government officials. An applicant described her experience after the clinic saying, "It was very good for me. It was a very big experience because they taught me to not be afraid of the judge, because you come her afraid and you are afraid of the judge...so that's one good thing that they taught me that no they [the government] are not this bad thing." However, women continue to fear that they will be deported. This fear is often validated in Dallas where some judges have a 93% denial rate for asylum applicants. Applicants voiced frustration with the system often worrying about what would happen if they were deported but their children were allowed to stay. This fear and uncertainty about the future continues to make them feel scared and alone.

This fear of the unknown drives the women into spaces of isolation when they are unable to speak with someone else who has been through the same experience. The women also felt extremely isolated when they were dealing with daily problems such as where to get clothes for their kids, how to find a dentist, how to access mental health resources, and how to

handle discrimination in elementary schools. Later in this section, I will discuss how women combat this isolation by forming community despite the structures that seek to separate them from each other.

### Credibility and Morality

Immigration judges have the ability to construct their own versions of credibility and morality in the courtroom. In the Dallas courts, this kind of subjectivity leads to variability in denial rates from 93% to 69%.<sup>91</sup> The absence of any kind of universal definition of credibility or morality allows immigration judges extreme flexibility in making these decisions on their own. As Fassin discusses, the notion of “truth” is extremely variable, and I argue that this “truth” varies from judge to judge. The immigration judge embodies the practices of the state, while also subjectively determining the morality and credibility of each applicant.

There are multiple power dynamics at play in the courtroom interaction between immigration judge and female applicant. Puumala and Kynsilehot argue that the interaction in an asylum hearing, “reifies the exclusive communication relationship in which one party has the upper hand morally and the other is required to translate their views into language that fits the prevalent discursive paradigm.”<sup>92</sup> The female applicants must tell their stories in a way that makes their story seem credible to the immigration judge; however, oftentimes applicants are unaware of the kinds of stories that the specific judge wants to hear.

Many of the women whom I spoke with felt as if they had been misunderstood during their hearings. They discussed breaking down emotionally when having to retell their stories of persecution. One woman described her merits trial saying, “It was very hard, very difficult for

me because I couldn't explain and so I would always end up crying because it was very hard for me to explain my situation." In cases of gendered violence, both cultural and psychological barriers keep female asylum seekers from effectively communicating; however, most judges are unaware of the causes or are unaffected by these emotional responses.<sup>93</sup> Emotion becomes a hindrance to clarity as women struggle to give detailed narratives in the courtroom.

Marsden states, "As one practitioner describes it, 'whether a woman fleeing domestic violence will receive protection in the United States seems to depend not on the consistent application of objective principles, but rather on the view of her individual judge, often untethered to any legal principles at all.'<sup>94</sup> The state allows the judges to make their individual opinions into the objective truth. Paul Brass argues that, "the truth is authorized by the state, under whose authority only recognized practitioners are allowed legitimately to practice and proclaim it."<sup>95</sup> Judges are the legitimate practitioners while the female applicants must conform to the individual judge's definition of what it means to be a good and worthy asylum seeker. Often these determinations are bound within patriarchal state narratives that construct "good" women as those who are under the authority of a man, as Iris Marion Young discussed.

While one would think that motherhood would most often be considered an ideal feminine trait, within the context of the asylum court judges can subvert this image to further question the credibility of the applicant and assert their own subjective notions of what it means to be a "good" mother/woman. The following exchange is from a merits hearing that I attended:

Judge: And you say it's very risky in Mexico and it's difficult for children, because sometimes children are threatened by the gangs in order to put pressure on the parents. Is that correct?

Applicant: Yes

Judge: Is that what you really believe?

Applicant: Yes. And so I believe so. And that's the way it is. You can see it in the documentaries. You can see it in the newspaper. They have no pity there. They kill families and children – whole families.

Judge: If this is something you really believe, then why did you bring your child into life in 2010?

The applicant quoted in this transcript was applying for asylum in 2016 for an incident of persecution that had occurred in 2014. Therefore, the judge bringing up the birth of her child which occurred four years prior to the incidence of persecution has little relevance to her case. However, the judge is given the power and authority to make such statements and construct the applicant as an irrational actor who chose to give birth to a child while living in a dangerous place. He insinuates that the applicant is not a “good” mother, further targeting her morality and rational thinking skills. The judge has the ultimate power in making these credibility judgments because the Bureau of Immigration Affairs (BIA), the government body that makes the final decision on asylum appeals “is more deferential to immigration judges’ credibility determinations than other factual findings because the judges are the only adjudicators who witness the applicants’ testimonies and have the opportunity to observe many of the intangible factors that form a credibility determination.”<sup>96</sup>

Going through these degrading experiences in court has a huge emotional impact on the women. One woman voiced her frustration saying, “It’s difficult that the government doesn’t believe...that our government doesn’t care about us and doesn’t help us and doesn’t want us. That’s really hard that we come asking for help, and the government here doesn’t believe it,

that our government doesn't want to help us." Many women left their merits hearings feeling confused and misunderstood. They could not comprehend how their stories of persecution could be so easily cast aside and deemed as untruthful. They had experienced the pain and some even still bore the physical marks of their persecution, so the fact that judges could so easily dismiss their cases left them feeling helpless. Many of the women that I spoke to also felt dehumanized by these experiences in the courtroom. One woman said, "One feels so humiliated and so ugly because...they make you feel like you're worth nothing." Many of the women are so connected to their stories, and when these stories are denied they also feel as if the judge has deemed them as unworthy.

Immigration judges are embedded within larger state structures that dehumanize individual applicants and fail to acknowledge gendered violence as a protected form of persecution. This relationship plays out in the individual courtroom experiences between judges and applicants where the power of the state constructs certain applicants as either worthy or unworthy of asylum based on their own subjective definitions of morality and credibility. However, dehumanization is not confined to the space of the courtroom.

### Criminalization

From the moment that they cross the border, female asylum seekers are criminalized and their bodies become the property of the disciplinary state who then tracks and monitors their every move. The power of the state continues to operate outside of the courtroom through the following mechanisms of control: ankle monitors, detention centers, and Immigration and Customs Enforcement (ICE).



Throughout my research a major topic of conversation became the ankle monitors that many of the women were forced to wear after they were released from detention centers. I learned that the women are required to charge their ankle monitors by attaching themselves to a power outlet for an hour each day. Many were embarrassed to be seen in public with the ankle monitors because they did not want people to think that they were criminals. They would wear long pants in the heat of the summer to keep the ankle monitor hidden from view. While translating for me one day, Ana realized that the women were using an interesting word for “ankle monitor.” She stated, “In Spanish they say ‘esclava’ for the ankle bracelet. ‘Esclava’ means slave.” They are enslaved to these ankle monitors that restrict their movement, the way that they dress, and the way that others perceive them. These ankle monitors become a physical symbol of the constant monitoring of the state. They are an example of how the security and militarization that occurs at the border does not stay in one physical space, but instead follows the migrants outside of the borderlands.

Walters discusses this “disaggregation of border function away from the border,” which creates a space where the power of the state becomes more fluid and, I would argue, more present within every day life.<sup>97</sup> The use of these new technologies of control, brings Foucault’s theory of surveillance into the digital age. Because immigrants are labeled as “illegal” or deviant they are tracked with increasingly new technology that moves outside of the space of the prison and into everyday life. Such practices are then justified by the state who constructs “Mexican and Central Americans as abject, alien, criminal, parasitic, and pathogenic ...another body for whom the state should fear as a drain on the system.”<sup>98</sup>

Currently in the United States, this fear has also been commodified. The power and authority of the state is outsourced as private corporations profit from the detention and monitoring of asylum seekers. The state is no longer operating solely as a government institution, but also as a business that profits from the criminalization and monitoring of migrant bodies in detention centers. In these spaces, asylum seekers have very few rights. One woman discussed her time in a detention center saying, “They take everything away. They take *everything*. All my clothing, everything, and then they didn’t give me a blanket or anything and it’s freezing in there.” Some asylum seekers are transported from one detention center to another without being told where they are going. Because they are not familiar with the geography of Texas and because many could not speak English, some women created their own nicknames to refer to the detention centers. One nickname that I heard often was “el frío” or “the cold.” Practices that had once been restricted to the space of the borderlands have moved further into the interior as detention centers are being built further and further inland. The disciplinary power of the state continues to dehumanize and control the so-called threatening, mobile, migrant populations.

Asylum seekers are not only criminalized by physical mechanisms of control but also by people. Asylum seekers who have been released from detention have weekly and monthly check in’s with ICE officials. For some of these meetings ICE officials visit asylum seekers at their homes; at other times asylum seekers are required to go to ICE offices. One woman described these meetings saying, “Every time you go to ICE to visit them it’s horrible. It’s demeaning. It’s terrible.” Through my interviews I also heard stories about ICE officials who pushed aggressively pushed through participants front doors. When ICE does home visits, they do not tell the

asylum seekers what time they will be coming, so the women must stay home all day to ensure that they are there when ICE arrives. This restricts their movement and further makes them feel as if they are criminals who must be monitored.

Through these experiences the women must cope with the daily intrusion of the state into their private lives in the form of ankle monitors, detention centers, and immigration home visits. Each of these mechanisms of control criminalizes asylum seekers. It changes the way that the public views them as well as the way that they view themselves. Despite facing multifaceted discrimination, the women who I spoke with also show immense resilience and agency even as they navigate through these spaces.

### Resilience

Female asylum seekers exist within state structures that criminalize them and fail to acknowledge their stories of persecution. Despite this, the women I work with display agency constantly as they fight to have their stories heard and understood. The women convey this inner strength when they talk about their roles as mothers, their faith, their confidence in their stories, and their support of other women.

All of the women I interacted with during data collection were mothers, and it was this role that often motivated them to become active agents in the transnational process of migrating to and seeking asylum within the United States. A woman's decision to flee her home is an act of courage especially when she is fleeing gendered violence. One woman stated:

What we come to do is look for help and to look for something better. It's hard for us to leave a place we love, to leave...the people we love, to leave our fathers, our brothers, but we do because we're seeking something for our children. To have a better place for our children, for ourselves, but most important to know that our children can grow up

knowing that they will have liberty, that they will have freedom, and that they will be able to seek help...without the horrors that...we've lived through.

Another woman described how she made the difficult decision to flee saying, "My family is very important to me and because of that I decided that I had to move to a better place for them, for us, for our future." In many cases the women choose to put themselves into danger by migrating without the protection of a male family member, but they make this decision and act on it in order to uphold their role as protective mothers.

Once in the United States, this desire to protect their children remains the highest priority. One woman stated, "One of the hardest things for me right now is that maybe they won't give me asylum, and they will give my daughter asylum, and then I will have to leave her and that is very, very difficult." Even in cases where women are not granted asylum, sometimes their children are able to gain a protected status. The mother must then decide whether to take her child back with her when she is deported or leave the child in the United States, sometimes without any other family member or guardian to care for them. Although the decision is a difficult one, the female applicants are able to make a choice to continue to protect their child by allowing them to stay in the United States. Although their options are at this point limited by the decision of the state, they are still able to achieve their major goal for migrating: protecting their children.

In addition to their role as mothers, the female applicants also use faith as a mechanism for accessing justice and support when they do not receive either in the courtroom. The majority of the women I spoke with at some point mentioned their faith in God as a major source of strength. One woman stated, "But we still have to keep thinking of God, thinking that

he will provide, and he will make everything right.” When I asked the Catholic Charities volunteer what she had learned from working so closely with asylum seekers she said, “I learned that they’re so humble and that their belief in God is what keeps them going. Sometimes I marvel at the things that they go through and I say how can they? You know but I guess what keeps them going is this belief in God...that belief is so strong and I guess I admire them for that because it keeps them happy.” Women also found comfort not just in God, but also in their faith communities. One woman discussed the church that she had joined saying, “I found a lot of help in the church because they have groups there and they help you. They give you moral support. They pray for you.” When the women feel helpless both in their home country and in the United States, they choose to move outside of the legal system in order to conceptualize some sense of justice for themselves. They find support and healing in their faith even after their cases have been denied, holding out hope that they will somehow be allowed to stay.

After arriving in the United States, the women face major obstacles as they try to access legal resources. One woman discussed her previous experience working with a lawyer outside of Catholic Charities saying:

The lawyer had said, “No your case is a lost cause. You’re not going to win. You’re very weak,” and here I am still. I’m still fighting and you know if I had listened to these lawyers I would have been deported already. I would have been gone, but here I am still and I’ve been doing this by myself, so you know there’s got to be something to say about fighting on your own and doing it yourself and believing in what you’re doing, and having the strength to do it.

These women have so much confidence in their own stories that they will not be swayed even when legal authorities tell them to give up. Asylum seekers who are representing themselves pro se must take on the U.S. state government by themselves. This is a daunting task even for

U.S. citizens, let alone individuals who often have no prior experience in any kind of court and who do not even speak the language. Therefore, choosing to continue attending court hearings and representing themselves takes immense inner strength and persistence, especially within the male-dominated spaces of the court.

The women I spoke with were also extremely interested in supporting and advising other women who were going through the process of seeking asylum. One woman discussed an experience she had in court saying:

When I was at court a woman who was there *with lawyers* and when the woman didn't have the money to pay the lawyer right there, the lawyer would just get up and leave her. Stranded. In court. And he wouldn't represent her and so I told this woman I said, "You're here." The woman was leaving and she said "I'm not going to represent myself. I can't." And I said, "Don't leave. You're here. Represent yourself." We all have problems...and we all have to you know suffer from things, but we all help each other. I would say [to other asylum seekers] not to lose hope or lose faith in yourself...You really need to believe in yourself and know that you can do it.

The women acknowledge that they all have experienced pain, but they are also willing to share their experiences to help others who are going through the same experience. They have not been broken by the system, but rather have been further encouraged to keep other women from suffering in the same way. Being at the Pro Se Asylum clinic would sometimes facilitate the formation of such relationships. One participant stated, "when I came to the workshop I started talking with the women there and so I started you know having dialogue with them and speaking with them about asylum, and so I started opening up and I have some friends now."

## Conclusion

As female asylum seekers interact with discriminatory state powers both in the United States and in their home countries, they must cope with being monitored, criminalized, and discredited. However, they are able to push back against these structures of power and assert their own agency. For my client deliverables, I want to capitalize on the ways in which women can continue to display agency and connect with each other to strengthen this active resistance to a system that often tries to silence them.

## CHAPTER 9

### DELIVERABLES

For my final client deliverables, I provided my client with a digital archive of evidentiary support that acknowledges the validity of female asylum seekers' testimonies. In doing this, I hope to better equip asylum seekers to defend their cases in court. In addition, I have developed suggestions for ways in which the Pro Se Asylum clinic can expand its current resources. I also discuss how my research methodology can contribute to applied anthropology as a discipline, explaining how embodied and emotional experiences impact the research process and ways in which researchers can better support each other and their informants.

#### Digital Archive

I have given my client a digital archive of sample supporting documents packets for each of the four countries that the Pro Se Asylum Clinic applicants have come from: Honduras, El Salvador, Mexico, Guatemala. In addition to addressing the individual country, the packets are also formatted to make it easy for applicants to choose a packet based on their specific form of persecution. Some examples include gang violence and extortion, domestic violence as an intimate partner of a gang member, land rights activists, police corruption, and gang recruitment of minors. All of the supporting documents packets that I have created thus far will be uploaded to the Pro Se Asylum clinic website that is currently being created. By allowing for widespread distribution of supporting documents materials free of charge, I hope to help asylum seekers throughout the nation who may not have access to any other legal resources.



These documents could also be used by other legal clinics who are also in need of supporting documents packets as well as by pro bono attorneys who are representing asylum seekers.

### Suggestions for Expansion

My main suggestion for expanding the clinic is to create informal networks of support for the applicants. Most of the women I spoke with expressed a need for personal support as they navigated the immigration system. The one volunteer whom I interviewed stated, “I think that’s what they need some human touch you know from someone who knows the system a little better than they do...I think what would be great would be to have more people that know what they’re going through, to be able to reach out to people who knew what they are going through.”

When I asked the women whether they felt that speaking to other women who were applying for asylum would be helpful, they all answered yes. While the volunteers who work at the Pro Se Asylum clinic dedicate large amount of time and effort to helping these applicants, most of the volunteers have not ever been through the asylum process themselves. Therefore, allowing applicants to share experiential knowledge with each other would be extremely valuable and could aid in breaking down the fear and isolation that many asylum seekers feel. Therefore, my suggestion to Catholic Charities is to create informal networks of support so that individuals who are applying for asylum can discuss their experiences and offer personal advice to each other. This could even occur over email, WhatsApp, or Facebook for applicants who do not live near Dallas. It would be extremely beneficial to connect asylum seekers who have already been through their merits and masters hearings with applicants who have not yet had

their hearings. Creating a space for sharing the difficulties of navigating the asylum system would help to alleviate the feelings of isolation and fear that many applicants currently feel.

### Deliverables to the Discipline

Just as I recommend that the creation of personal support networks would benefit female asylum seekers, I advocate the same thing for researchers and volunteers working with individuals who have experienced trauma. There need to be more resources available not only to individuals who have personally experienced trauma, but also to the individuals and researchers who work with them. This is why I advocate for the use of what Lopez and Gillespie call the “buddy system.” I also call for the implementation of a research methodology that Enrique Sepulveda calls *acompañamiento* within anthropology. This approach requires all researchers to engage in a process of “walking with” participants so as to form a true sense of community and connection that bridges the gap between objective study and human experience.

To assume that hearing over and over again stories of torture, sexual violence, and abuse will have no emotional or mental impact on your life is completely nonsensical, and it is a major mistake that I made as I entered into this research. As anthropologists we engage in inherently relational work. We interact and spend large periods of our lives with our participants and engage in the intimate details of their lives. This becomes ever more contentious when working with populations who have experienced trauma. Through my experiences, I witnessed the emotional and physical impacts that re-telling the stories of persecution had on my informants. I sat and watched as they broke down and even at times

fainted when judges denied their cases. I watched as children witnessed their mothers attempting to defend themselves in court, and I could see the confusion and sadness that filled the courtroom after an unfavorable verdict. This research was emotional and embodied. It left a lasting impression on me as I struggled to cope with witnessing these practices of state violence and discrimination.

Lopez and Gillespie, two feminist geographers, argue for a method of research and personal support that they term the “buddy system.” Using this approach, a researcher enters the field along with a close friend or colleague who is not involved in the research.<sup>99</sup> The mere act of having someone else to share in the experience of seeing or listening to deeply painful events can alleviate some of the suffering that a researcher can feel.

I also encourage other anthropologists to engage in the process of *acompañamiento* that I discussed in the methodologies section. I encourage applied anthropologists to focus less on trying to quickly solve problems and instead to focus on walking and feeling with their participants. By privileging the knowledge of participants, especially migrants, the discipline can learn more about the experience of living in the liminal space of borderlands. By creating communities of mutual support and connection there is more hope for real change as participants engage directly in the research process, formulating it to reflect the things that they want and need.

Engaging in the methodology of *acompañamiento* also encourages new forms of reciprocity to develop between researcher and participant, that involves a movement away from material reciprocity and towards one of emotional reciprocity. By allowing such relationships to form organically and by relinquishing ultimate control of the research process,

anthropologists can help support participants in creating their own solutions to problems. I believe that this is especially important for applied anthropologists' because it allows for the creation of more sustainable deliverables that will support communities physically, culturally, and emotionally.

I hope that these suggestions will allow anthropologists to develop more meaningful and inclusive methodologies creating more space for connection with participants and other researchers. In addition, I also suggest that anthropology programs include in their preparatory courses information about the potential effects of vicarious traumatization and provide students with information about university or local therapists. I encourage researchers who have worked with survivors of trauma to write about their personal experiences as well as their coping mechanisms in order to break down the idea that researchers are somehow exempt from feeling emotional and mental pain. In the next chapter, I contribute my personal reflections on this issue in the hopes of letting other researchers know that they are not alone in this struggle.

## CHAPTER 10

### PERSONAL REFLECTIONS

For me the research process was an emotional experience of deep personal and academic growth. Throughout my work, I was exposed to the intricacies of a legal system that fails to acknowledge the persecution of women. I learned about the mountains of paper work involved in the legal process and the social implications of living with and without documentation, as well as the deeply felt emotions of trauma. While I was forced to face discomfort on a daily basis, I was not alone. I was guided by the light of amazing volunteers, lawyers, asylums seekers, and advisers who I am now grateful to call my close friends and collaborators.

Prior to beginning my work, I was privileged to have experienced very few personal encounters with trauma. While I myself had few experiences with it, my close relationships to individuals who had experienced trauma drove me to research this subject material. In her book *Emotionally Involved: The Impact of Researching Rape*, Rebecca Campbell discusses the idea that “our studies are a reflection of our inner lives.”<sup>100</sup> As researchers we gravitate towards work that we personally connect with, often guiding us into highly emotional research spaces where we feel caught between our role as social scientists and our role as compassionate human beings.

For me, the sheer emotional weight of the research hit me on my very first day of data collection. At the first Pro Se Asylum Clinic that I attended, I was assigned to be a writer for a woman from Honduras. The woman held her newborn baby as we went over her biographic information. I was nervous and felt uncertain of myself as I asked questions for the first time,

feeling like an imposter who was not actually qualified to be doing this extremely important job. As we progressed through the application we came to a question regarding persecution. I remember asking, “Why are you afraid to go back to Honduras,” and watching as her body immediately stiffened and tears began to run down her face. It took her a few minutes to recover. I hastily handed her tissues and mentally prepared myself for what I knew would be an unbearable story.

In this moment, I chose to close off the emotional part of myself. I wanted to cry with her even before I knew what had happened, simply because I could feel the weight of her story. However, I told myself that I had to maintain my composure to be the “good” volunteer who gets the job done as quickly and efficiently as possible, to be the “good” researcher who does not show too much or become overcome by emotion, and so I put up a mental wall to block out the discomfort. As much as I wanted to give the applicant ample time and space to recover, we only had a limited amount of time to complete the application, and so I once again asked her the question. Just as I had anticipated, her story was heart wrenching. She had endured unimaginable pain and abuse from childhood through adulthood. When I asked Paul for advice as I was filling out the application he encouraged me to ask more detailed questions about all instances of abuse. Asking more questions about how and why the applicant thought certain things had happened to her was painful and physically uncomfortable. I remember feeling myself begin to sweat as the questions became ever more detailed and her story became more vivid. While this is necessary for the in depth narrative that the court requires, it is emotionally taxing and potentially detrimental for the applicants to relive. I was able to make it through the

clinic without breaking down, but when I got into my car at the end of the day I immediately began sobbing so hard that I could not leave the parking lot.

After releasing the pain in that one moment, I once again put back up the mental wall to block out the pain. This wall remained up for the entirety of my data collection. Every time I read through an application, every time I interviewed an asylum seeker, and every time I watched an individual's case get denied in court, I steeled myself against the overflow of emotion. The stories of pain never ended and at times were more horrific than I could fathom, but I failed to give myself the space to process. I put all of my time and effort into getting the job done. Not only was I reading applications, but I was also reading countless news articles and journal articles about the same instances of persecution in order to create supporting documents packets for the applicants. Pain surrounded me, but I refused to allow it to affect me. During the final clinic, I interviewed a woman whose arm had been cut off by gang members and whose daughter had been sexually abused by a family member. As I listened to the story, I felt completely numb. I had become so good at refusing to acknowledge the pain that I could not feel anything at all. As I had been doing for many months, I just continued to work because that was the only thing that I knew how to do. I remember asking Paul for help when filling out a certain portion of the application. When I told him the story he could not control himself and had to leave the room because he was so overcome by emotion. It was at this moment that I realized how detached I had become from my own emotions.

After ending data collection and taking a step back from the research, all of the pain and trauma of the past eight months hit me at one time. I had vivid images of the violence that I had been hearing about. I could not get these images out of my mind. They played on repeat, filling

me with overwhelming anxiety and fear. The more I tried to distract myself, the more intrusive the thoughts became. For three days, I was unable to eat or sleep as the fears of violence and abuse took over my mind. I have suffered from panic attacks and anxiety in the past, but these pent up emotions triggered the panic and anxiety to a level that I had never previously experienced. I sought help from the counseling center on campus where I learned about the impacts of vicarious traumatization. As I processed what I was feeling, I was afraid that I would never be able to feel normal again. The amount of pressure that I had been putting on myself to just get the job done and be disconnected had manifested itself as deep anxiety and fear about the world.

After coming to this realization, I began to read more about the effects of researching trauma and vicarious traumatization. While doing this, I came across the work of Rebecca Campbell who discusses the impacts of researching rape saying,

What we saw and heard in many of these interviews was often worse than what we expected. These stories were a violation of our own beliefs. We had all read studies in the literature, but that didn't provide much insulation from how it would feel to sit across from a survivor and bear witness to the telling of her story. It was shocking and surprising, sad and depressing, anxiety-provoking and scary, and sometimes uplifting and empowering...Rape was something we had been thinking about, but not feeling. The actual lived experiences of the women we interviewed jolted us from the security of comfortable thought...As the rape survivor must mourn for what was lost within herself, those of us who bear witness to the crime of rape also experience loss...Our innocence is also sacrificed. We mourn for the survivor's losses, but we also mourn for our own...Interviewing rape survivors challenges researchers' beliefs about safety and justice; we learn, because we hear it over and over again, that the world is not safe for women.<sup>101</sup>

As Campbell explains, through this research I had to grapple with the loss of my own concept of the world as a safe place. The research experience resurfaced old memories and feelings about my own experiences of pain and abuse and those of close family and friends that



stood to remind me that even in the United States we are not free from similar suffering. I lost a sense of myself in this process, a sense of blissful ignorance about the world. However, being forced to confront the pain head on made me aware of my own strength and that of the women I was working with. While I could not deny that we had all felt pain, we were still standing. Along the way I had many people who held me up and reminded me of who I was when I was lost in the darkness of my own mind.

From laughing with asylum seekers during breaks at the clinics, to after hours conversation with other volunteers, to emotional breakthroughs with my advisers and family members, I felt hope again and learned that I had many friends to walk with me through this difficult period. I was reminded that struggle and despair do not last forever and that we all have a choice to continue living. The way that the asylum seekers continued to live and thrive despite the pain they had experienced gave me hope that I could do the same. While I thought at first that this research would be a benefit to the asylum seekers, it was not until the end that I realized how much I had needed their strength, humor, and resilience in order to heal my own wounds.

## CHAPTER 11

### CONCLUDING REMARKS

Through this research I have come to see the ways that political processes are extremely personal and often gendered. By reading and listening to the stories of female asylum seekers, I have seen how their voices are discredited and silenced both in their home country and in the United States. By sharing some of these stories, I hope to show that female asylum seekers are not passive victims, but rather active agents in transnational processes of power. I hope that my deliverables will increase the resources that will be available to asylum seekers in the Dallas area.

However, I cannot finish this paper without addressing the fact that many asylum seekers remain in detention centers, are immediately deported upon arrival, have not been able to survive the journey across the border, or were not able to escape the home country. These are the brothers, sisters, mothers, fathers, and children of my interviewees, and their presence is felt in the silence and the tears. With an increase in anti-immigrant rhetoric and policy under President Trump, I believe that all immigrants will face increased criminalization and discrimination in the United States. I believe that it is the duty of persons who are in positions of privilege to continue bearing witness to these experiences and providing resources and personal support. I hope that my research acts as a small symbol of this support.

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<sup>3</sup> Center for Survivors of Torture, "Our Mission and History," accessed March 16, 2017 <http://cstnet.org/about-2/>.

<sup>4</sup> Department of Homeland Security, "Creation of the Department of Homeland Security," Last modified September 2015, Accessed February 14, 2017, <https://www.dhs.gov/creation-department-homeland-security>.

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- <sup>21</sup> Tichenor, *Dividing Lines*, 4.
- <sup>22</sup> Refugee Council USA, "History of US Refugee Resettlement Programs," accessed March 16, 2017 <http://www.rcusa.org/history/>.
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- <sup>28</sup> Hamlin, *Let Me Be*, 329.
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- <sup>33</sup> Hamlin, *Let Me Be*, 331.
- <sup>34</sup> Hamlin, *Let Me Be*, 333.
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- <sup>51</sup> Sepulveda, "Toward a Pedagogy," 558.
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- <sup>98</sup> McKinnon, "Positioned in/by the State," 191.
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APPENDIX A  
PARTICIPANT INFORMATION

**Interview and Court Hearings: Participant Information**

<b>Informant</b>	<b>Date of Interview or Court hearing</b>	<b>Country of Origin</b>	<b>Type of Persecution</b>	<b>Status of Case</b>
B	9/29/16	Mexico	Uncle murdered by gangs, gangs targeting her family	On appeal
FC	9/01/16	El Salvador	Threatened by gang members	Pending
R	8/25/16	Mexico	Extortion from gang members who also threatened her daughter	Was appealing but then returned to Mexico, daughter filing for SIJ
S	7/28/16 11/10/16	Mexico	Brother was kidnapped, she witnessed a kidnapping by gang members, the woman kidnapped was later found dead and had been raped, gang threatened to kill her and her son	On appeal
Ve	11/10/16	Mexico	Fleeing domestic violence, husband had money and was able to find her and take son back	Pending
Va	10/20/16	Mexico	Gang threatened her husband, other family members have been	Pending

			kidnapped and killed, came when she was pregnant	
D	5/11/16	El Salvador	Threatened by gang members	Pending
C	5/16/16	Honduras	Fleeing domestic violence	Granted Asylum

**Supporting Documents: Participant Information**

<b>Name</b>	<b>Gender</b>	<b>Date</b>
AMPL	female	5/14/16
EGGP	male (minor)	5/14/16
BAZE	male	5/14/16
AD	female	5/14/16
EAD	male (minor)	5/14/16
EEMB	female	5/14/16
MACC	female	5/14/16
FC	female	4/9/16
KJCZ	male (minor)	4/9/16
IGSH	female	4/9/16
AFGS	male (minor)	4/9/16
JHFJ	male (minor)	4/9/16
MTFJ	female	4/9/16
UJR	female	4/9/16



APPENDIX B

INTERVIEW QUESTIONS

## **Interview Questions for Current asylum seekers**

- 1) What is your name?
- 2) How old are you?
- 3) Where were you born? What country did you live in before coming to the United States?
- 4) How did you find out that you could apply for asylum in the United States?
- 5) Why did you decide to apply for asylum? Did you know what applying for asylum in the US would be like? Had you ever spoken to someone else who had applied for asylum?
- 6) What legal resources have you used (i.e. Catholic Charities workshops, a lawyer, pro bono attorney, RAICES, or any other kind organizations that has helped you) in the asylum application process?
- 7) How did you find out about these resources?
- 8) Have you had your immigration hearing yet? (If so) What was your first hearing like? What was your merit's hearing like?
- 9) (If not) when is your first immigration hearing?
- 10) What element of this process has been the most challenging, frustrating, or difficult?
- 11) Do you/did you feel prepared when you attended your first court hearing?
- 12) (If they have already had a court hearing) Is there anything that you wish you would have known before going to your first hearing?
- 13) Is there anything that is still unclear to you about the asylum process?
- 14) What advice would you give to other women going through the asylum process now? Do you think it would have been helpful to speak with other women who had already applied for asylum?
- 15) What would it mean to you to gain asylum?
- 16) What would you want U.S. politicians to know about people who are applying for asylum?

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