ABSTRACT

Title of Dissertation: ACTS OF QUEER RESILIENCE: TRAUMA AS IDENTITY AND AGENCY IN LGBTQ POLITICAL ASYLUM

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Persecution or a well-founded fear of persecution is the impetus for asylum seekers to flee their home countries and seek protection elsewhere. Much of the scholarly literature and published legal cases correlate persecution with trauma and approach traumatic events of asylum seekers as always living with barriers or as a "victim." Additionally, while there is extensive research and scholarly work on LGBTQ immigrants, there is little work specifically on LGBTQ asylum seekers, which suggests these stories matter and have value but often go unheard. Whose stories are told, heard, and valued with immigrants, and specifically asylum seekers? And, what are the risks or advantages of telling stories? For asylum seekers, making a credible case of persecution or a well-founded fear of persecution places their trauma in an exchange of capital that advances neoliberal governmentality in the U.S. The nation-state benefits when resourceful "victims" of persecution ask for protection. Neoliberal governmentality can be traced to Michel

Foucault's notion of "biopower" where the body is viewed as a laboring machine, disciplining the body to optimize its capabilities and extort its forces. Biopower is literally having power over other bodies in "an explosion of numerous and diverse techniques for achieving the subjugations of bodies and the control of populations."

Although neoliberal governmentality is a necessary component in discussions of political asylum, its reductionist aim leaves little room for agency for asylum seekers or those with asylum status. How might political asylees use their identities and trauma to subvert neoliberal governmentality? I argue that LGBTQ asylum seekers use their own tactics and techniques in an "art" of self-determination or what I call queer resilience to navigate and negotiate systems and structures of power. While there is no doubt that trauma exists for asylum seekers, using trauma to categorize asylum seekers as lacking, weak, defective, or even victims is a reductionist approach in understanding asylum seekers' identities and agency. Trauma is operational in how one negotiates structures and systems of power, different spaces, building networks, and obtaining resources. Trauma offers both a useful entry into the legal aspects of political asylum processes and also advances discussions of subjectivity and epistemology. Using narrative analysis, grounded theory, poststructuralist theory, and queer theory, this dissertation unpacks the creative agency of LGBTQ asylum seekers as they make sense of their lives, form their identities, navigate spaces, and negotiate systems of power to "queer" political asylum processes. More specifically, using interviews and examining published cases and other published archival materials, this dissertation details the story of a gay man from a Latin American country who successfully gained asylum in the U.S. and how his asylum process, his trauma, and his racial, gendered, and sexual identities contributed to his agency, which subverts political asylum and offers new ways to consider the operation of biopower, governmentality, and self-determination.

ACTS OF QUEER RESILIENCE:
TRAUMA AS IDENTITY AND AGENCY IN LGBTQ POLITICAL ASYLUM

by

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Dedication

I would like to dedicate this dissertation to my family – my mother, Lois Diane Hanington Pérez in particular – and my friends and mentors who have supported me throughout this process. I would also like to dedicate this dissertation to all LGBTQA+ asylum seekers and anyone who has assisted in helping them build networks of support, provide resources, and challenge & change discriminatory laws. Finally, this dissertation is dedicated to "Manuel." Without his participation and his trust in me, I would not have been able to do this work. Only a portion of Manuel's life story is included in this project, but his life, the story he shared, and his courage have value and meaning. By extension, I dedicate this dissertation to all LGBTQA+ asylum seekers whose lives matter but sometimes their stories go unheard.

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ethnography, and his work helped me be a more reflexive person, both academically and personally.

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best friend Alex Ridgell is truly exceptional. Alex and his wife Sara Gill have been two of my closest friends for the last seven years, and I am lucky to have them in my life. Brotherhood does not come close to capturing what his friendship means to me. We have so much in common, yet we could not be more different. Alex, you are my best friend, and I am so grateful you and Sara are part of my life. There are many more friends and colleagues to acknowledge who have been there for me academically, professionally, and personally. I will forever be indebted to Jeffrey Franke for his friendship and mentorship. Dr. Jorge Bravo and his husband Lorin Culver have not only been great friends, but they have cheered me on and provided sage advice when I was at my lowest. Dr. JV Sapinoso, Dr. Luke Jensen, Dr. Robert McRuer, Dr. Simon Bronner, Dr. Rashawn Ray, Dr. Lazaro Lima, Dr. Angel David Nieves, and Dr. Salvador Vidal-Ortiz all deserve special acknowledgement for their support, time, and mentorship.

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Without Dr. Sies, I might have given up, but thankfully through her care, time, and her commitment to me, I persevered and am eternally grateful.

CHAPTER 1: Introduction - What's the Story with Asylum?

In her book *What's Different about Narrative Inquiry? Cases, Categories and Contexts*, Catherine Kohler Riessman states "narratives *do* things; they are motivated and purposeful.[1] Narratives, however, are not absolute or even stable, but they are realities experienced by and seen through the lens of the narrator. Filtered through experiences, expectations, and sociocultural contexts, narratives also have meaning, and they affect how we navigate, negotiate, and understand our worlds. To examine narratives is to unpack the creative agency of individuals as they make sense of their lives and form their identities. Narratives help us remember past experiences, create bonds with each other, and generate emotions. Narratives are stories, but, just like legal scripts and media reports, narratives are permeated by privilege and power. Who gets to tell stories? Whose stories get told? Whose stories go unheard? Whose stories are valued? These questions have relevance to us all, and in particular, they resonate deeply with me as I work through the complexities of political asylum, life history, and my own narrative process.

To say this dissertation has been challenging for me is an understatement. "What's the story you want to tell?" comes up again and again, and it can be nerve-wracking when there are literally dozens of ways to tell a story. Additionally, there are literally dozens of stories I would like to tell when it comes to this project. Writing a dissertation is an exhaustive process. The journey to get here was riddled with anxiety because it meant I possess power and privilege to tell someone else's story. What if I get it wrong? Then, I remembered these four questions and reminded myself what a disservice it would be to "Manuel"[2] and others if his story goes untold.

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[1] Riessman, Catherine Kohler (2011) What's different about narrative inquiry? Cases, categories and contexts. In D. Silverman (Ed.), Qualitative Research, Thousand Oaks: SAGE, pg. 315

[2] The pseudonym the participant gave himself.

This is a story of a gay man from a Latin American country who received U.S. asylum status in 2004 because he detailed a credible case of persecution. 2006, however, is where my story begins. Exactly one year after I started the PhD program in American Studies and two semesters where I almost withdrew each semester because of insecurities and grappling with imposter syndrome, I moved back to Maryland from New Mexico and convinced myself that if I could just get through one more semester then everything would be fine.

I was renting a basement apartment in a group house in the summer of 2006. I hated it and wanted to find something else so I got on the internet and found a roommate finder website. My bio went something like this:

> White (kind of Latino-ish) gay/queer man looking for similar to share a two-bedroom apartment (or home) in the DC/MD area. I'm a quiet person and am very sensitive to noise looking for a roommate that also fits this description. I'm a doctoral student at UMD so I need to be close to campus and quiet is needed for study and concentration.

I was contacted by only one person 40 minutes later, and rather than chatting online, we exchanged phone numbers and proceeded to talk by phone for almost three hours telling each other stories. He told me he was a doctor working on infectious disease vaccines and that he moved to Maryland from a Latin American country. I told him that I was a PhD student that had moved from New Mexico. Our lives had many parallels in the stories we told each other. We talked about our families, our friends, gay life in DC, and our hobbies. And, we talked about our living arrangement expectations. In other words, we hit it off and decided to meet in-person the next day. I met him at a coffee shop in DC the next night, and he was very candid with me about his reservations to room together. He asked if I knew what political asylum was, and I said yes.

Then he proceeded to share with me, in great detail, his political asylum story. He said, "You are literally the only person I know here, and I've only been here for a couple of months. I don't want to jump into a roommate situation and then regret it given what I've been through." Alternatively, he recommended we just get to know each other and see if we can trust each other and get along because it would be a good indicator of our fit as roommates. Classes began shortly after that meeting, and my focus shifted from finding a roommate to schoolwork.

At the time, I was very interested in how people with disabilities were using technology to build community, create access to resources, and share stories. I enrolled in John Caughey's Life History Methods course that fall, and we were assigned to write a life history on someone. Given my research interests at the time, and a few connections with gay culture in the area, a friend put me in touch with a professor who taught at Gallaudet University. After three awkward interviews, he finally told me that he thought the interview "game" was boring, and if I had no interest in dating him, then he didn't want to go on another date. Yes, he thought the interviews were dates and my way to see if we were compatible. Needless to say, I was in a "pickle" because the semester was half over, I no longer had a participant for the class, and I needed to start from scratch. I told Dr. Caughey my situation, and he asked "is there someone you know that has a story they'd be willing to share?" Luckily, months prior, I met and became friendly with someone who already shared his political asylum story with me. Without question, Manuel said yes to the project, and we jumped into the first interview. While it was never recorded on tape, Manuel was excited by the invitation and said to me before the first interview, "this will give me the chance to tell the story I was never able to tell." This comment has always haunted me, in part, because his excitement to be interviewed and tell his story was veiled in the somber

and sad way in which he uttered those words. In this moment, I was just relieved to have a participant and have something to share with the class.

We did three or maybe four interviews in a couple weeks, and it was my turn to present my project to the class. Dr. Caughey gave me the floor, and if memory serves, I said something like this:

> "I am currently interviewing someone from a Latin American country who received asylum in the United States a couple years ago. His story is incredibly interesting because he is gay, but he didn't reveal he is gay during his asylum hearing. In fact, he intentionally left out that he is gay because he was advised by a friend he would have a stronger, more successful case if he just talked about his persecution. I am finding the silence piece to be salient, or a 'rich point' as Dr. Caughey would say, because it brings up so many questions about sexuality, visibility, intersections of identity, and most notably what is an 'immutable characteristic' in political asylum law if you can "see" some identities like race, gender, age maybe on the body and not always see other identities like sexuality, disability, or nationality. If "Manuel," the pseudonym my participant gave himself, subverts the asylum process by making his sexuality illegible, then how does that change our conceptions of queer theory? Does it change the way we think about identity? In other words, I think there is agency in silence, but I need to do more interviews before I can really dive deep into this idea. There are so many more interesting things about his story I am learning as we continue the interviews, but I will stop here and ask if anyone has questions."

A student raised her hand and said, “thanks Christopher, all of that sounded very interesting, but I couldn’t follow much because I don’t know what asylum is. You mean like he was put in a mental institution?” That was the moment I realized there is a much bigger story to be told here, and I needed to rewind the tape a bit before moving forward. In order for my peers to understand my work, I had to first make sure we were all speaking the same language. How can I expect anyone to follow or be interested in the story I’m telling if they don’t know the language I’m speaking? While I am trying to unpack all the moving pieces of Manuel’s story, I am also trying to help my peers understand the basics of asylum because I want them to be interested. None of us speak the same language though because what is language but a bunch of floating signifiers loaded with different meanings and interpretations. Language, like narratives, *do* things and are motivated and purposeful. Asylum seekers have to tell stories using language, or rather, they must make a “credible case” about their persecution to a judge who will determine their fate. And, many times the language they use to tell their stories is not their primary language. Additionally, asylum seekers’ bodies are often scrutinized for evidence of persecution, which also complicates narratives and how bodies are read and interpreted. I return to my four initial questions: Who gets to tell stories? Whose stories get told? Whose stories go unheard? Whose stories are valued?

These are not easy questions to answer, but in the context of asylum, they help me frame a larger issue, which is trauma. Manuel told me that was not the first time he experienced someone confusing asylum for “being locked away in a mental institution as if you were a criminal.” Being constantly reminded that you are aligned to a “criminal” and having to constantly define and defend yourself through language, narratives, and scripts can be incredibly traumatic. After multiple interviews and years processing Manuel’s story, it finally occurred to

me this whole time Manuel was telling stories about his trauma. More importantly, Manuel is telling me what trauma did to him, and what it did for him. This dissertation tells some stories of Manuel's asylum process and how his trauma contributed to his identities and his agency in successfully navigating difficult spaces including being a participant for this project. But, more importantly, this dissertation asks: 1) How do LGBTQ political asylum seekers negotiate and navigate the systems and structures of the U.S. political asylum process? And 2) How do LGBTQ asylees exercise agency and resistance in the U.S. political asylum process?

This introductory chapter unpacks the political asylum apparatus and its complexity. It explains major themes used throughout the dissertation and outlines the major theories, methods, and legal terminology. This chapter also tells the story of how I arrived at this project and underscores difficulties navigating uncertain terrain. Chapter two begins with Manuel's trauma and the persecution he endured that led him to flee his home country. This chapter tells Manuel's story, and the chapter's central questions ask: what happened to him, and why did he choose the U.S. over other countries? Moreover, the chapter examines the different scripts of asylum and discusses how the body is written in law and how what is written onto the body in asylum cases. Chapter three focuses on the duality of LGBTQ and disability identities and examines how these identities enable and constrain within asylum cases. Chapter four discusses how Manuel's trauma helped him navigate multiple spaces, systems, and structures of power. The different "languages" he uses underscores his agency and helps identify how he navigates and negotiates these spaces, systems, and structures of power. Chapter five examines how sexuality is operational to citizenship and unpacks how Manuel "queers" citizenship and asylum. Chapter six places Manuel in the U.S. and addresses how Manuel's trauma propelled a new sensibility allowing him to recover, or rather reclaim, his identity in novel ways. This chapter

also addresses the role of ethnography and the relationship between participant and researcher. Chapter six continues with Manuel's place in the U.S., the networks he forged, and the home he built. The conclusion chapter pivots by addressing asylum in the current historical context. While Manuel is part of this chapter, I conclude by examining how asylum, and the larger stories of immigration law, are understood and told today and what additional work needs to be done to make these stories told, heard, and valued.

It is important to state that I am not an attorney. Equally important, however, is clarifying what political asylum is and how it constructs identities. Defining political asylum is straightforward, but getting political asylum and understanding the legal script of asylum law is not straightforward. Political asylum is defined as "[A]ny person who is outside any country of such person's nationality…and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."[3] Congress incorporated this definition into U.S. immigration law in the *Refugee Act of 1980*.[4] In order to be eligible for asylum, an applicant must meet the definition of "refugee" in the Immigration and Nationality Act (INA). The INA defines refugee as: "Any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person habitually resided, and who is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."[5]

[3] 8 U.S.C. § 1101(a)(42)(A)
[4] *Refugee Act of 1980*, section 208(A)
[5] INA § 101(a)(42)(A), 8 U.S.C. § 1101(a)(42)(A)(2005)

Under rules of the 1951 Geneva Convention, a refugee is someone persecuted because of race, religion, nationality, membership in a particular social group, or political opinion. Neither gender or sexuality are official categories under which an asylum seeker can qualify. The result is that homosexuals who have experienced violence due to their sexuality must apply under "membership in a particular social group." Since 1994, however, homosexuals can apply under the "social group" category. Homosexuals are legally recognized as a cognizable social group for asylum eligibility pursuant to Attorney General Janet Reno's Order 1895-94. That order dated June 19, 1994, designated by the Board of Immigration Appeals (BIA) decision in *Matter of Taboso-Alfonso*,[6] is a precedent in all proceedings involving the issues. Two things stand out here. First, homosexuals continue to experience difficulties in their asylum cases regardless of the laws intended to protect them. The second thing that stands out is the performative rules of scripts and narratives. Homosexuals are usually associated with cisgender men, which could imply then that these rules, or laws, do not apply to lesbians, transgender, or even queer populations.

The U.S. admitted 6.3 million immigrants during the 1980s.[7] In 1980 alone, the U.S. admitted 800,000 immigrants—most with refugee status—more than twice as many as were admitted by the rest of the world combined largely due to the *Refugee Act of 1980*.[8] Approximately 59,000 to 90,000 immigrants enter the U.S. each year not all seeking asylum according to the Statistics of the Department of State Bureau of Consular Affairs. Immigrants seeking asylum, however, must demonstrate past persecution or a well-founded fear of future

[6] A23220644 BIA (1990)
[7] Immigration and Naturalization Service, U.S. Department of Justice, 1989 Statistical Yearbook of the INS Table 1, at 1 [1990].
[8] Senate Comm. On the Judiciary, Immigration Reform and Control. No. 485, 97th Cong., 2d Sess. 4 [1982].

persecution based on one of five characteristics: race, religion, nationality, membership in a particular social group, or political opinion.

Claimants will wait on average one year before their case is even heard in court. And, decisions are made on a case-by-case basis establishing no clear parameters beyond credible proof of persecution or well-founded fear of persecution. The scope of the law was expanded in 1994 to specifically include homosexuals, yet no one knows for sure just how many have sought asylum on sexual orientation grounds or have been granted asylum, for that matter. In 2003, 65,153 asylum applications were filed in immigration court; of those, 10,918 were granted asylum and an additional 13,527 were designated as "other."[9] Between October 2009 and September 2010, Citizenship and Immigration Services received 38,000 asylum applications, but Citizenship and Immigration Services does not track the number of cases that cite sexual orientation as the reason for filing and does not keep data on asylum cases won or even lost on the sexual orientation basis.

Although it is impossible to know the exact number of asylum applicants who have filed claims based on sexual orientation, transgender identity, or HIV status, it is estimated that thousands of foreign nationals have been granted asylum based on sexual orientation, transgender identity, and HIV status in the U.S. Since 1994, Lavi Soloway, co-founder of Immigration Equality, estimates approximately 2000 successful asylum applications had been filed based on sexual orientation.[10] And, despite significant advances in protecting the rights of LGBTQ and HIV-Positive people, a number of claimants have been denied asylum in the U.S. largely made public through media reports, advocacy groups, and immigration lawyers. The

[9] (Executive Office of Immigration Review, U.S. Department of Justice, Immigration Courts FY2003 Asylum Statistics 9 (Apr. 2004), www.usdoj.gov/eoir/efoia/FY03AsyStats.pdf).
[10] "Symposium, Recent Developments in International Law." New York University Review of Law and Social Change, 26.169 (2000-2001): 187-88.).

selection process published by the Board of Immigration Appeals (BIA) decisions remains unclear since it now resides under The Department of Homeland Security and must be kept confidential. While the BIA hears approximately 4000 appeals each year, it only publishes about 50 decisions, the majority of which are not LGBT-specific or even related to issues of asylum.[11] Homeland Security has concerns that potential terrorists could use asylum as an avenue for entry into the U.S.

It is widely speculated that the BIA chooses to keep favorable asylum decisions to a minimum because it does not want to draw a "blueprint" for potential asylum-seekers.[12] In other words, applicants could use successful cases to develop a strategy for entry or determine what was absent or needed in the successful or unsuccessful cases to build a successful case. Among the many obstacles of credibility and proof, now asylees are automatically aligned with terrorists and immediately considered as potential threats. Some assert that asylum has become an alternative pathway for immigration rather than humanitarian protection provided in extraordinary cases. Others maintain that current law does not offer adequate protections for people fleeing human rights violations or gender-based and sexual orientation abuses that occur around the world. In any situation, understanding the complete statistical and quantifiable story has many challenges.

Just like ethnographic transcripts, legal narratives *do* things and are motivated and purposeful. While this is a life/oral history project, unpacking legal narratives throughout the dissertation helps understand a bigger context and Manuel's agency. The relationship between an asylum seeker and law is also important because of the narrative/audience dynamic. As stated

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[11] David Parish. "Membership in a Particular Social Group Under the Refugee Act of 1980: Social Identity and the Legal Concept of the Refugee." Columbia Law Review, 92 (1992): 923.

[12] Erik D. Ramanathan. "Queer Cases: A Comparative Analysis of Global Sexual Orientation-Based Asylum Jurisprudence." Immigration Law Journal, 1.11(1996): 1-2.

before, to analyze narratives is to examine the creative agency of individuals as they make sense of their lives and form their identities, tailoring the telling of their life-stories to the audience and constantly rewriting it contextually throughout their day-to-day lives. A narrative, however, holds little value without an audience, and if the audience holds power such as an asylum judge. Whether the audience is your internalized self, a life partner, best friend, or asylum judge, the intended audience affects what is said, how it is said, and how it will be interpreted. However, asylum laws are not written for asylum seekers, but rather, they are written for attorneys, judges, and other courtroom officials. For asylum seekers, attorneys are often *de facto* translators, relaying what the legal narrative means and how it impacts their case. Similarly, an ethnographer is also a translator, but, as stated before, these relationships are imbued with power and privilege.

Ethnographers share a commitment to writing and narrating stories through the written text. An ethnographer is someone that writes about culture and people. Ethnography is the method for how one collects information that will be interpreted and written. Although ethnographers do write about people, largely to identify and examine social and cultural phenomena, their work involves more than just writing. Before any writing is done, ethnographers enter a cultural "field," observe people, and conduct interviews with objectives to make sense out of cultural complexities. Once ethnographers step into the field, however, they and the cultural field in question are forever transformed. These relationships impact each other.

While ethnographers attempt to make sense of the phenomena they are studying, they contribute to the complexities they attempt to examine. Ethnographers' participation in any culture shapes how people perform and tell their stories, which affects the narrative that will be written. Writing, then, is terribly problematic in the ethnographic process because it requires a

range of negotiations. From an asylum perspective, these negotiations are discursive and include anyone from the participant to his lawyer to the researcher. Just as Manuel's statement about telling the story he was never able to tell haunted me, the negotiations and how I represent Manuel in my writing have also haunted me. However, Manuel always reminded me that our interviews were a therapeutic negotiation, and that he got something out of doing the interviews as well:

> "The interviews are like therapy. It's like a way for me to just release my issues. And the good part of this, which is the second part is that, you know, then the best part is that somebody else is going be able to learn from my experiences, which I don't think is a big deal, but it is a big deal because you know, it's just a lot information that many people don't really know about. You're the one that has to do the difficult work. I just have to sit here and tell my story, which helps me and maybe it will help others too."

Ethnographers, then, have the responsibility to make decisions about how stories will be told and how people will be represented. Even with all their so-called postmodern sensibilities and heightened self-reflexivity, ethnographers must still negotiate many things in "writing about people" that may be difficult to negotiate.

Writing about people, after all, means stabilizing people and culture into a narrative script. While it is a "living" script, the narrative will forever be cemented in written text. If culture is active, then writing about cultures is akin to a type of rhetorical violence. How can writing adequately demonstrate the cultural complexities we hope to address when words alone are interpretive constructions? I am not suggesting that interpretations are without merit. Interpretations, in fact, yield meanings that help make sense of a complicated world. But

language, as a signifying practice, can open up possibilities as much as create limitations for any ethnographer attempting to write about people. What are the possible traumatic effects of interviewing, observing, and writing about a political asylee and what rhetorical violence are we creating in our narratives? I asked Manuel in one interview, am I repeating the same kind of violence by asking all these questions about your life? He basically said "no" and elaborated:

> "Basically Christopher I came to a realization in our last interview that, um, in some ways you are repeating the same thing that's already been done in terms of like, um, you know I had a case worker, basically I had to tell him all these stories too, answer all these questions. I had a lawyer, and I, um, had to say the same shit over and over, to like lots of people, like the asylum agent, the judge, to immigration people, the same shit over and over because they want to test you to see if you're telling the truth. I am constantly making a case. I am constantly providing evidence and proving myself that I belong. It's complicated. But, with you it's different. You're not repeating that same thing. I mean, you are, you are because you're asking me similar questions. But, you're not testing me to see if I'm telling the truth, and you're not putting me on trial. No matter what situation, whether it's a journalist or whether it's a case worker, that's my normal life, you know, my day-to-day life. Your life is making a case when you apply for asylum and when you get asylum, maybe people believe that you are not capable to do things so they test you by asking all these questions. But with you it's different because you ask me different kinds of questions. Yes, I have to relive all that shit when we do our interviews, but when you ask your questions, it's like, it's like because you want to learn, you want to understand, but it doesn't feel like

attacking me. It feels like a good release, like I can finally let it all go somewhere else. You are the one that has to write about all this [laughing]."

The ethnographic method is not perfect, and it is always being modified. The ethnographer's commitment to writing and telling stories, then, is also a commitment to the development of the method. Even with the best intentions, ethnographers still make mistakes, but there is room to learn from mistakes and advance the field of study. This dissertation, then, is also an examination of myself in this cultural field and the positive and negative impacts ethnography has on a political asylee.

When I began this project, I wanted to reconstruct a simple linear narrative of Manuel's political asylum process. Just as cultures and identities are complex, the relationship between political asylum and ethnography are also complex. Negotiating interpretive structures such as the transcripts of people interviewed and observations written down in this context presents a generative dilemma. John Caughey addresses this in his book *Negotiating Cultures and Identities: Life History Issues, Methods, and Readings* and posits that writing stories about others is also an exercise in writing about yourself, or what he calls the theory of self-ethnography. Writing, as I have already noted, is a challenging part of the ethnographic process, but the role, or roles, of the ethnographer are an equally challenging part of the ethnographic process. What are my roles as ethnographer in interviewing, observing, and narrating a political asylee? I hope to answer this question throughout the dissertation and in the conclusion chapter, which addresses critical ethnography.

Manuel applied for political asylum in 2004 after he was kidnapped, raped, and tortured by police in his home country. His political opinion to increase HIV/AIDS awareness and education in his country was the crux of his asylum case. He successfully received asylum status

a few months after coming to the U.S., but it required gathering proof of persecution, writing down a testimonial, and constantly being watched and interviewed over and over to corroborate proof and his testimony. While asylum is a legal process, asylum seekers are on trial and interrogated as if they are criminals. Having already endured physical violence and trauma, asylum seekers must tell their story of violence over and over, always carrying that trauma with them and being reminded that their trauma is a primary part of their identity. In order for me to tell Manuel's story, I had to observe him, interview him, and collect data from him over a long period of time, which is strikingly similar to what he had to do to successfully get asylum. Was I contributing to his trauma? Was I performing like an asylum agent and interrogating him? Was I inflicting pain and violence on his body and mind?

Writing about people is like writing a script or scripting one's life, as Manuel eloquently describes later in this chapter when he compares himself as the "actor" and how he performs the expected "scripts" as directed as if he is on stage in what he calls "gay moments," "gay drama," and "the theater of asylum." Telling your story is also "scripting" and operational in how one negotiates what they want to say. I will never know definitively if I was causing trauma to Manuel, but the similarities between an ethnographer and an asylum agent are necessary to acknowledge. Manuel wanted to be interviewed, and he did say this would be a chance to tell the story he was never able to tell, which, to me, implies he never aligned me with others who inflicted "violence." However, the self-ethnography of this project led me to understand how "violences" are enacted onto the body through language.

The "scripting" processes by asylum policy, asylum agents, lawyers, judges, journalists, and even an ethnographer have the potential to be violent and cause trauma. In this way, the materialist and constructionist positions are in constant relation to each other and inform each

other. In other words, the material body can also tell stories, but the construction of language makes the stories meaningful. Scars on Manuel's body show puncture wounds, but only through language scripts can we make them meaningful, *e.g.*, the puncture wounds were not caused by a car accident but by an act of violence from another person. The same logic can be used with the poststructuralist lens in which scripts, or rather scripting, informs how you view your body and your identities, *e.g.*, victim of violence and survivor of a traumatic event have two very different meanings and will inform how you and others view you. Manuel never called himself a victim of violence, but that is how the courts defined him. He also never called himself a survivor of a traumatic event. When describing what happened to him, he would just state it factually and say "I was raped, tortured, kidnapped."

Stuart Hall states in *Representation: Cultural Representations and Signifying Practices* that texts must be understood as discursive formations.[13] We are all texts; everything is a text, and everything has interpretive properties. Texts are objects and practices that invoke the construction of meaning through signs of representation. Within a particular context, political asylum for example, texts can be analyzed in terms of the arrangement of signs into sequences of codes that generate meaning. Although texts are already encoded with materiality, they too, are decoded in ways that contribute to social constructions. This does not mean that there is no non-textual material world. Rather, meaning is a product of textual arrangements. Within this poststructural lens, textuality is a process of inscription whereby meaning is ceaselessly posited and deferred according to the play of *différance*.[14] Texts signify within the circuit of culture, which helps cultural theorists understand systems of meaning within everyday life. As forms of

[13] Hall, S. ([1997] 2003). "Introduction." In *Representations: Cultural Representations and Signifying Practices.* Stuart Hall, ed. 1-11. London, Thousand Oaks, and New Delhi: Sage Publications.
[14] Derrida, J. (1976). *Of Grammatology*. Trans. Gayatri Chakravorty Spivak. Baltimore and London: Johns Hopkins University Press.

representations, texts are polysemic because they contain a number of different meanings depending on the readers and writers of texts. This project, in many ways, attempts to identify how Manuel makes meaning in his everyday life by looking at his political asylum processes and the textual arrangements of the stories he shares in his interview narratives. By looking closely at Manuel's political asylum process through the lenses of ethnography, self-ethnography, postructuralism, queer theory, and narrative analysis, I argue that trauma is identity with agentive power to navigate and negotiate difficult and challenging spaces and systems.

Political Asylum and Trauma: A Discursive Field

In this section I offer an overview of political asylum processes and map out the complexities of political asylum and trauma as a discursive field. What I provide here does not do justice to Manuel's experiences, which further illustrates the problems of "writing about people." However, what I want to underscore in this section are the challenges asylum seekers face in these processes. First, even though I present one here, political asylum does not follow a linear trajectory because one is always recounting events from the past and narrating them in non-linear ways. For example, during the interviews, Manuel would often move in-and-out of different time frames when telling his story, which indicates how he is textually arranging his life to make meaning. Additionally, each individual experiences the processes differently even though I draw from Manuel's experiences to formulate how others might experience political asylum processes. Political asylum, as I suggest in this section, is a complex discursive structure with multiple people involved in decision-making processes in different places at different times. Second, asylum seekers have experienced some kind of violence, threat, or a "well-founded fear" from which they seek protection. Arguably, asylum seekers have experienced a traumatic event and live with trauma. Political asylum processes, however, are additional kinds of traumatic

experiences built into the discursive field. As such, political asylum is a structure where multiple traumas occur and multiple violences are enacted. A third challenge I address in this section involves the necessity of asylum seekers to provide evidence or "make their case." Many of the challenges in political asylum processes rest on the shoulders of asylum seekers themselves. In this way, asylum seekers are vulnerable because they seek refuge in a system that has already written them as individuals on trial, which can be traumatic if one is made to feel like they did something wrong or criminal.

Trauma offers both a useful entry into political asylum processes and problematizes discussions of subjectivity. Defining trauma is a difficult task because when any definition is offered, limitations are enforced. Asylum, language, narratives, identities, and spaces have the potential to enable and simultaneously constrain. Ann Cvetkovich's *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* also engages the difficulties of defining trauma. Rather than resolving trauma to a mere definition, Cvetkovich uses the term as a way to discuss *affective experience* and *affective language* to describe the everyday feelings in life.[15] Cvetkovich moves away from clinical definitions of trauma since pathologizing people naturalizes trauma, and she instead focuses on trauma as everyday experience that unravels definitions of the term to critique systematic forms of oppression.[16] For Cvetkovich, "there is no transparent representation of trauma nor any straightforward context of reception"[17] because determining trauma assumes it can be quantifiably measured. Trauma is experienced differently everyday by different people. Moreover, Cvetkovich articulates the ways in which experiences and knowledge of trauma construct how public cultures develop around affective experiences,

[15] Cvetkovich, A. (2003). *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures*. Durham & London: Duke University Press, pp. 17-19.
[16] Ibid. pp. 32-33.
[17] Ibid. p. 38.

which contribute to their subjectivity and knowledge production. In this way, I utilize Cvetokovich's *trauma* as a way to discuss affective experience, affective language, and knowledge production to unravel reductionist definitions and critique political asylum as a structure of oppression.

Trauma is often contextualized in political asylum as an external event inscribed onto the body that is experienced only in terms of literal repetition, *e.g.*, repeated violent physical contact. However, political asylum processes are another kind of trauma inscribed onto the body, *e.g.*, mental and emotional stress on the body. One of the biggest obstacles asylum seekers have during the application process is representing their trauma in ways that can be understood textually and cross-culturally. Additionally, recounting trauma in narrative form is flawed since testimony about the past is necessarily put in context with the present such as when Manuel moves in-and-out of different time frames to tell his story. In this way, articulating trauma cross-culturally can lend to misrepresentations or misunderstandings. Amy Shuman and Carol Bohmer also discuss the problems of representation in their essay, "Representing Trauma: Political Asylum Narrative." Although they focus on how folklore is utilized by asylum seekers as tools of narration, they address the complicatedness of representing trauma in a structure of cultural differences and bureaucratic demands.[18] In this way, translating trauma from one culture to another has its challenges.

Political asylum in the United States is defined as "protection and sanctuary granted by the United States within its territorial jurisdiction or on the high seas to a foreign national who applies for such protection because of persecution for race, religion, nationality, or membership

[18] Shuman, A. and Bohmer, C. (2004). "Representing Trauma: Political Asylum Narrative." *Journal of American Folklore*. 117.466: 394-414.

in a particular social group or political opinion."[19] The policies described in political asylum suggest applicants are already expected to have been traumatized in some way even before they arrive in the U.S. because they seek protection from persecution. In this way, before there is even an applicant, trauma has already been inscribed on the body by asylum policy to those who might seek refuge. Manuel states:

> "Even though I get here [to the U.S.] because I have the resources, the money, you know, and friends that help me, I'm smart, you know, but when you get here and apply for asylum, they look at you like you raped or tortured, and I was raped and tortured. But, they can't see that. They just see this 'poor thing' like I'm helpless. I escape mother fuckers. They don't see you as a person that found a way out, they just see you as a victim. I fucking leave and got here, but all they see is someone that is damaged. I love my country, you know I say that all the time, and I will always love my country, but those mother fuckers [asylum agents and other court officials] just think to themselves that I am helpless and how lucky they are to be American. Not all asylum-seekers are raped and tortured. But, if you asking for asylum, then you must be a victim of something, and maybe you are. But, I'm not a victim, I just have a big mouth that got me in trouble, so I say fuck it, I'm leaving. I don't regret what I did, but I also don't like what happen to me."

Additionally, before even applying for political asylum, asylum seekers are characterized and written as "victims" in their own countries. As I already mentioned, writing, or rather scripting the body, can be both a violent act and an agentive expression. For now, the trauma inscribed

[19] *Processing Requests for Political Asylum and Temporary Refuge*, Department of the Army, Washington, D.C., 21 June 2004, p. 6.

onto the body before there is even an applicant is the first phase of scripting the identities of asylum seekers. Therefore, trauma is an identity written by asylum law and assigned to people before anything has even happened marking them as marginal or deficient. Political asylum in the U.S. is part of many official discourses that promote the categorization and separation of people. Although political asylum promises "protection," it does not promise equality or even equity. Rather, political asylum endorses an "us" and "them" distinction that helps the nation-state define U.S. citizenry, which puts limits on who *belongs* here and how citizens and non-citizens are valued.

Even before asylum seekers can apply, they must be aware of asylum as an option, and they must have the resources to "get here." Political asylum, in this regard, is also part of a class structure that favors individuals who have access to resources over those who do not. For individuals resourceful enough to "get here," their trauma is already couched in an exchange of capital that advances neoliberal governmentality in the U.S. In other words, the nation-state benefits when resourceful "victims" ask for protection. Neoliberal governmentality can be traced to Michel Foucault's notion of "biopower" where the body is viewed as a laboring machine, disciplining the body to optimize its capabilities and extort its forces. Biopower is literally having power over other bodies, "an explosion of numerous and diverse techniques for achieving the subjugations of bodies and the control of populations."[20]

Foucault describes "governmentality" as an aspect of the "art" of government. The term refers to a range of tactics and techniques used to exercise control over modern populations.[21] The notion of neoliberal governmentality refers to societies where power is de-centered and its

[20] Foucault, M. ([1978]1990). *The History of Sexuality: An Introduction, Vol. 1*. Robert Hurley, trans. New York: Vintage Books, p.140.
[21] Foucault, M. (1991). "Governmentality." In *The Foucault Effect: Studies in Governmentality*. Burchell Graham et al., eds. Chicago: University of Chicago Press.

members play an active role in their own self-government. Neoliberalism masks a centralized government because regulation comes from within its members. In this way, asylum seekers may self-regulate or see themselves as "victims" in order to gain so-called "protection." I argue that Manuel's "trauma," or rather his experience being raped, tortured, and kidnapped did not make him feel like a victim but reminded him of identities that gave him agency, *e.g.*, gay, activist, male, educated, resourceful, etc. Although neoliberal governmentality is a necessary component to this discussion, its reductionist aim leaves little room for agency. I do not suggest that all asylum seekers see themselves as "victims" or "traumatized." Rather, asylum policy and other neoliberal policies encourage this kind of regulating selves. As I suggest in a later chapter, a discussion of agency remains absent from the literature on political asylum.

As a discursive field, the knowledge produced within disciplinary institutions promotes the construction of auto-regulated or auto-correcting selves. Asylum seekers who do not necessarily see themselves as "victims" may internalize this category in order to adhere to the demands of political asylum processes, which in turn promote neoliberal governmentality. Neoliberalism is a mentality of rule because it represents a method of rationalizing the exercise of government that strives to create a social reality that it proposes already exists – that we are free and autonomous people. In other words, neoliberal mentalities promote individuals to govern their own freedom and adhere to the disciplinary forces that regulate "us" and "them" binaries. Within Foucault's schema of governmentality lies "technologies of the self." Foucault describes technologies of the self as techniques that allow individuals to effect, by their own means, a certain number of operations on their bodies, minds, and behaviors so as to transform themselves in order to attain a certain state of freedom and equality. Technologies of the self propagate responsibility and normalization onto its citizens so that they adhere to certain scripts.

In his work on the disciplining of bodies and populations, Foucault argues that various institutions and disciplinary knowledges serve to produce socially adapted "docile bodies."[22] Foucault emphasizes the malleability of the body, so that social norms may be inscribed on its surface and in its very form. In this way, "normalization" is a disciplining technology to regulate bodies to conform. If conformity may be written on bodies, so too may subversion and a variety of subversive bodily performances as suggested by Judith Butler.[23] Bodies, then, act as sites of both normalization and resistance to governmentality. In the case of political asylum, "victimhood" and "trauma" are the normative scripts built into the discursive field in which asylum seekers must adhere in order to gain "protection." It must be noted here, however, that Manual does not see himself as a "victim," but he does describe performative aspects in his asylum case in which he knew he had to adhere to certain behaviors and expectations.

> "It's a performance Christopher. It's like drama theater, but you have to be careful. I told the truth, I gave all the evidence, I got asylum. But, performance, it's everyday, and I learn that from my mother, but I also just learn from being in these situations. And, I learn because I'm gay, you know. Sometimes you just smile and let people think whatever they want. Or, you keep a poker face. The drama, the drama like move to another country but the drama always going be something written. You don't act, I mean, actors say their lines because there was a script for them to read. So, it have to be like a script. And, different scripts have different kinds of drama. Asylum is just another kind of drama, and I am the actor, and I read my lines because the director says 'now say this and act this way.' But, you still in control because, you know, even though you know you

[22] Foucault, M. (1977). *Discipline and Punish: The Birth of the Prison*. Alan Sheridan, trans. London: Penguin.
[23] Butler, J. (1993). *Bodies That Matter: On the Discursive Limits of "Sex."*. New York and London: Routledge.

need to make a case, right, you have to say and do certain things to get asylum, you have to be honest for sure, I still know I'm performing for them though. It's a theater, life is a theater, you just act your best. But, it is a str--, everything is a strategy. I mean, you don't have a strategy in life, you just, you know, you use a strategy when you're a student. No, that's not what I mean. I mean we are all students and learn from different situations. I know, you know about certain things because we are gay, right? I don't know everybody, I mean I don't know if this is true for everybody because not everybody is applying for asylum, but I mean, I don't know a lot of people but everybody that I know, especially the gay ones, they do it. Because they have to survive. But not everybody has these skills. They, they develop the skills, you know, with years. It's like gay drama [laughing]. You know how they say 'oh, he's so dramatic,' when what they really saying is I'm gay. Well, being gay got me raped and tortured, but being gay also taught me how to survive and be a good actor. I don't always like how that makes me feel though. I don't feel good sometimes, but sometimes, especially the gay times, I like to play with people. Not everyone is lucky enough to get here though, and not everyone can develop these skills especially if you're dead. I didn't want to die, so I play my part and got asylum. Some people have it way worse than what I went through, and I can laugh at times, but it's also sad because I know there are so many still being raped and tortured. Women beaten by their boyfriends and husbands. It's terrible Christopher."

Adhering to the "victim" position also yields a kind of trauma experienced by asylum seekers. Manuel describes above that performing the "victim" role does not make him feel good, but he

understands the expectations when seeking asylum. Manuel's description of acting and knowing when to act also underscores how performing, for him, is an act of queer resilience. But, as he mentions, not everyone is as fortunate as he was to get asylum.

Within this class structure, "getting here" is challenging for many individuals seeking asylum because it requires having the economic resources to travel. An interrelated class challenge for asylum seekers once they are here, and before any application is processed, is hiring an attorney to evaluate if there is even a relevant case. Separation from family and "homeland" is another kind of trauma experienced by asylum seekers. Seeking help from strangers also articulates a kind of trauma experienced in this discursive field because it requires trusting individuals and always questioning if those individuals are advocates or adversaries. Having resources to hire legal aid also codifies the class structure of political asylum that advances neoliberalism. Even if one has the resources to hire an attorney, asylum seekers must provide enough evidence to an attorney so they can assess if a case can be made for application of political asylum. In other words, even before one fills out an application, evidence of trauma must be provided to an attorney in which case another exchange of capital is made in political asylum processes. And, a second phase of "scripting" occurs when asylum seekers speak with their attorney when providing evidence for a case. Without a lawyer, asylum seekers cannot make a case. In this way, asylum seekers are in a position to defer to multiple decision makers and multiple governmentailities, including their own attorney to write their narrative and tell their story. Another way to think about how trauma is enacted here is that the asylum seeker is "on trial" even before a case is made.

Manuel's experiences, however, were quite different from what I describe here, but his narrative, his story, lends to understanding these complex processes. He explained in one interview his lawyer's involvement in his political asylum process and stated:

> "I have a lawyer […] she was very good. She say, 'I just gon-na help you put the documents together.' She was a really big help, but you know, lawyers cost a lot of money. I mean, some people apply to political asylum for other reasons so they have to make a case so when you make a case, you need a really good lawyer because if you don't have evidence, if [applicants] don't have sources, [the lawyers] have to help you. I have a good lawyer, and I have a case. But I didn't know that I have a case until I have a lawyer. I have a lot of sources, and I have a lot of help from different people, you know, so it was about, it wasn't quite three months, it was like less than two months [that all the evidence was collected, and a case could be made]."

Although Manuel's lawyer was "a really big help," the lawyer, generally speaking, in political asylum processes still interviews the asylum seeker in question and makes assessments based on the evidence provided. Interviewing is the process by which some evidence is extracted. Taking photos of the asylum seeker is another way to provide evidence. Here, connections can be made between ethnographers and other participants collecting evidence to build a case and constructing interpretations. As Manuel mentioned in this excerpt, the class structure is indeed part of the discursive field since, as Manuel comments, lawyers "cost a lot of money," and in that exchange of capital, applicants receive the assistance needed. Without a "really good lawyer" asylum seekers may not have an opportunity to make the best case.

Making a Case: Textual Scripts of the Body and Narrative

Making a "case," as Manuel mentions, is an additional challenge that rests on the shoulders of asylum seekers. Because some individuals must flee their country, they may leave behind the "evidence" needed to make a case. For those that flee without bringing the definitive texts needed to make a credible case, the only evidence they can provide is their narrative and their body. Even before the application process, asylum seekers are required to tell their story to their attorney. And, even if they arrive in the U.S. with visible "trauma" on the body, they still must narrate the events that happened to them in which they seek "protection" to make that trauma relevant to their case. In this way, regardless of visible trauma on the body, asylum seekers must make their bodies meaningful through the use of literal language. Shuma and Bohmer state, "to meet the criteria for political asylum states in the United States, applicants need to reframe what they often understand as personal trauma into an act of political aggression […] part of [this] 'translation' process involves pushing the claimants to provide the often gruesome details of their persecution."[24] In this way, applicants may encounter another kind of trauma simply through narrating, or translating, their trauma into literal words.

Translation is, again, another kind of trauma done to the body during political asylum processes. Narrating trauma means having to relive that experience over and over and reframe it in ways that can be understood by multiple people as mentioned at the beginning of this chapter. Another level of trauma may occur when individuals outside the events translate asylees' narratives. If asylum seekers do not speak English, for example, they are confronted with additional challenges, additional traumas. While translators are often involved in relaying information from one language to another, words and their meanings are never adequately

[24] Ibid. Shuman, A. and Bohmer, C., pp. 396-397.

translated. For example, Manuel shared with me a copy of the English translated medical report from when he was kidnapped and tortured by police in his home country, which he obviously was able to bring with him to the U.S. The medical report was translated from Spanish to English and read:

> Patient was admitted to the Emergency Department on the 4th day of February, 2004 at 3:30 in the morning, presenting with massive loss of blood caused by the penetrating wound in the anal area with massive tearing thereof due to use of police stick inside the perianal cavity. Multiple traumae at the level of the back, neck, chest and legs. A magnetic resonance imagines will be performed with diagnostic impression: anal impaling and violation with damage in the lumboacral area due to the use of the police tool and the inappropriate handling thereof. [Patient] is treated clinically with blood transfusion, the area close to the perineum is sutured in order to restore physiological function, and he is given intravenously antibiotic therapy, analgesics and anti-inflammatory agents. Psychiatry is consulted for an immediate evaluation. [Patient] is hospitalized for 48 hours for treatment follow-up. He is released on the 6th day of February, 2004.[25]

Manuel's English translation medical report above does not adequately detail the bodily trauma he suffered from the police attack, nor does it detail the mental or emotional trauma he suffered from the attack. Additionally, both Spanish and English versions equate physical trauma to pathology with its mention of psychiatry. The medical translation form provides only 20 lines for translation. Although speculative, because the translation form only provides 20 lines, it

[25] Certified Translation, Translation Services, Ministry of Labor, February 6, 2004.

seems to encourage the translation of trauma into as few words as possible. The objectives of translation, then, are to reduce trauma to mere clinical language thereby endorsing trauma to violent physical contact. Reductionism is an approach generally taken up by those regulating bodies.

Cultural studies and ethnography have been opposed to reductionism because of its immutability to culture. Such discourses as medicine or political asylum, then, are in constant struggle with discourses such as cultural studies and ethnography because our aims, in part, are to uncover dialogic theories of texts.[26] Translation, then, is an additional phase of "scripting" done to the body and trauma enacted onto the body. Because Manuel's trauma was framed in reductive clinical/medical language of a pathologized body, translation complicates materiality and constructionism of bodily and other kinds of traumas. Although Manuel has already experienced physical trauma, the translated version of the medical report enacts another kind of trauma and violence onto the body because it removes the affective experience of the person and distills trauma and violence to just the body.

If an attorney assesses the asylum seeker's evidence and decides there is a credible case, then the claimant may proceed to the application process. While an attorney is necessary in these processes, the asylum seeker must fill out the 22-page political asylum application. Manuel stated:

> "You have a lot of flexibility with the papers because some of the papers can be in Spanish. It's like four languages that you can find the application. And, well, I always say you need more documents than you want to have because basically you need, you need the evidence, you know, your statement isn't enough. You

[26] Bakhtin, Mikhail. (1981). *The Dialogic Imagination*. Michael Holquist, ed. Caryl Emerson and Michael Holquist, trans. Austin: University of Texas Press, p. 263.

> need to have some money too because you have to file, and those forms cost money, they not gon-na just let you file, you have to pay for it."

Although the application is available in at least four languages – English, Spanish, French, and German – the application is shuffled in and through so many U.S. government offices that it must first be translated into English before it is processed. Once again, violence and trauma are enacted onto the body in the translation process. And, as Manuel indicated, although there is flexibility with application language preference, legal discourse is difficult to understand no matter what language it is written in. Manuel notes:

> "The other issue is sometimes you can find the documentation in Spanish, and it's legal, it's legal Spanish. So [when applying] you don't understand all of it, so you know they fucking you, and you know they fucking you because legal documents are difficult to, to understand, that's why you need lawyers."

Once again, the difficulties of understanding legal discourse, as Manuel mentions, demonstrates how applicants are at a disadvantage, or as he notes, how the system is "fucking you." In this way, understanding, or making sense out of legal discourse may be another kind of traumatic experience applicants must endure during political asylum processes.

As part of the application process, asylum seekers must also provide a hand-written testimonial describing the trauma that happened to them and why they seek asylum. Applicants are provided 100 single-spaced lines, which is approximately equivalent to two double-spaced typed pages. Again, it seems that political asylum processes favor reducing trauma into as few words as possible, and a third phase of "scripting" is encountered in the hand-written testimonial. Because asylum seekers are made to reduce their trauma in a 100-line statement, another kind of

trauma is enforced in the process. In one of the many interviews conducted with Manuel, he stated:

> "[even though] when I apply [for political asylum], I have the documentation – I have pictures, I have newspapers, I have letters, and I have my face – I still must write what happen to me. Then, they use what you write to test you. That's how they ask their questions, how they see if what you write and what you say match."

In other words, the asylum application process is a repetition of what was already provided to the attorney and requires applicants to once again return to and relive the trauma and provide evidence to make a case. Moreover, because of its 100-line limit, applicants are literally forced to reduce their own trauma, making the process extremely difficult especially since trauma is experienced differently cross-culturally. In this way, asylum seekers are constantly "making a case" for themselves since the process of providing evidence to multiple discursive communities gets repeated in different phases to different people. And, they too must translate their case or evidence into ways that others can understand, which has the potential to lose meaning or gain access if the applicant is equipped with the resources such as proficiency in English.

Like any discursive field, there are multiple people involved, and in terms of political asylum, I have already mentioned the claimant, the attorney, translators, and to some extent assailants. However, political asylum also includes asylum agents/officers, record clerks, journalists, human rights advocates, people back "home" collecting documentation, and in this particular instance, an ethnographer. Political asylum applications are evaluated on a case-by-case basis, but several people are involved in this evaluation process and may not even see the applicant face-to-face. For example, Manuel expressed his frustration of the process when he mentioned how his case was evaluated in Lincoln, Nebraska and stated:

> "My case was managed in Lincoln, Nebraska. I don't even know where that is. I mean, I live in Washington[, D.C.]. Why this Lincoln, Nebraska? The people that immigration have reading those documents are people that live in LINCOLN, NEBRASKA. I mean, these people don't know me. They just see my documents. Do they even know a Latin person? I mean, it's LINCOLN, NEBRASKA."

I characterize these participants, in Lincoln, Nebraska and elsewhere, as multiple discursive communities to suggest a complex configuration of disjointed knowledges, beliefs, values, and communicative strategies by multiple unparalleled bodies located in different places at different times in ideological conflict. In other words, meaning is never constant or ideologically understood by all participants in these communities assessing asylum claims. Cultural studies have adopted anti-essentialist theories of language where meaning can never really be "fixed," but rather, continually supplemented by other words with traces of meaning from related but different contexts. In this way, textualized "evidence" becomes an interpretive structure in which multiple bodies evaluate a single case using one's own experience and understanding.

The body of evidence, then, shifts from the literal single physical body of the applicant to the collection of documents that describe and narrate what was done to the body. Although Manuel indicated his frustration with how "these people" in Lincoln "just see [his] documents" and not him in the physical bodily flesh, I suggest this kind of bodily removal may generate agency for the applicant through the performance of language, scripts, and narration. Furthermore, the body of evidence also includes the people interpreting the documents. In this way, the "body of evidence" must be extended to include the physical body of the applicant, the textual body of documents, and the body of people that form multiple discursive communities

that make evaluative interpretations. Although meaning can never really be "fixed," testimony and other documents of evidence are read as "fixed" evidence by asylum officials.

Political asylum is a discursive field with many challenges for applicants with just as many people taking part in the decision-making structure. In order to make a case for political asylum, asylum seekers are required to provide evidence of persecution or evidence of a "well-founded fear of persecution for reasons of race, religion, nationality, or membership in a particular social group or political opinion."[27] Because asylum seekers often flee their countries immediately, they leave behind the materials needed to build a case. In many situations, their bodies and their stories from memory are the only evidence they can provide. Although equally complicated, Manuel's application process was different since he came to the U.S. with physical evidence and documentation that supported his case. This is not true for everyone because of temporal constraints in which asylum seekers sometimes need the resources to "get here." Evidence of persecution or evidence of "well-founded fear of persecution" are necessary for making a credible case as codified by the policies from the Bureau of Citizenship and Immigration Services (BCIS).

Because there is no clear definition of "well-founded fear," or trauma for that matter, in any political asylum policy, applicants must effectively convey a credible narrative, and they must submit their documents within a reasonable time frame as Manuel stated:

> "Well, I did, I did have to wait three months, maybe two months, because it's a process, I mean, you have to, you have to start to write, you have to write what happen to you, I mean, you have to write *something*![28] And then you have to mail all the papers and then you have to collect evidence then you have to have

[27] Article 14 of the United Nations Convention relating to the status of refugees.
[28] His emphasis.

> evidence like you have pictures, videos, you know, newspapers, something that show that you were attacked by somebody or why you were attacked and you know, I mean for some people it takes a long time because some people don't have any evidence, just, you know what they can say. So they have to start to collect documents, they have to call their country and ask them to send documentation and that can take a long, long time. It was easy [for me] to put those [sources] together. The thing that was really difficult [for me] is just to put, put it like in a statement of what happen to me and how it happen. And the statement, it, it have to be less than a hundred lines and in a hundred lines you have to explain what happen and why you are applying for political asylum. And you have to be careful what you write."

Political asylum is a time-sensitive structure in which claimants must show their "well-founded fear" at the time they apply. The longer it takes to collect evidence, the longer the delay in processing the forms and the further they may move from proof of physical violence, e.g., wounds heal over time. Proving "well-founded fear" also means that applicants must relay how persecution against them was politically motivated in their own country. Along with "trauma" and "well-founded fear," there is no clear understanding of "politics" in asylum policy. Still, applicants need to be able to describe the motivations of their oppressors as well as their group affiliations as part of the public suppression of dissent. And, although applicants are measured on a case-by-case assessment, they are forced to put their narrative within the larger discursive field of persecution, politics, trauma, and fear as "immutable characteristics" in "membership of a social group."

To complicate matters, asylum applicants are required, in many ways, to testify against their own countries demonstrating their allegiance to the country in which they seek protection. In their article, "Well-Founded Fear: Political Asylum and the Boundaries of Sexual Identity in the U.S.-Mexico Borderlands," Lionel Cantú, Eithne Luibhéid, and Alexandra Minna Stern assert:

> "To gain asylum, Third World supplicants must paint their countries in racialist, colonialist terms, while disavowing the United States' role in contributing to the conditions that they fled. If the U.S. government decides to "save" the supplicant by granting asylum, this easily reaffirms the notion of the United States as a land of liberty and a bastion of progress."[29]

In this way, applicants must endure another kind of trauma in which they reaffirm the U.S. as their savior and vilify their own countries and cultures. Although Manuel has stated numerous times in the ethnographic setting, "I love my country, and I always gon-na say it's the best country in the world even though this happen to me," his testimony is used as a way to codify how other countries inflict trauma and violence onto the bodies of their populations while the U.S. "saves the supplicant" reinforcing the notion that the U.S. is superior.

The immediacy of proof and the time factors involved in political asylum processes also carry trauma for applicants. Manuel mentioned in another interview:

> "I think it's difficult because if you just get here, then all of a sudden, you have to put those documents together very fast. I mean, if you were just attacked, then why you thinking about that, people not thinking about collecting documents,

[29] Cantú, L., Luibhéid, E. and Minna Stern, A. (2003). "Well-Founded Fear: Political Asylum and the Boundaries of Sexual Identity in the U.S.-Mexico Borderlands." in *Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings*. Minneapolis and London: University of Minnesota Press, (61-74), p.65.

> taking pictures, they thinking about 'am I gon-na be okay' or 'who is there [behind me], am I gon-na be attacked again?' The process don't allow you time to heal, it's just, okay, here you are, now get those documents. But, you're fucked if you don't get things [evidence] before you leave. I think you, I don't know, I think you need to have luck. Even if you get the documents, you have to be lucky because you know some people filed documents, and they don't have any answers for a year, two years maybe. I was lucky to have people who help me, you know get those documents together, know to take pictures of me, collect all the newspapers of me, you know where I talk about the government not informing the people about HIV and AIDS. Some people, they just run, and if you don't take a picture, then maybe those bruises heal…then what proof do you have?"

Indeed, waiting for an answer is traumatic especially if, as Manuel mentioned, your only concern is "protection."

In an effort to corroborate what the applicant wrote in their statement and what the body of documented evidence offers, claimants must go through yet another interview process by asylum officers after the application has been submitted. Although Manuel's interview process was, as he stated, "not too bad," the body and memory are carefully scrutinized in the interview to assess relevance, plausibility, chronology, and corroboration. Applicants are required to defend themselves during the interview process, and lawyers are not permitted in the room. Manuel said in his asylum interview he and an asylum officer were present along with an equivalent of a courtroom transcriber documenting everything during the interview. Manuel explained his experience with me:

> "You never know what you're gon-na face when you going through immigration. It's like, like something you learn in life, it's like you learn how to be clever and learn how to understand how things work. It's like you know, for example, Monday morning people not really friendly because they have to go to work. You have a weekend, and people are really nasty on Monday morning, right? So people don't go to government offices on Monday, they wait until Wednesday because on Wednesday people are more happy. So I think you have to be really, you have to think about different scenarios [when applying for political asylum]. In the interview, you have to defend yourself, and they gon-na ask you a lot of questions, and you have to be careful what you answer back. And, also if I sneeze in the middle of the interview, they will document that I sneezed. And in my case, [the interviewing agent] ask me some questions that were not right, so I correct him, but you know, he was, he was trying to make sure that the information that was in my statement, and the information on the papers was something that match with whatever I have in my brain. My interview didn't take long, maybe 15 or 20 minutes."

Although applicants are carefully scrutinized in the interview process, Manuel's example offers how applicants also learn how to navigate and negotiate in different spaces of power and assert their agency. Cvetkovich's "trauma" is useful here because it points to Manuel's knowledge production in political asylum processes and how he "learn[ed] to understand how things work." In other words, by being carefully scrutinized, Manuel, and others perhaps, learn how to be rhetorical and maneuver using language such as when Manuel corrected the asylum officer who asked incorrect questions, or making his interview appointment for Wednesday rather than on

Monday. Manuel has stated elsewhere how, in political asylum processes, he has learned to "work the system" and learn how to be clever when navigating and negotiating in systems of power. In this way, I suggest political asylum as a dual process, borrowing from Aihwa Ong,[30] of being-made and self-making where applicants can retrieve and assert some agency in the discursive field. "Working the system" *vis-à-vis* his gay identity, Manuel not only "queers" the asylum process, but he also finds ways to be resilient through his actions or "acts of queer resilience."

Manuel continued to share with me his interview experience and offered some additional thoughts on the class structure of political asylum:

> "The other thing that really help in my case was that I have a degree. I don't want to sound discriminatory, but I think that [my degree and title as doctor] help immigration to make a decision. So when I file the papers, I wait. I filed the papers on June 21st, and I got an answer on July 9th, and my interview [with the asylum agent] was on July 27th. When I arrive [to the immigration office for my interview], he didn't say my name, you know, I mean he say "doctor" and my name when he called me for the interview. I think because I am a doctor, I pass through the process pretty easy. But, there is a lot of people that don't have the same advantage that I have. I cannot speak for everybody, but I think being a doctor help my case."

What Manuel suggests in the excerpt above points to how transnational migrants are commodified within political asylum. In other words, bodies, in political asylum processes, are commodified on multiple levels to advance the nation-state project. Transnationalism is useful

[30] Ong, A. (1999). *Flexible Citizenship: The Cultural Logics of Transnationality*. Durham, NC: Duke University Press.

here because of its emphasis on exchange in capital for labor. Manuel said his process was "pretty easy" because, as he speculated, being a doctor puts him at an advantage. In other words, as I mentioned earlier in this section, the nation-state benefits when resourceful "victims" ask for protection. Manuel has both a medical degree and a PhD in infectious diseases, at the time, worked for the U.S. developing malaria vaccines. Still, with the advantage of being a doctor, Manuel and other asylum applicants must frame their claims within normative scripts of "victim" and "trauma." What this process does, then, is combine non-normative identities such as homosexual, Latino, and foreign national with normative scripts of "victim" and "trauma" naturalizing such identities as traumatically pathologized. The historical process of naturalizing pathology with non-normative identities has extended beyond political asylum.[31]

Although I have highlighted the challenges of political asylum and the problematics of textualized evidence in this section, for a moment, I would like to suggest that there are some benefits to applicants when making their bodies meaningful. Clearly, political asylum is a reductionist process. Applicants must reduce their trauma to a 100-line statement, and translators reduce trauma, in various ways, to as few words as possible. Although there are difficulties in these scripting processes because applicants must sometimes reconstruct their stories by memory and provide a skeletal narrative, it must be acknowledged that in making their bodies meaningful, applicants assert their agency in the scripting process. Although their essay specifically focuses on sexuality, Cantú, Luibhéid, and Minna Stern suggest that applicants are required to essentialize their identity into narratives that can be understood by U.S. immigration[32] leaving little room for applicants to articulate their affective experience of trauma.

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[31] See Foucault, M. ([1978]1990). *The History of Sexuality: An Introduction, Vol. 1*. Robert Hurley, trans. New York: Vintage Books.

[32] Cantú, L., Luibhéid, E. and Minna Stern Ibid. p. 70.

In other words, applicants adhere to reducing their trauma leaving little room for individual agency. I propose an alternative to applicants' reductionist scripting.

As Manuel mentioned, applicants must learn how to be clever in political asylum processes and "work the system." It must be noted that "cleverness" is not parallel to lying. Rather, "cleverness" is akin to a form of agentive power, or as the title of this dissertation states, "acts of queer resilience." As such, it is possible that asylum seekers learn to be concise and privilege certain events over others as a way to assert their agentive power. In this way, I see reducing trauma by applicants as a strategy and ask, how is silence operational by applicants in political asylum processes? In what ways, then, does withholding information benefit the applicants? Asylum processes require applicants to reduce their trauma into a 100-line statement into something that can be "understood" and commodified by multiple people, or utilize a commonsense language. But does this offer a radical potential for how individuals "work" governing systems? If applicants must articulate their trauma into languages that governing systems can "read," how, then, might applicants rearticulate their bodies and trauma into "languages" that dominant culture cannot "read"? Or, is utilizing normative scripts subversive in itself? Arguably, asylum seekers are silenced in many ways by having to reduce their trauma, but in some ways, silencing someone can both trigger a reaction and teach one how to make language and narratives operational.

Although she was referring to black women in a specific historical context, Audre Lorde insisted, "your silence will not protect you."[33] Indeed, speaking one's identity is empowering, and though I am certain Lorde's tenet is as powerful today as it was 20 years ago, I wonder, to what extent, and in what contexts, are silences operational. In other words, in what spaces and

[33] Lorde, A. (1984). *Sister Outsider: Essays and Speeches*. Freedom, CA: The Crossing Press, p. 41.

situations is silence operational for achieving power, even agency? Although complicated, I assert "scripting" also becomes a way for applicants to navigate and negotiate in different spaces of power because applicants learn how to make sense of the discursive field by how they are scripted and how they script themselves. In other words, "scripting" can be a subversive tool for asylum seekers to disrupt systems of power simply by making silence operational. Indeed, Manuel did not include his sexuality in his asylum case and instead intentionally focused on his HIV/AIDS advocacy as the political motivation of persecution. If silence is used as a mode of resistance, then I would reframe "silence" as generative agency. Yet, I would not equate agency and resistance as one in the same.

What I have attempted to do in this section and overall chapter is outline political asylum as a discursive field with many people playing a part evaluating asylum seekers' evidence so a case can be made. I have mentioned how "writing about people" operates in providing evidence and how asylum seekers must make their bodies meaningful in these processes through representations of "writing." Before I move on to theorizing the body, it must be clearly stated that in these processes of making a case and collecting evidence, the physical, material body is actually removed from the discursive field and all that is left is the textualized body in written form. If applicants must make their bodies meaningful through "scripting," and silence is operational, then there must be some agentive exercise on the part of the applicant in these processes. For example, Manuel did not disclose his sexual identity nor did he disclose his HIV status when applying for political asylum. He applied for political asylum, as he stated, "because of my political involvement and nothing more." As such, agentive power must be recognized to asylum seekers who also play a part in textualizing their bodies and trauma. Still, the

constructed body in textualized form demonstrates how the material and constructed body are in constant relation to each other.

Chapter 2: "Scripting" the Body: The Corporeal Politics of Political Asylum

In this chapter I theorize how the body is discursively constructed and materially experienced in political asylum processes. Before any discussion of "scripting," I begin by discussing the physical body in governing systems. In *Technology and the Logic of American Racism*,[34] Sarah Chinn discusses how the physical body serves as evidence for cultural imaginations or race in the U.S. Chinn explicates that textual representations of the body, such as those found in literature and military recruitment posters, signs, and pamphlets, are not real bodies *per se* but versions of bodies that have been codified as "real bodies." Chinn theorizes new ways of looking at the body, and although much of her analysis critiques the reliability of the visibility of the body, she argues for an analysis that examines the layers of invisibility. In this way, I suggest the invisible body as part of a subversive strategy in the same way that silence is operational in political asylum processes. If the physical body is removed in political asylum processes and all that is left is the textual body, the script, then invisibility of the physical body must be accounted for as part of a strategy of asylee agency. Chinn's central thesis confers "how different kinds of bodies can be ranked, measured, separated, and interpreted"[35] in ways that advance the *logic* of American racism. She further states that in discourses of measurement, bodies are "recruited to testify against themselves to support systems of subordination that [view] racially marked bodies as evidence for their own marginalization."[36] Political asylum, too, is a discourse that measures bodies and acts as a technology to advance the logic of American racism, and by extension all other -isms, e.g., sexism, ageism, and phobias, e.g., homophobia, xenophobia, etc.

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[34] Chinn, S. (2000). *Technology and the Logic of American Racism: A Cultural History of the Body As Evidence.* New York and London: Continuum.
[35] Ibid. p. 6.
[36] Ibid. p. 7.

In reciting how bodies have been traumatized, applicants are asked to testify against themselves and their countries in ways that demonstrate how physical bodies serve as evidence of a "racial other." As mentioned before, when pathologizing trauma to non-normative identities such as race, sexuality, and gender, bodies are naturalized into marginal systems where they are to blame for their own pathology. In other words, political asylum processes are technologies that make asylum seekers responsible for their own trauma as well as their own racial, sexual, and gendered "otherness." The processes challenge asylum seekers to confirm "normative" language of a racialized other because, as Chinn argues, technologies must render the body legible because readers are not always in possession of the correct reading skills."[37] Asylum processes are part of the racialization process in the U.S. that identify markers of difference as "other," and asylum seekers are dependent on a language of "normalization" to articulate their bodies and traumas in ways dominant culture can understand. As mentioned before, I also want to suggest the radical potential to disrupt dominant language by asylum seekers who use "normalized" language as a subversive tool. If applicants navigate and negotiate in different spaces of power using so-called normalized language such as "trauma," "victim," and "other," then there might be radical potentials for the redefinition of citizenship in the U.S., which I address in a later chapter. If the invisible physical body moves in different spaces of power while the textual body is being assessed, then, theoretically, the physical body is already positioning itself as a body that *belongs* in different spaces even before an evaluation of the textual body has occurred.

Political asylum is indeed a governing system that determines how individuals' experiences are ranked, measured, separated, and interpreted within what Michel de Certeau

[37] Ibid. p. 11.

calls the scriptural economy.[38] The prototypical asylum seekers within the historical roots of refugee policy in the post-World War II period, and extension of Cold War political motivations, for example, have been primarily males persecuted for political beliefs or activities.[39] Women are not typically thought of as potential refugees both because their political activities are often viewed as not "real politics," and because the focus on state per persecution in refugee law has led to the neglect of the kinds of private-sphere persecutions most often afflicting women.[40] This sort of rhetorical violence such as "real politics" calls language, among other things, into question regarding political asylum processes. And, moreover, it places certain bodies in a hierarchical structure of which bodies and identities are valued.

Language becomes the central issue and central tissue that makes asylum seekers' bodies and experiences meaningful. Subsequent chapters unpack this idea of "central tissue," which goes further in-depth with the operation of language and agency. In this way, the material body and the constructed body are in constant mutual and sometimes conflicting relation to each other. The material body (physical) and the constructed body (mental) coexist as part of the discursive formation outlined in the previous chapter but neither supersedes one another since the body is already "scripted" before there is even an applicant. Judith Butler contends " 'the body' is itself a construction, as are the myriad 'bodies' that constitute the domain of gendered subjects. Bodies cannot be said to have a signifiable existence prior to the mark of their gender."[41] Butler

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[38] de Certeau, M. (1984). *The Practice of Everyday Life*. Steven Rendall, trans. Berkeley: University of California Press.

[39] Greatbtach, J. (1989). "The Gender Difference: Feminist Critiques of Refugee Discourse." *International Journal of Refugee Law*. 1(4): 518.; Kelly, N. (1993). "Gender-Related Persecution: Assessing the Asylum Claims of Women." *Cornell International Law Journal*. 26: 625-674.; Maclin, A. (1999). "Comparative Approaches to Gender-Based Persecution in Canada, Australia and the United States." *Engendering Forced Migration: Theory and Practice*. D. Indra, ed. Providence, RI: Berghahn Books. pp. 272-307.; Crawley, H. (2001). *Refugees and Gender: Law and Process*. Bristol UK: Jordan Publishing Limited.; and Bhabha, J. (1996). "Embodied Rights: Gender Persecution, State Sovereignty, and Refugees." *Public Culture*. 9(3): 3-32.

[40] Ibid. Crawley (2001), pp. 18-21.

[41] Butler, J. ([1990] 1999). *Gender Trouble: Feminism and the Subversion of Identity.* New York: Routledge, p. 8.

later argues that the "body" does not exist prior to any signification, it only materializes when it becomes meaningful or when it "matters" and thus becomes intelligible to others as a signifier of space, time, location, and socio-cultural status.[42] Through such signifiers as race, gender, age, and numerous bodily markers, the body develops as a text to be read through the construction of language. Texts are never already once encoded with signifiers; rather, the signifiers are made meaningful through the re-presentation of cultural constructions such as language. And, the signification processes are not without consideration of power.

"Scripting" must be understood as an active process and never singular or reductive. In other words, there are multiple levels of "scripting" with different purposes by different people. Much of this section draws on theories of language to qualify the concept of "scripting" and how I am using it in this project. I make reference to the previous chapter to create continuity, and because this project is an evaluation of the politics of ethnography, I point to how the concept of "scripting" is used in the final chapter. As I have already suggested, there are multiple levels of "scripting" in everyday practices, but I use "scripting" for the purposes of political asylum in the way Ronald L. Jackson uses it to evaluate corporeal politics in popular media. Additionally, what I illustrate in this chapter is how "scripting" is like any other discourse; there are limitations and possibilities in "scripting." Furthermore, while "scripting," to a larger extent, is about making the body present through language and for what purposes, I argue asylum seekers utilize "scripting" as a political tool in ways that make silence operational and generative. In other words, this section examines both the absence and presence of the "scripted" body and asserts silence as agency for asylum seekers. Silence, too, is part of the scripting process. What is absent is just as meaningful as what is present. This section also examines the multiple

[42] Ibid. Butler, J. *Bodies That Matter*, p. 34-35.

"violences" done to the body during the scripting process. However, I end with Avery Gordon's model of "complex personhood" to address Manuel's participation in this project and political asylum processes where "scripting" and silence are the tools in which he makes his body meaningful.

Ronald L. Jackson identifies "scripting" as a multi-leveled system that includes the scripter, the scripted, and the inscription as constituent parts of a social equation that comprises corporeal politics.[43] "Scripting" applies to political asylum because of the multiple discursive communities involved providing and collecting the "body of evidence" in textual form or the bodily scripts. The scripter includes Manuel (the asylum seeker), the U.S. government, attorneys, asylum agents, journalists, translators, court transcribers, and in some cases, human rights advocates. The scripts include what is said or written such as Manuel's narrative, asylum policy, attorney notations/representations, newspaper stories, medical documents, asylum application, and numerous additional documents included in asylum processes. The inscription is the interpretation or what the scripted is said to mean. Asylum processes are not linear, as already stated, they are complex with multiple configurations of people with disjointed knowledges, beliefs, values, and communicative strategies sometimes in ideological conflict. "Scripting" is an active process otherwise known as the writing of a text.[44] A "text," in its postmodern sense, is any object, practice, or event made to signify but with multiple interpretations available.

The physical body is the primary text in question during asylum processes, but the bodily scripts, or the written documents about the body, are the texts that must be discerned in political

[43] Jackson, R. L. (2006). *Scripting the Black Masculine Body: Identity, Discourse, and Racial Politics in Popular Media*. New York: State University of New York Press, p. 4.
[44] Ibid. p. 53.

asylum assessments. Again, in political asylum processes the physical body is removed and all that remains are the textual documents about the body. "Scripting," then, also refers to the assignment of bodies, as understood by the scripter, to locations of being followed by a sociopolitical value-assessment of those bodies based on how well they match the script imposed on them.[45] Jackson asserts "scripting" is a discursive act that is ideologically driven.[46] In this way, "scripts" are not linear but intersecting and conflicting depending on who is interpreting the "scripts." For example, bodily scripts may include gender, racial, ethnic, and sometimes sexuality or ability. Other bodily scripts may include class, nation, and even trauma. These scripts are constantly intersecting with each other and understood differently by the scripters either writing or reading the bodily scripts in different contexts. How "scripts" are negotiated reveals how bodies are ranked, measured, and separated in political asylum.

In political asylum processes, the material body exists, but it has to be made meaningful through the construction of language. If language is a signifying practice, meaning is never constant because language can always be interpreted differently. In other words, Manuel can "script" his body or trauma, but what he scripts can be interpreted differently because language is never understood exactly the same way cross-culturally. What his body means to him and what it means to the U.S. may conflict. In order for "scripting" to be effective, then, everyone must agree on the language of the script. In this way, I return to the language of normalization in the scripting process. Putting the body into language, then, is also an attempt to paralyze the body in a specific time or moment. And, I return to my methodological dilemma of writing as a paralyzing process. As such, the asylum seeker is forever written as a "victim" or as "traumatized." But, the body is constantly changing, the body is constantly regenerating itself

[45] Ibid. p. 54.
[46] Ibid. p. 55.

through mitosis and that "central tissue" will be understood differently in different contexts. Similarly, the bodily scripts, or the written texts about the body, are constantly regenerating meaning by those interpreting what the scripts mean. In this way, writing the body into mere language becomes the central struggle in asylum processes. Language is the central issue that makes bodies meaningful, and it is the central tissue that regenerates interpretations. As stated previously, "scripting," then, is a process of self-making and being made; it is active with generative possibilities for agency as much as it is a way to paralyze the body to forever remain traumatized.

"Scripting," or writing the body, is a violent act depending on who is writing and reading the body. Jacques Derrida has identified how language representations can act as violence.[47] And, Pierre Bourdieu has articulated how a representation of physical violence can translate into a form of symbolic violence.[48] For example, Manuel's medical report is a representation of physical violence, but converting physical violence into reductionist language through English translation is a form of symbolic violence. In other words, by reducing Manuel's physical trauma into mere clinical words, another form of violence occurs in the scripting process. Bourdieu argues that a codification and symbolic violence can be seen as a signifier in a "scriptural economy," using Michel de Certeau's phrase, wherein, on one hand, "living beings are 'packed into a text,' transformed into signifiers of rules as a sort of 'intextuation' and, on the other hand, the reason or logos of society becomes flesh (an incarnation)."[49] In a legal narrative, much different than the ethnographic narrative, bodies are reduced into mere signifiers "packed

[47] Derrida, J. (1976). *Of Grammatology*. Trans. Gayatri Chakravorty Spivak. Baltimore and London: Johns Hopkins University Press.
[48] Bourdieu, P. (1990). *In Other Words: Essays Toward a Reflexive Sociology*. Matthew Adamson, trans. Stanford, p. 78.
[49] de Certeau, M. (1984). *The Practice of Everyday Life*. Steven Rendall, trans. Berkeley: University of California Press, p. 140.

into a text" leaving little room for interpretation, and "writing about people" is transformed into textual functions simultaneously embodying the symbolic regimes of that culture. In other words, political asylum has already written applicants as "victims" or "traumatized" before there is even a body. The functions of "intextuation" and "incarnation," through which subjects are abstracted from the material conditions of existence and transformed into signifiers, illustrate that in a hermeneutic practice or "rhetoric of violence" the "[semiotic] relation of the social to the discursive" is ultimately a two-way street in which violence can be represented through symbolic practices and forms of representations themselves can be seen as orders of violence.[50] In other words, political asylum processes are in themselves violent acts done to the applicant's body.

Applicants are violently rendered into a signifier in the "scriptural economy" of asylum where they are scripted as "victims" and "traumatized" within the discursive field. In this way, the economic, disciplinary, and discursive subtext of that symbolic economy intersects to condition the subjectivity of the asylum seeker. However, as stated before, Manuel and I do not see him as a "victim," but it must be noted that, in general or at least in some cases, asylum seekers do internalize "victimhood" and "trauma" since their bodies are codified transcriptions of an official legal source used as evidence to grant "protection." In this way, the physical body and the textual body are forever linked and in constant struggle in competing discourses. In political asylum, bodies become commodities for the nation-state project, powerless to enter into negotiations once the textual body has been violently rendered. On the other hand, the physical body is free to move into different spaces of power.

[50] See Teresa de Lauretis, (1989). "The Violence of Rhetoric: Considerations on Representation and Gender." in *Violence and Representation: Literature and the History of Violence*. Nancy Armstrong and Leonard Tennenhouse, eds. London, p. 240.

According to de Certeau, social strategies, such as exercised in the legal narrative, assert the priority of place over time, and these customs attempt to master time and render it neutral by observation, description, and by the delineation of a specific, identifiable place.[51] In other words, applicants are forever marked as traumatized bodies since the textual, or scriptural evidence, supersedes the physical body in political asylum processes. Asylum officers are not interested in the present condition of the body, nor does it help asylum seekers to reveal trauma as a prior or past experience. Although asylum processes are time-sensitive and gathering evidence takes time, political asylum law leaves little room to assess time factors involved. Even as the physical body heals itself from whatever trauma was inflicted, the textualized body remains traumatized. In this way, time, too, enables asylees some agentive power since their physical and textual bodies may not correspond with each other. That is, although Manuel's asylum documents, or evidence, mark his body as traumatized and violently rendered, if asylum officers were to see Manuel face-to-face, they may not recognize him because the textual body does not match his physical body. As such, Manuel moves in different spaces misrecognized as an untraumatized body opening up a space for contradictions of political asylum processes. At the very least, Manuel's untraumatized body promotes a subversive gesture, even if he is unaware of how it subverts political asylum processes. In this way, Manuel is "queering" the asylum process. He states:

> "Yes, I talk about 'gay moments' a lot. I like that idea, concept. It's like I know because I'm gay, but I also know because I'm Latin and a man. You always use that word, all your 'fancy' words. What is that word you say?"

I replied, "epistemology?"

[51] Ibid. de Certeau. *The Practice of Everyday Life*, p. 30.

"Yes, epistemology! But, what do I mean when I say 'gay moments"? I mean people have certain expectations of gay men so I play with that, it's fun. But, while it was my 'big mouth' that got me in trouble, I know how to be quiet too. I'm not transparent, is that the word? Yes, I'm not transparent. I'm working the [asylum] system. 'Gay moments' is like a metamorphosis, when you realize you know something someone else does not and you use it to your advantage, like that word you use, epistemology. You say it's like how people know what they know and how they use what they know, right? Having a 'gay moment' is like that, it's like theater, like a performance. You can make people laugh in such a way that lives up to the expectation they have of you, but you know what you're doing. You're in on the joke, but they are not. Asylum is no joke, and what happen to me is not funny. But, it's like not being able to say I'm gay when applying for asylum, that hurts because that is why I was raped and tortured. You have to test your surroundings, especially if you feel danger. Withholding information is a very strategic in a lot of ways because then you get to see how people really act with you. And, then at the precise time, you explain, sort of your class and vocation status and…it's a game. But, you can't always play the game. You have to be careful when and how to play and in what context. It's like when I was at this party in D.C., and everyone there was old, white, and rich, and here is this young Latino. They all thought I was a 'houseboy,' and all I did was clean pools and suck cocks. I let them have their fun, and I have fun fucking with them. But, at the right time when everyone come to me and ask what I do, I say 'I'm a doctor working on malaria vaccines.' Their eyes get wide, and their jaw just open in

> shock. No one is assuming I came here seeking asylum after I tell them I am a doctor. People make assumptions based on the way you look and act. I'm young, Latin…I'm pretty, and I can be what they want me to be, it's fun to watch people be surprised because it's like putting a mirror up to their racism. You know, I talk about this all the time, you know I didn't say I am gay in my asylum case, I just stuck to the facts. But, being silent allowed me to get asylum. If I said 'I'm gay' that might have hurt my case. But look, here I am. I have asylum, and I'm about to get married to a man. I could never do that in my country. So, it's like that word I use all the time, trequé, it's a tradeoff, it's an exchange. I'm safe now, I get to have all my 'gay moments,' and I guess, if you really think about it I got to fuck asylum even though they thought they were fucking me."

In the legal account, the law, in effect, inscribes itself onto the body as a site of punishment whereas Manuel states "fucking him." The body, in political asylum processes, is part of a discursive production of bodily punishment as written onto a juridical text. Manuel was literally raped, fucked by police, and he now has to go through a legal process of protection where he feels metaphorically "fucked." Asylum processes function both as a warning against transgressing the law and as a testimony to the law's ability to enforce social norms. These cultural operations, whereby bodies are translated into texts and texts embody meaning, are structured by the violence of rhetoric. Accordingly, de Certeau says that "the blank page," in this case the legal record of asylum, delimits "a place of production for the subject,"[52] then the ideological efficacy of representations of violence lies in such rhetorization. Textualizing violence sustains the body as forever traumatized. As I offered in the first chapter, "scripting" is,

[52] Ibid. p. 134.

in part, a continual act of inscribing violence onto the body. Because their bodies are being constantly scripted, asylum seekers' bodies are in turn continuously being violently textualized through the process of interviewing and collecting evidence. And, again, the method of ethnography may repeat the same processes as political asylum if one is not careful.

As a discursive field, political asylum, and its relation to social structures, enacts violence discursively even as it offers to "protect" one from those violences. Louis Altusser's "interpellation" is another way to think about this violence. Political asylum endlessly "interpellates" ideological forces of violence, and the subject is relentlessly shaped by social, economic, political, educational, and other ideological forces, leaving little room for resistance.[53] Paul Smith additionally notes in "Discerning the Subject," the tendency of academic discourse to rigidly circumscribe or "to cern" the subject, which he describes as the simultaneous tendency of theoretical inquiry to abstract the "subject," or individual, from "the real conditions of its existence" and to severely restrict "the definition of the human agent" to that of the "subject" alone.[54] While I may be guilty of this myself in this chapter, subsequent chapters move away from the theoretical abstractions that de-center Manuel and focus more on his process, meaning-making, and agency. Against such a limited and limiting view of subjectivity, Smith's project is "an attempt to dis-cern the 'subject,' and to argue that the human agent exceeds the 'subject.' "[55] Although it is clear how violence is translated onto the textual body, there has been too much emphasis on asylees as powerless subjects within academic discourse. Again, this dissertation argues the opposite and identifies trauma as agency for political asylees.

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[53] Althusser, L. (1971). "Ideology and Ideological State Apparatuses." in *Lenin, Philosophy, and Other Essays*. London.
[54] Smith, P. (1990). "Notes of Terminology." in *Discerning the Subject*. Minneapolis: University of Minnesota Press, p. xxx.
[55] Ibid. p. xxx.

Because notions of subjectivity have been limited by the theoretical questions that inform academic analyses, Smith writes that "resistance to ideology can be glimpsed as soon as the 'subject' is no longer theorized as an abstract or cerned entity," and therefore, resistance is no longer outside of ideology but is actually "a veritable product of ideological interpellation."[56] Smith elaborates that a locus of resistance is possible within ideology because the "subject" is always situated at the shifting intersection of rival social and discursive formations, and as a result of occupying multiple "subject-positions" simultaneously rather than a single position exclusively, "a person is not simply determined and dominated by the ideological pressures of any overarching discourse or ideology but is also the agent of discernment" who chooses to engage or to engage the ideological scripts available.[57] In this way, I suggest that for Manuel, as with other asylum seekers, agency is always present within the discursive field even though it may be absent in the scriptural economy. Again, how does one know what they know, and how do we know if it is intentionally absent? Using a poststructuralist approach, agency is already present with asylees even though violence to the body is already inscribed on the textual body of documents.

Poststructuralism affords the tools to begin the analysis of the discursive violence underscored in the asylum process. Jacques Derrida speculates in *Of Grammatology* the originary relation of language to violence and posits an elliptical three-stage metamorphosis of violence from the textual domain to the physical.[58] First, he asserts that violence begins in language, in the very act of naming, for "the originary violence of language […] consists of inscribing within difference."[59] Second, the initial violence of naming leads to logocentrism and

[56] Ibid. p. xxxi.
[57] Ibid. p. xxxiv-xxxv.
[58] Ibid. Derrida. *Of Grammatology*
[59] Ibid. p. 112.

the "reparatory" violence of the supplement, for the metaphysics of presence continues to mask the underlying violence of naming. Third, violence continues from its first moment in "the violence of the arche-writing, the violence of difference, of classification, and of the system of appellations"[60] ultimately toward the possibility of actual physical violence.

Derrida further suggests a fourth dimension of violence, a "violence of reflection" that locates "identity as the abstract moment of the concept."[61] In effect, Derrida describes a circuit of violence that begins in language and ends in the theoretical "abstract moment" of the "subject." Using this theoretical frame, I constantly ask myself if I am enacting a type of rhetorical violence onto Manuel? The conditions for violence are thereby established in language, in the act of naming and categorizing, and are sustained by the hierarchical binaries that characterize the logocentrism of western culture (right/wrong, gay/straight, black/white, protected/traumatized). Trauma, like language, both differs and defers in what Derrida calls the operation of *différance*.[62] In other words, trauma, like discourse, is imbued with what Paul de Man calls the "rhetoric of temporality" wherein the relationship of subject and object is located in a "conflict between a conception of self seen in its authentically temporal predicament and a defensive strategy that tries to hide from this negative self-knowledge."[63] I am not suggesting that Manuel attempts to hide from his trauma, but rather, writing stabilizes trauma, at least temporarily even though trauma to the body may have already passed or that central tissue has healed through language and meaning-making.

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[60] Ibid. p. 110.
[61] Ibid. p. 112.
[62] Ibid. Derrida. *Of Grammatology*.
[63] de Man, P. (1986). "The Rhetoric of Temporality." in *Critical Theory Since 1965*. Hazard Adams and Leroy Searl, eds. Tallahassee, p. 210.

If I were to take Derrida's account of language of violence, I might theorize how political asylum, as a discursive field, operates to continuously "fix" violence onto the body of the asylum seeker. Violence is the ultimate paralyzing agent to such a discursive transgression and offers a solution to the intrinsically unfixed dimension of the applicant's subjectivity. However, I prefer to utilize Smith's account of agency with regard to the participant of this project, Manuel. As stated previously, although I see how violence is enacted through scripting, silence must be considered as an agentive strategy on the part of Manuel. As such, I do not see Manuel as a passive actor in political asylum, but an active agent carefully dis-cerning the discursive field of political asylum. The fundamental idea of poststructuralism is that we cannot apprehend reality without the intervention of language. And, language is unstable because meaning is textual and intertexted. That is, individuals occupy multiple culture-based sites of meaning in any given context. Trauma, then, or the process of being rendered traumatized textually, may provide insight into how asylees make meaning from political asylum processes. Although I cannot account for his agentive power at the moment, I only wish to assert, and remind readers, that Manuel's textualized body does begin with his own "scripting" and his own affective language to make his body meaningful. That is, how he textualizes his body accounts for his agency. How asylum officers interpret his textualized body is something quite different. And, I cannot ignore my participation in this scripting process.

As an ethnographer, it is difficult to discuss "writing about people," especially in theoretical terms, without also contributing to logocentric violence I interrogate. When I began this project, my aim was to highlight the violences done to Manuel's body without recognizing that I too was participating in that rhetoric of violence. It is clear, now, that writing does temporarily fix violence onto the body, and ethnographers may participate in this process, but as

this project evolved, mainly through Manuel's participation, I realized that lived asylee experience was much different than what I was writing about. In other words, to only address Manuel's trauma and the violence done to his body would have made me responsible for re-inscribing trauma and violence even as he discussed how his trauma and violence were conditions of the past and not the present. As such, questions of responsibility and representation as an ethnographer must be addressed. In this chapter, I discussed how "scripting" is operational by various participants in political asylum processes, and I theorized how political asylum enacts violence onto the body of applicants even as it proposes to protect those that apply. In the next section, I shift from theorizing the body to theorizing my roles as ethnographer in the scripting process, and Manuel's participation in this project.

"Complex Personhood": An Ethnographic Haunting

Although I do not discuss Manuel's agentive power in the way I would like in this section, I do offer an alternative in discussing his participation in asylum processes. Avery Gordon's *Ghostly Matters: Haunting and the Sociological Imagination*[64] is useful for articulating the complexities of this project and Manuel's participation in this project. In her book, Gordon offers a conceptualization of "complex personhood" that helps me think through the challenges of "writing about people." "Complex personhood" locates the material embeddedness of knowledges to locate the possibilities for understanding difference and identity. From the outset, Gordon problematizes materiality by insisting some material cannot be seen. Gordon begins by theorizing "complex personhood" and explains "at the very least, complex personhood is about conferring the respect on others that comes from presuming that life and

[64] Gordon, A. F. (1997). *Ghostly Matters: Haunting and the Sociological Imagination*. Minneapolis and London: University of Minnesota Press.

people's lives are simultaneously straightforward and full of enormously subtle meaning."[65] She further states, "complex personhood means that all people remember and forget, are beset by contradiction, and recognize and misrecognize themselves and others. Complex personhood means that people suffer graciously and selfishly too, get stuck in the symptoms of their troubles, and also transform themselves."[66] I am reminded of Manuel's agentive power here and about my own participation in this project and the difficulties of writing about Manuel. But to deny Manuel "complex personhood" means I am unwilling and unable to acknowledge his agency and my own "ghostly haunting" mentioned in chapter one.

The denial of complex personhood can result in the haunting of reductionist representations. Gordon explains, "the ghostly haunt [is] a form of social figuration that treats as a major problem the reduction of individuals to a mere sequence of instantaneous experiences which leave no trace, or rather whose trace is hated as irrational, superfluous, and 'overtaken.'"[67] Gordon's objectives include examining the absences present in texts. By "finding the shape described […] absence captures perfectly the paradox of tracking through time and across all those forces that which makes its mark by being there and not at the same time."[68] Gordon discusses a different kind of materialism, a materialism that cannot be articulated through "language" but through structures of feeling akin to Cvetkovich's *affective language*. Gordon articulates the way that "hauntings" make our "ghosts" of the past "matter." In other words, what Gordon suggests is how the absence of material is made present through ghostly haunts, which materialize the immaterial. In this way, hauntings can provide an understanding of material that physical materiality cannot.

[65] Ibid. p. 5.
[66] Ibid. pp. 4-5.
[67] Ibid. p. 20.
[68] Ibid. p. 6.

Investigating society's "ghostly aspects," as Gordon explains, changes how knowledges are produced. Gordon seeks to promote a different kind of materialism and suggests haunting is that perspective, method, and healing that brings a kind of emotive thirdness to the table, and announce that it does so by producing what Raymond Williams describes as a "structure of feeling,"[69] a kind of "sensuous knowledge" that is achieved through a critical process. As Gordon suggests in respect of traumatic histories, the posture of haunting translates to the act of criticism as an openness to the social as an agency that mediates self and other. In other words, everything that is not spoken or written is absent, but the haunting directs us to what is present. As an ethnographic project, Gordon states, "the real itself and its ethnographic or sociological representations are […] fictions, albeit powerful ones that we do not experience as fictions but as [affective truths]."[70] Gordon further explains the complicatedness of life and the power of language. She asserts, power relations are never as transparent as the names we give them imply, and we need to consider people and ourselves in terms of complex personhood.[71]

Gordon's work is about hauntings, and her work is necessary because it suggests two opposing things, materiality and immateriality, can be put together and in a way that helps yield new knowledges about the complexity of life to ethnographers, and probably most importantly, the participants of our projects. Ethnography is a lengthy process because it requires careful observation, multiple interviews, and detailed writing. I transcribe the tapes after every interview with Manuel, make notes, and begin the writing process. But before I write, I always ask myself, "what is Manuel telling me?" I remember one particularly awkward interview, for me, in which Manuel corrected me when I used the term "confiscated" when referring to the

[69] Williams, R. (1977). *Marxism and Literature.* London and New York: Oxford University Press.
[70] Ibid. Gordon, p. 5.
[71] Ibid. Gordon, pp. 3-5.

documents asylum agents took from him when applying for political asylum. I felt awful because, as Manuel explained, "don't use that word, that word sounds like a crime, and I have not done any crime." As I was transcribing the tape, I realized this was a pivotal moment in the interview. Manuel's tone had changed, and he made sharp, quick remarks unlike his usual lengthy and detailed explanations. At that moment of transcribing, I asked myself again, "what is Manuel telling me?" It was his silence that led me to understand how I was repeating the same process that he had already experienced in political asylum processes. Ethnography requires paying close attention to what is and what is not being said by participants. It requires careful observation of the multiple scripts whether spoken or not. It was at this pivotal moment that I realized, I too, was enacting the same violence that political asylum officials enact. I, the ethnographer, was repeating the same sequence of collecting evidence through interviewing that Manuel had already experienced multiple times. And, it was at this moment I had a ghostly haunting, which prompted me to reframe this project. It was Manuel's agency to speak and correct in this moment, however, that identifies his power in this context. Without outright telling me that I am repeating the same rhetorical violence as an asylum agent, he simply says "don't use that word."

Sometimes, an over reliance of "transcript data" can render the participant invisible, which is ironic since ethnography attempts to make participants visible through storytelling. Ethnography is not always precise, nor is it always successful especially if the ethnographer-in-process has failed to recognize the multiple scripts of the participant. In attempting to collect evidence to "write about Manuel," I realized, or rather, I had an unsettling haunting, that for asylum seekers, they are constantly making their bodies meaningful and asked to provide evidence to make a case for themselves. In other words, ethnography can potentially be an

extension of the asylum process because the role of an ethnographer is to interview and collect evidence much like those involved in political asylum processes. And, if one is not careful, they can repeat and enact the same violence onto participants as other members of the multiple discursive communities have already inscribed onto the asylum seeker through the scripting or writing process. Although ethnography has the potential to repeat the same processes as political asylum, the method is quite different from the reductionist approach of political asylum.

Ethnography comes from the Greek roots *ethnos* (nation) and *graphein* (writing) and refers to the qualitative description of human social phenomena. Ethnography, as a method, may be holistic describing a culture and may focus on a specific aspect within a larger situation. And, the method claims to reveal unpredictable patterns in culture. Reflexive ethnography refines this technique by turning a critical eye toward the ethnographer's process of representation. Anthropologist Clifford Geertz, now famously known for his "thick description"[72] approach to the cultural field, has influenced much of this analysis. And, much of Geertz's approach was influenced by grounded theory, or by inductive description and analysis, theorizing from the ground up. The task of the ethnographer is to explain the context of the practices and discourses that take place within the cultural field such that these practices and discourse become meaningful to an outsider. This requires thickly describing the cultural field in question, which I hope to address in subsequent chapters.

Geertz's methodological goal in *The Interpretation of Cultures* is to avoid a reductionist approach to culture. Rather than limiting what culture is through definition, for example, Geertz's approach opens up culture to limitless possibilities. To interpret culture is to necessarily understand the imaginative possibilities of a culture. Geertz insists that the

[72] Geertz, C. (1973). "Thick Description: Toward an Interpretive Theory of Culture." 3-30. *The Interpretation of Cultures*. New York: Basic Books.

objectives of cultural analysis are to identify and interpret "clusters of symbolic acts" and to "ferret out the unapparent import of things."[73] In other words, as ethnographers, our role is to make the nuanced and intricate practices of daily life meaningful. But before meaning is made, or rather, before we can understand how meanings are created, we must first unravel the texts and the tangled web of culture's interconnectedness. As a process of writing, Geertz urges that ethnographers can capture, but not necessarily fix, meaning because like culture, identity, and ethnography, meaning is also a process that changes over time. And, meaning, and those who construct it, is enmeshed in power and even that power is saturated with meaning. Questions of power are unavoidable here since, to a large extent, this project has been about how asylees are represented in the scripting process. As such, the roles of an ethnographer/interviewer and the processes of ethnography and political asylum should be assessed.

Ethnography is also a time-sensitive process because there is long-term involvement with collecting observations, data, and other evidence. Political asylum processes, too, are time-sensitive because asylum seekers often wait a long time to be granted asylum. Ethnographers interview participants in an effort to collect evidence needed to make a worthy case about systems of meaning. Political asylum agents/officers, attorneys, etc. also interview applicants to collect evidence to make a case. Ethnography attempts to make meaning from personal narratives. Multiple discursive communities in political asylum attempt to make meaning from personal narratives. Although ethnography, and more specifically ethnographers, repeat the same processes as political asylum, there is one thing that is different in the process. Political asylum processes, as I have theorized, are reductionist when making bodies meaningful. Ethnography, on the other hand, takes a thicker descriptive approach when making bodies

[73] Ibid. p. 26.

meaningful. In political asylum, the body is de-centered, in ethnography, centering the body is necessary. Although, admittedly, I have spent these first two chapters contextualizing and theorizing asylum, language, agency, trauma, the body, etc. rather than centering Manuel.

This project, however, identifies the complex processes of asylum and argues that applicants use "scripting" as a tool for agency. This project does not attempt to resolve the inherent problems in political asylum, but rather, identify the complex processes of asylum and suggest how asylum seekers use their agentive power via "complex personhood." Although I have positioned myself as an ethnographer, still learning how to navigate and negotiate interviews, my work here is not complete. Six chapters cannot adequately complete Manuel's story, but it can help understand his agency and his complex personhood. Even with the best intentions, ethnographers still make mistakes such as reducing a participant's life into a series of linear and traumatic events. This is not an indictment of ethnographers or ethnography; rather, what I hope to have suggested here are additional ways to improve the method by examining how we may repeat the same processes we attempt to interrogate. Even as a queer disabled person, I, too, will never fully understand how LGBTQ+ and disabled individuals negotiate and navigate different spaces and structures of power. But, this dissertation is an attempt to try to understand Manuel and other political asylees' complex personhood.

Chapter 3: LGBTQ (In)Visibility and Traumatic (Dis)Ability

Chapters one and two provided the context, framework, and theoretical aspects needed to discuss Manuel and how I arrived at my thesis. This, and subsequent chapters, provide additional context but move closer to a "thick description." This chapter addresses the connections between Manuel's trauma as agency and identity. According to James Charlton and Lennard Davis, who have written extensively on issues of disability, there are more than a half billion people with reported disabilities in the world today.[74] According to United Nation estimates, one in ten people lives with a cognitive or physical disability, and 80 percent of those people live in developing countries.[75] World Health Organization cites that more than 50 percent of the people in the world's 46 poorest countries are without access to modern healthcare and issues related to disability are a motivating factor for many to immigrate to the U.S.[76]

The Women's Refugee Commission also cites that immigrants come to the U.S. for two primary reasons, the first being the promise of accessible modern health care and the second being protection from persecution that in some cases may have been the result of an existing disability or persecution that caused a disability. Given this data, I want to integrate Manuel's story and issues of disability because LGBTQ+ identities in asylum cases are intricately linked to issues of disability particularly in areas of exclusion. Since the 1994 precedent that made sexual orientation an eligible qualifier for political asylum, the number of successful asylum cases in the U.S. for gays and lesbians has grown tremendously. However, because asylum-seekers must also demonstrate the potential to be a laboring body for the U.S., a disability identity might be

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[74] James I. Charlton, *Nothing About Us Without Us: Disability, Oppression and Empowerment*. Berkeley: U of CA Press, 2000: p. 8. See also: Lennard Davis, Enforcing Normalcy: Disability, Deafness, and the Body. London: Verso, 1995: p. 7.
[75] Lennard Davis
[76] World Health figures quoted in *Dying for Growth: Global Inequality and the Health of the Poor*, ed. Jim Young Kim et al. Monroe, ME: Common Courage Press, 2000: p. 4.

discouraged in order to successfully receive asylum. In this way, as stated in previous chapters, silencing your disability is akin to silencing your sexuality if it means a viable chance for asylum. Again, what agentive aspects are present when certain identities are absent such as sexuality and disability?

Issues of disability are particularly important in refugee studies because many LGBTQ+ asylum-seekers have been injured as a result of their persecution and thereby may have greater difficulty finding jobs beyond manual labor that would increase the stress on their bodies. Should disability be used as evidence, applicants risk limited employment. The process of proving one has a disability can be expensive, embarrassing, rigorous, and emotionally debilitating contributing to the affective aspects of trauma, as well. And, if asylum seekers cannot prove that sexuality or disability was the motivating factor for persecution, they may be denied asylum and must return to the hostile environment in which they seek protection. As part of the asylum agreement, refugees cannot simply live under the U.S.'s protection, they must also demonstrate their participation as active and contributing members of a nation including their ability to work. Indeed, asylum seekers must get a job in order to even be considered for asylum.

This chapter draws some parallels between disability and sexuality in asylum processes, and identifies the rhetoric of exclusion, which may prompt some asylum seekers to hide their sexuality or disability to officials as an act of resilience if they think those identities may prevent full inclusion. One of the biggest challenges of doing this kind of work is methodological. How do you theorize about disability, LGBTQ+ identities, and immigration when only a handful of asylum cases have been published or issues of disability remain almost completely absent from legal discourse? It is not easy, but an interrelated objective here is to present some methodological pathways to investigating disability and sexuality in immigration, refugee, and

asylum law. Considering the exclusionary nature of disability and sexuality is so explicit in immigration law, examining the legislative history seems to be an appropriate start.

U.S. immigration laws in the 19th-Century and early 20th-Century were often written around bodies deemed "unhealthy" or "diseased" and therefore unfit for national citizenship. Nowhere is this more present and explicit than the *Immigration Act of 1917*, which excluded "undesirables" entry into the U.S., specifically citing "homosexuals," "criminals," "epileptics," and "all other persons mentally or physically defective."[77] Douglas Baynton notes in his article "Disability and the Justification of Inequality in American History," "One of the fundamental imperatives in the initial formation of American immigration policy at the end of the 19th-Century and start of the 20th-Century was the exclusion of disabled people. Beyond targeting disabled people, the concept of disability was instrumental in crafting the image of the undesirable immigrant and by extension crafting the desirable citizen."[78] Margot Canaday, who similarly illustrates immigration law, has carefully constructed and monitored alternative sexualities for decades, offering a blueprint of acceptable and unacceptable sexual identities in her book *The Straight State: Sexuality and Citizenship in Twentieth-Century America*.[79] The "desirable immigrant" is often painted in the archival record as having the following characteristics: allegiance to the U.S. and "healthy" based on medical standards of the military. These two characteristics were primary especially for early military industrial complex rhetoric, which suggested that if immigrants came to the U.S. they must be loyal in combat but also be

[77] *The Immigration Act of 1917* was the first U.S. law to exclude lesbian and gay aliens entry into the U.S. Congress excluded lesbians and gay men because of the medical and psychiatric communities' belief that homosexuality was a disease. See, Jorge L. Carro. "From Constitutional Psychopathic Inferiority to AIDS: What is in the Future for Homosexual Aliens?" *Yale Law & Policy Review*, 7.1 (1989): 201-228 [citing *Immigration Act of 1917*, ch. 29, § 3, 39 Stat. 874, 875 (1917).]
[78] Douglas Baynton. 2001: 45.
[79] Margot Canaday. *The Straight State: Sexuality and Citizenship in Twentieth-Century America*. Princeton: Princeton University Press, 2009.

physically and mentally capable of combat, proving their allegiance to the U.S. and not their home countries, yet without citizenship rights.

Immigration and citizenship then, as Baynton notes, is, in part, an issue of labor and laboring bodies. Not much had changed in immigration policy until the *Refugee Act of 1980*, which stated that persons must fit one of five criteria in order to receive refugee protection: persecution or well-founded fear of persecution based on race, religion, nationality, membership of a social group, or political opinion.[80] While sexuality now qualifies as "membership of a social group," I have been unsuccessful in locating data that illustrates disability as "membership of a social group." I speculate that there are at least three reasons why disability may be absent from this category: 1) burden of proof that disability was a motivating factor for persecution, 2) issues of labor that I will later address, and 3) the changing taxonomies/classifications that constitute disability. Issues of disability do not easily translate cross-culturally nor do issues of sexuality, especially in legal settings. Moreover, presenting medical and photographic evidence of persecution is "easier" than making a case that disability was the motivating factor for persecution. If issues of labor are at stake as Baynton suggests, refugees may risk inclusion if they make a case that disability existed prior to persecution and thereby *de facto*, incapable of being the laboring body that is required upon the application process for asylum seekers. Greater inclusion may be found if immigrants adopt a definition of "disability" that suggests one can be "rehabilitated" from a temporary "impairment" rather than making a case that their disability is long-term and beyond "repair."

[80] *Refugee Act of 1980*, Pub. L. No. 96-212, 94 Stat. 102, codified in sections of 8 U.S.C. states: "Any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

Some refugees and asylum seekers have become disabled by the persecution that led them to flee their home countries while others live their entire lives with a disability due largely to poverty, or inability to seek protection and acquire the appropriate resources to leave. The United Nations Human Rights Council acknowledges that refugees with disabilities include those who have long-term physical, mental, intellectual and sensory impairments, which, in interaction with various barriers, including attitudinal and environmental barriers, may hinder their full and effective participation in society on an equal basis with others. The UNHRC also acknowledges that services and facilities, including assistance programs and protection, may be inaccessible to persons with disabilities, complicating the attitudinal and legal barriers in finding employment already present.[81] Given these acknowledgements by UNHRC, I find it difficult to see how any refugee or asylum seeker with a disability would feel "protected." By extension, how can any LGBTQ+ individual feel protected given how immigration law in the U.S. has consistently labeled LGBTQ+ individuals as "undesirables" and "perverts," among many other unfavorable descriptors?

Disability and sexuality are unstable categories not only because of how discourses define them but for refugees in particular, their identities are scrutinized and at the center of issues of credibility. Disability and sexuality are two very important, inter-related discourses/identity categories in the social construction of the nation and of those bodies deemed worthy of citizenship rights because these identities have been historically associated with stigma, shame, and "impairment." Not only are refugees and asylum seekers scrutinized for medical inspection, the inscriptions on their bodies become primary in defending their right for inclusion while simultaneously being vulnerable to exclusion if their body suggests limitations as

[81] cited in *Disability and Access*

laboring bodies. An alternative way to think about this is that one never has to make a case, defend, or prove heterosexuality and able-bodiedness are important identities to nation-building projects. So while rhetoric in immigration policy changes and policies are enacted to protect people with disabilities, asylum seekers risk inclusion if they cannot demonstrate certain abilities including their ability to work or be a laboring body.

While I cannot go into detail on the complexity and contested meanings of disability and sexuality, it is useful to offer some definitions that help illustrate why these identities are so challenging in immigration studies. The first definition is the social model of disability where "impairment" is defined in the medical context. The second definition is that of an identity. Disabilities like that of race, gender, and sexuality are not necessarily regarded negatively but as an identity that yields meaning in the cultural sense, which may be associated with feelings of community, solidarity, or conversely, with feelings of difference, exclusion, or shame. A disability identity with the second definition does not necessarily denote medical scrutiny, it could simply be an identity that is based on individuals who navigate the world in atypical ways but who face many attitudinal and physical barriers. While these are two different definitions, refugees and asylum seekers, it seems, must negotiate these during asylum processes since their bodies are scrutinized to medical examination and must navigate the process, especially if they are aware that issues of exclusion, risk, and vulnerability are at stake.

The medical definition of disability locates impairment in the individual as someone who lacks the full complement of physical and cognitive elements of a so-called "true" personhood and who must therefore be "cured" or "rehabilitated." The identity model locates disability not in the individual's so-called impairment but in the social attitudes, institutional structures, and physical or communicational barriers in the environment that prevent full participation as

citizens. Whether refugees or asylum seekers claim disability or not, they are always on the outside of full citizenship since asylum processes already place them as abject who must make a case that they belong, yet their bodies are always on trial. Even if one is granted asylum, the road to citizenship may never materialize and refugees if met by racial, gender, sexuality, or other identity oppression may never find the promise of full inclusion.

While the *1990 Americans with Disabilities Act* recognizes that a person in a wheelchair only becomes disabled when they encounter a building without elevators, the ADA also recognizes that one may be equally disabled by social stigma such as limited employment opportunities due to English language proficiency. While Manuel had the option to fill out his asylum paperwork in Spanish, he chose English because he knew it would have a greater impact in being granted asylum. He states:

> "My Spanish is really good, but my English is not so great. But, I did my asylum [paperwork] in English because I knew, I knew it would help me. So, then the other thing that I, that I found really uncomfortable is that you have to write a statement in English I just, I don't even want to imagine those that don't speak English to this country from other conditions and you have to write in a statement, I think it's like one page. It's like 100 lines. And, I don't even know what happen to those papers. They are in Nebraska or something. I think it's a relationship between, between, between immigration and you forever. I mean as soon as you start to file a paper with immigration in this country that's it, they know everything about you. Like you know, that's why I'm very honest about my life because honey, if you go to an immigration computer and you put my name, it's all there. And, because it 'lives' somewhere in someone's desk

> probably, I'm always being monitored…like I don't know who sees my papers, but they watching me, they know things about me. But, there was something nice about writing in English because in Spanish I am very descriptive. Writing in English made me be more thoughtful I think, you know, like I feel like I put on a suit and tie and was proper. But, it just also remind me that when you sit there and explain what happen to you, and you have to do it in a language that not yours, it just remind you again what you went through and how writing in English makes you feel even worse. I'm a doctor, and I didn't even know how to write what the rape and torture did to my body. I will never be able to shit again without pain because what they did to me, but I can't say that. I have to use nice proper English. But, like I say before, it's all a performance. You give them what they want, and you get what you need. People don't know, but you also have to get a job if you file for asylum, and I wanted to get a job fast because I had nowhere to live and very little money. I know how this country is to, you know, people like immigrants, people who are disabled, the maricóns [faggots]. I'm very smart. I have a M.D. and a Ph.D., but they won't give me a job if I don't speak English."

The ADA also adequately recognizes both the material and social meanings of disability, but its ability to mitigate issues of access and employment discrimination presumes a level of economic prosperity and political stability for anyone with a disability including refugees.

Framed in this way, disability and sexuality are as much about national and cultural power differentials as they are a matter of medicine and bodies that matter. Given these, some immigrants, then, might see identity—both disability or sexuality—as deterrents to the promise

of full citizenship and simply keep their disability or sexuality silent in asylum proceedings if there is the potential to keep it absent. Others may not be as fortunate if medical examiners at the initial asylum level identify someone as "disabled," though I have not found any evidence that this has actually happened mostly because applications denied asylum go unpublished or are kept locked away in court proceedings.

Susan Craddock and Michael Dorn, however, have stated in their article "Nationbuilding: Gender, Race, and Medical Discourse"[82] that "medical discourses have been historically powerful and continue to be powerful in engineering who are deemed worthy of entry."[83] Marginalized during immigration processes, asylees' bodies are examined and regulated according to perceived epidemiological hazards. The exclusion of HIV positive immigrants to the U.S. in the 1980s is a good example of how medical discourses have had the authority to exclude refugees. Since 1994, Congress has established laws that required immigration services to accommodate people with disabilities who meet requirements for U.S. citizenship. These laws, however, are extremely difficult to administer because there are different levels of "disability," as well as social stigmas that prevent refugees and asylum seekers from reporting their disability. This is as many speculate centered around issues of employment.

Researchers at UCLA published a study in 2000 that found in California, for example, immigrants were less likely to report having a disability than U.S. born residents that have a disability. The researchers theorized that since most immigrants come to the U.S. seeking employment or protection and need to be employed, and that disability may be an employment

[82] *Journal of Historical Geography*, 27.3
[83] Craddock and Dorn. 2001: 314.

barrier, refugees in particular tend to keep their disability secret if possible.[84] According to their study, the two most common occupations for immigrants who reported a disability were in cleaning and maintenance services, gender specific—cleaning assigned to women, maintenance assigned to men—while the two most common occupations for U.S. citizens with disabilities were in sales and administrative support, not gender specific. The study also showed a $2,000 annual difference between immigrants and U.S. citizens with disabilities. The lead researcher, Dr. Huiyum Xiang notes "people with disabilities often face a variety of barriers to employment including limited access to public transportation, limited mobility in and around the workplace and societal prejudice or discrimination." When immigrants report their disability, these barriers often escalate. "English language proficiency," he notes "is likely the strongest barrier for immigrants with disabilities and may affect the occupation options available to them." Because of their English language proficiency, immigrants and asylum seekers with disabilities may be unable to successfully complete forms that may provide greater assistance with occupations and greater "protection."

In another study[85] aimed to test a "healthy immigrant" hypothesis and assess health heterogeneity among newly arrived working-age immigrants 18 to 64 years of age from various regions of origin, researchers used a 5% sample of the 2000 U.S. Census and found that, compared with their native-born counterparts, immigrants from all regions of the world were less likely to report mental and physical disability than U.S. citizens. Their work theorized that social stigma and barriers to employment were motivating factors in not reporting a disability primarily

[84] A.E. Benjamin, Steven P. Wallace, Valentine Villa, and Kathy McCarthy. *Disability and Access to Health & Support Services among California's Immigrant Populations.* UCLA Center for Health Policy Research, January 2000: 27-28

[85] Region of Birth and Disability Among Recent U.S. Immigrants: Evidence from the 2000 Census
Cheng Huang, Neil K. Mehta, Irma T. Elo, Solveig A. Cunningham, Rob Stephenson, David F. Williamson, and K. M. Venkat Narayan, Cheng Huang, Hubert Department of Global Health, Rollins School of Public Health, Emory University.

because without employment denied asylum status amplified. As stated in previous chapters, Manuel did not disclose his homosexuality nor has he ever claimed disability in any asylum proceeding, which he indicated was, in part, why he had a successful case:

> "No, I did not say I am gay or that was the reason I was raped. I have a 'big mouth' and just talk too much. I was angry my country was not doing enough for HIV/AIDS education. More and more people were getting HIV so I went to the media. I had my, what's that guy's name…Warhol(?)…my 15 minutes of fame. 15 minutes on national television was all it took to make me shut my 'big mouth.' But, I went to the newspapers too, and in my country, they kill people putting certain things in print. After they [police] did whatever they were taught to do, which I guess is rape and beat faggots, and then after I came back to my home, after they dumped me on the streets and I get back home, they called my house and said that they stick a broomstick up my ass this time but next time they will kill me or kill somebody in my family if I didn't shut up. They said stop going to the media, stop talking, stop everything and just be like everyone and 'fall in line' or else they kill me or my family. And, that was when I realized that I had to leave. This was the last time they beat me or rape me. Next time, me or my family would be killed so I left and flew to Miami like in a week. I just left grab what I could and left everything behind. But I told my family after I got to Miami, start getting these things, you know, the newspapers [evidence] and send it to 'Mark's" address. That's where I am going, send it all there. 'Mark' is the one that took all the pictures. My asshole was still bleeding from when they [the police] shove the broom up my ass, when I got on the plane. But, I just sat there

> as if nothing happen and smile when she [the flight attendant] ask me 'what would you like to drink?' I didn't want anyone to know that I was hurt or scared. I just wanted to get to Miami as fast as I could."

It should be noted that the excerpts from this interview cannot possibly speak to all asylum seekers' experiences, but they certainly shed light on how Manuel negotiated sexuality during his asylum process and identify how he understands silence as agency in the context of disability. When responding to my initial question about the application process, Manuel responded:

> "You're always thinking about what they want to hear even when you're telling your own story. It wasn't, you know, fake or anything, my testimony, I think I just censor more, you know."

I asked Manuel, "what is it you think they [asylum agents] want to hear?"

> "Well, that you need them because you were persecuted. But also, that you are able, you are capable of being a 'good' citizen, you know, a 'loyal' citizen. I already walk 'funny' because I'm gay, but now I walk funny because I have a broomstick shoved up my ass. They [asylum agents] don't want a gay disab--, disabled, disability person. How, why would that help me?"

Manuel explains that there is a dual-process of demonstrating a need to be protected while simultaneously proving that you are able to fulfill citizenship criteria during the application process. Much later in this interview, Manuel spoke about negotiating his own body and how he identified or rather disidentified with disability:

> "Technically I am a person with a disability, maybe disabilities plural, you know. I have trauma to my spine because of the kidnapping and what they did, you know. Also, post-traumatic stress that really is not recognized in other parts of

the world, but here maybe. Even before that, the car accident when I was eight that, you know, made me HIV positive because of the blood transfusion, but I had to learn to walk again because of the car accident. I am HIV positive, I'm gay, and I'm a Latin that doesn't speak good English so those are not really a combination of things that people see as 'normal' or maybe they do if you're gay and Latin, I don't know. Certainly there is a lot of shame and stigma in my own country with these, but imagine coming to the U.S. with these. Only a few people know I'm a doctor, you know, most people look at me and see something very different or something very stereotypical. I must be a prostitute or 'houseboy' or I am an illegal here, you know. But I come here legally, it was a lot of work, and I didn't say all that I wanted to say, but I'm here now. I'm not a disabled person though technically I could apply for disability, but I don't, I just don't think I really identify with being, you know, disabled."

Why not? I asked.

"Disability is very tricky thing, for me anyway. I mean, sometimes I know what it feels like to be on the outside, to be unable to belong. But I am, how do you say, capable, I am able to work without a cane or a wheelchair, you know. Maybe this isn't the most critical way to think about this. I never feel like a disability, a disabled person, you know. But at the same time, I have five surgeries since I live here, corrective surgeries to my spine you know, for something that happened in [my country]. I am reminded constantly because of the surgeries and the HIV that my body is 'impaired,' but I don't like that word. Even though I don't use a cane or wheelchair, I still have to be very careful of what I can do or cannot do. You

know, nobody care about my sex life, but even with sex I have to be careful because my spine and because of what the police did to my anus, you know with the rape and the knight stick and broom in my rectum. Well, they care enough to make it so difficult to come here, anyway. But nowhere does it say that I am disabled in asylum [paperwork], and it doesn't say I'm gay either, even though I can't go to the bathroom like a 'normal' person, you know, or have sex like a normal person, that's when I feel like a disabled person. I hate to tell guys that I was raped. Or, if they see my ass, I have to explain why my asshole has all the scars. I like sex, but guys don't like to look at my asshole. Well, I found one guy that does [his then fiancé]."

Manuel further states:

"When people look at me, they don't see someone with a disability, and I don't want people to think I am either. I mean, I have injuries to my body that prevent me from doing certain things, but I think there is a stigma for being disabled. I mean, I couldn't even poop for like two years without someone assisting me because of the damage they did to me in [my country]. I live in DC [area], and it's ok to be gay, but I see how people with disabilities are treated in DC, and they are treated very badly. I am already looked at like an illegal, imagine what people think if I also look like, you know, in a wheelchair or something? There are lots of limitations if you are a gay with a disability. Well, there are lots of limitations if you are straight with a disability. I just think like, well this is just one example, maybe it's not that good, but like all the gay bars in DC have a small downstairs and a big dance floor on the second floor. There are only stairs to get upstairs, no

> elevator. I guess they don't think that gay people have disabilities. Or, worse, those places don't want disabled people there. The building is literally saying 'no disabilities wanted' because there's no access to dance on the second floor. I'm sure there are lots of other examples where disabled are excluded."

Like many of the interviews with Manuel, his discussion was richly textured and offered nuanced examples of how identities are intricately linked to each other, everyday life, and spatially disciplined. Immigration processes, Manuel notes, are like the absent elevator in the gay bar; "if there is no elevator to transport people," Manuel stated "then you are being told in some ways that you don't belong." Manuel is of course referring to issues of access. On a more positive note, and one that I think "fits" the theme of resilience and agency, Manuel states "but when you can't get to that level, you and others find other places to belong. It's almost like you are forced to find another path or another place, and it's good because you get to see things differently and participate in things differently." Without explicitly stating, Manuel is referring to an epistemological frame of how LGBTQ+ and disabled people navigate and negotiate asylum-processes. Interestingly, Manuel does not equate the same stigmas of disability with his sexuality. The greatest challenge in conceptualizing oppression of any kind is understanding how it is organized and how it is reproduced in different spaces or discourses. Because Manuel was successfully granted asylum, he sees how everyday life spatially disciplines his body but not necessarily his sexuality. For Manuel, he sees how people with visible disabilities are treated and wants to be disidentified from that kind of oppression.

A central focus here is the rhetorical connection made between immigrants with disabilities and LGBTQ+-identified asylees as it relates to exclusion. Some of the data presented in this chapter point to the material and rhetorical dimensions of exclusion and the associated

inequalities that many LGBTQ+-identified asylees and immigrants with disabilities encounter in their move toward protection and citizenship. While rhetoric in immigration law and policy has changed drastically over the years, issues of exclusion remain present since there are still ways of mitigating "undesirables" from nation-building projects. Robert McRuer argues in *Crip Theory*, like compulsory heterosexuality, compulsory able-bodiedness functions by covering over, with the appearance of choice, a system in which there actually is no choice to discipline normalcy. In order to receive protection, refugees might be required to actually cover the disability and "appear normal" as McRuer might suggest.

While particulars change from year-to-year as immigration law changes year-to-year, disability is still a factor in every stage of an individual's path through immigration since the process itself can be debilitating and certainly shape their experience. Several Researchers have presented evidence where legal immigrants with disabilities were still denied citizenship even when they were otherwise qualified or were so-called protected from disability discrimination.[86] But, many of the documents in immigration history are, on their own, insufficient because issues of disability are vague or underrepresented. Oral histories, like that of Manuel's, and archives of oral interviews hold great promise for understanding the tensions of immigration and disability.

In conclusion, disability offers us a way to rethink some of these dilemmas, but in order to do so, we need to examine the identity of disability, as well as other inter-related identities such as sexuality to see the on-going presence of exclusion and where more work can be done within the context of Human Rights and so-called asylum protection. Evidence suggests some refugees "passed," hiding or concealing their disability just as some people hid or concealed their sexual identity.[87] Many speculate this was a strategy of survival, as well as resistance, but as

[86] Berube 2003, Berube 1997, Mosoff, 1999
[87] Comeau and Allahar, 2001: 15

articulated in chapters one and two and the title of this dissertation, I interpret this as an act of resilience.

Grouping homosexuals with persons with disabilities is logical; the law makes this visible and constructs both the image of the homosexual and the disabled. So the law, then, enforced a "trial of visibility"[88] meaning that one could detect "undesirables" through these constructs and thereby punish or exclude. Cultural theorists might argue that this pushed "undesirables" to be ironically invisible to protect themselves to subvert dominant discourse (*e.g.* the law). Those with visible disabilities present specific challenges in concealing their disability. Central here is the issue of silence and privilege. Manuel agrees he is privileged in a way because he was able to keep his sexuality silent and his disabilities undetected, which lead to accessing a successful asylum case.

Douglas Baynton's declaration that "disability is everywhere in history, once you begin looking for it," (1999: 52) is important; he states that the historical study of immigration and disability is not marginal to our understanding of American history, but of central significance, uniquely positioned to place geographic concepts such as mobility, borders, community, and citizenship in a network of broader contexts within human rights. None of these elements is confined to the past but very much still grounded in the present. For those with the ability to hide their disability and those that can pass under the radar of "heterosexual," being granted asylum is rather easy, as Manuel notes:

> "If you don't say anything, walk like a straight man, and don't have a cane or wheelchair, then people just make assumptions. Plus you need money, and honey, money talks. And, you need other resources. I was lucky, but not

[88] Paul Julian Smith

everybody lucky like me. Some people are in worse conditions, so for me it was easy because I didn't have to, what's the word, disclose?, I didn't have to disclose that I am gay or that I have a disability. I had enough evidence, but that's not the case with everyone. So you know it was just series of, you know incidents that gather a lot of documents and other sources, but you know for me it was easy for me, it was easy to put those together the thing that was really difficult is just to put, put it like in a statement of what happen to you and how it happened, and the statement, it, it have to be less than a hundred lines and in a hundred lines you have to explain what happen and why you are applying for political asylum and I, I did not apply for…because you can apply for different asylum, my asylum was political so in my document I don't explain anything about HIV or being gay, so they didn't grant me the asylum because I'm HIV positive or gay. My asylum is based on a political issue, some people apply for asylum with some health issues you know and just try to argue that you cannot get medication in your country and you know, the fact that you can die, which is true in some cases it's really true because you don't get any medication. I mean, for me it was an easy process I mean, it wasn't that, it didn't take me a year like some people. You need, well I always say you need more documents that you want to have because basically you need, you need the evidence you know your statement, you need, you need to have some money too because you have to file, those forms cost money, and you need to, I don't know, I think you, I don't know, I think you need to have luck. You have to be lucky because you know some people filed documents and they don't have any answers for a year, two years. I think, I mean I don't know for

> sure, but I think people say things like they gay or have a disability or something about their persecution, and you know, the officials ask 'can this person work then?' And, you have to get a job if you are seeking asylum. It's fucked up, it's, you know I have a hard time pronouncing this word, it's discriminatory. I think that's why a lot of people don't get asylum because like the word you used once, 'undesirables,' when you were telling me about the history."

For those without those resources, as Manuel states above, exclusion remains irrevocable. There have been many successful asylum cases since the 1994 precedent ruling to include sexuality as qualifying criteria for asylum. However, discrepancies still occur at the level of sexuality and disability that beg the questions, why do some individuals that identify as LGBTQ+ have successful asylum cases and others do not? How is U.S. asylum going to protect individuals with disabilities caused by persecution if it cannot reconcile that people with disabilities can actually contribute to the nation? And, why must asylum-seekers continue to silence their sexuality and hide their disability when laws are created to protect and preserve these cultural identities? Although speculative, the next chapter will answer these questions, as well as offer insights to queer futures for LGBTQ+ asylees and asylum seekers in the U.S.

Chapter 4: Negotiating and Navigating Spaces of Power Through "Languages"

This chapter returns to the question of language and scripts and places me and Manuel in a coffee shop where I conducted one specific interview. We ordered our drinks immediately after stepping into the coffee shop. There was no line, and there were very few patrons in the establishment. I got a grandé coffee, and Manuel got a tall tea – and then we found a place by the window to have the interview. We had lunch earlier that day, and he asked if I would take him to "you know, that [place] that you took me before" in College Park "with all the cute boys." His request for this particular coffee shop near the university was a result of his prior experience there. Manuel likes looking at all those college boys – gay or straight – and it became more apparent when he got distracted several times during the interview by some guys walking by our view. But that's part of the interview experience – capturing intricate details that inform ethnographers how everyday lives negotiate and navigate in particular spaces. Although this chapter explicates one particular interview with Manuel, it is part of a much larger life/oral history project with great relevance to his asylum process and the question of absence and presence in storytelling addressed in chapter two. At this stage, I had been working with Manuel for more than a year to map out issues of citizenship, political asylum, transnationality, and to a certain extent, the politics of ethnography. In this chapter, I address some complexities of negotiating and navigating in spaces of power, and address how Manuel makes meaning of citizenship in the "languages" he uses in these spaces with what I call the "coffee shop interview."

I had no idea what I would ask Manuel or how I would ask it that day – I rarely ever do, only in broad open-ended terms. Our interviews always seem to progress in an organic manner. I may ask him to expand some things he mentioned in previous interviews, or I may just ask him

to tell me what he's thinking about in general terms. Our interviews have never been structured *per se*. Either way, Manuel always offers thoughts that advance this project in directions that help me as an ethnographer detail the complexities of culture. Our so-called "participant/researcher" relationship was never really established since we were already friends when I began this project. And, I have always thought of Manuel as a collaborator, partner, and colleague with this project rather than a "subject" of this project. And while I am writing about his life, without him and how he makes meaning of his everyday experiences, I cannot theorize about his citizenship, and other aspects of this project, otherwise. As such, I wanted him to clarify a few points he made from previous interviews on this particular day, specifically his non-citizenship status, his political asylum process, and his travel to and work in other countries. Additionally, I wanted him to clarify the language issue I had been struggling with; do I conduct the interviews in Spanish rather than English and what are Manuel's thoughts on this matter? As usual, Manuel offered more than I anticipated and gave a perspective of his "languages" beyond my limited scope of just literal languages.

I begin almost every interview with the date and time, and I asked as the tape started recording, "is it the 18th?" Manuel replied, "no, today is the 17th of February, and it's fourteen thirty-eight hundred hours." I tend to repeat a lot of what Manuel says either for clarification or to signal that I would like for him to elaborate more. But this time, I just chuckled and with slight sarcasm said, "fourteen thirty-eight hundred?" mocking his choice of "language." With a sharp breath he replied, "that's right," and we began the interview. It is clear to me now why Manuel would use military language to identify the date and time; after all, he worked at an undisclosed military base. Whether we intend to use cultural languages or not, we always bring and take different "languages" with us in different spaces. Why would he use military language

in a non-military establishment? Manuel has stated in previous interviews, when he enters "those gates" at the base he is still a "maricón,"[89] and when he leaves those gates, he is still a doctor working for the military. In this way, Manuel suggests how we not only enter cultural spaces with cultural traditions such as employment, identity, and cultural practices, but we also cannot divorce those cultural traditions when we enter multiple spaces. We, in fact, negotiate and navigate in multiple spaces using multiple cultural traditions and multiple languages. And, in this instance of being a "maricón" in a military base, we can begin to see how Manuel disrupts spaces of power with his "languages" of citizenship.

In most situations, "languages" of meaning are used in particular spaces at particular times – sometimes they are used strategically and sometimes when we are not even aware. In other words, we encounter cultural "languages" with every movement in different spaces, and this is certainly the case for Manuel. Manuel has since received "permanent residence" status in the U.S. and is moving toward full citizenship status. While he waits, Manuel travels to different parts of Africa and South America to test various malaria vaccines he and his team of doctors develop in the U.S. Additionally, attending annual medical conferences in New York, London, and Miami, Manuel encounters multiple cultural spaces and multiple "languages" of meaning in his daily life. Even in his neighborhood in Washington D.C., Manuel, and the rest of us alike, encounter multiple cultures and multiple "languages" of meaning. And while Manuel can travel all over the world, he is still unable to travel back to his home country.

Manuel is not a U.S. citizen nor is he a citizen in his home country – prior to his "permanent resident" status, he was in "limbo," waiting for an "official" sign of citizenship from the U.S. government. In many ways, Manuel still waits for an official sign of citizenship since

[89] Spanish for "Faggot."

his "permanent resident" status is just another "limbo" space. Using Victor Turner's "liminality" thesis, Manuel is "betwixt and between"[90] two nations neither recognizing him as a citizen. And, rather than composing a linear trajectory of liminality as Turner has offered,[91] I propose Manuel encounters multiple overlapping liminalities as he moves in and out of different spaces of power at different times. Alternatively, Manuel is something of a "transnational citizen," who, by moving through the fractured cracks of the nation-state, creates new narratives of citizenship using various "languages" of meaning in different spaces of power. For example, while the U.S. does not recognize Manuel as a "legal" citizen, he travels with a U.S. passport. In what ways, then, has the U.S. already granted Manuel citizenship? At the very least, traveling with a U.S. passport issued by the U.S. government indicates the "exceptionalism"[92] afforded by neoliberal democracies and governmentality to advance so-called equality and freedom. But, Manuel has a much different perspective of citizenship from what he offered that day.

In this interview, Manuel stated the complexities of moving into different spaces of power and how a cultural sign of citizenship, *i.e.*, the U.S. passport, only purports the further contradictions and complications of citizenship, neoliberalism, and multiple overlapping liminalities. Manuel stated, "if I leave this country, and I going back to this country, I have to leave with the passport that this country providing me. I am not a U.S. citizen, but I have a legal document that is a United States legal document." "But when you travel to other countries," I asked, "those countries recognize you as a U.S. citizen?" Manuel judiciously replied, "yes!" Manuel's U.S. passport is an important cultural sign or "language" since it signifies a moment of

[90] Turner, V. (1967). "Betwixt and Between: The Liminal Period in Rites de Passage," In *The Forest of Symbols*. Ithaca, NY: Cornell University Press.
[91] Turner, V. (1969). The Ritual Process: Structure and Anti-Structure. Chicago: Aldine. Turner, V. (1974). "Liminal to Liminoid in Play, Flow, and Ritual: An Essay in Comparative Symbology." *Rice University Studies*. 60(3): 53-92.
[92] Ong, A. (2006). *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty*. Durham, NC: Duke University Press.

belonging. As such, Manuel is, in fact, a U.S. citizen if we read certain "signs" as official discourse. Manuel's citizenship status, however, is more complicated than an oversimplified semiotic reading of a cultural text. Passports, too, are far more complicated than I suggest here but yield some texture in how citizenship is performed.

Manuel indicated in this interview the different ways he performs citizenship through the use of cultural signs – his U.S. passport, his medical badge, and his security clearance badge into the military base – and while the performances of citizenship are necessary in this discussion, he reminded me that the legal documents are what permit him to travel back to his home country. In other words, citizenship must be understood in multiple ways, and citizenship is operational depending on the context or spaces we occupy. Manuel's U.S. passport only permits him to move in certain spaces; his passport is a technology of discipline if we think about Michel Foucault's landmark work of disciplinary technologies in carceral spaces.[93] Still, Manuel's U.S. passport complicates old notions of citizenship and allows ethnographers, like myself, ways to theorize about citizenship.

The literature on citizenship is wide and interdisciplinary. For the purposes of this chapter, I intend to draw on the more cultural aspects of citizenship, *i.e.*, belonging, rather than legal, *i.e.*, rights and responsibilities, because this work is largely informed by cultural theory. Toby Miller asserts, "Cultural citizenship concerns the maintenance and development of cultural lineage through education, custom, language, and religion and the positive acknowledgement of difference in and by the mainstream."[94] And, in her essay on "cultural citizenship," Aihwa Ong[95] draws on Foucault's notion of subjectification to discuss cultural citizenship beyond

[93] Foucault, M. (1977). *Discipline and Punish: The Birth of the Prison*. Trans. Alan Sheridan. New York: Vintage.
[94] Miller, T. (2001). "Introducing…Cultural Citizenship." *Social Text*. 19.4: (1-5), p. 2.
[95] Ong, A. (1996). "Cultural Citizenship as Subject Making: Immigrants Negotiated Racial and Cultural Boundaries in the United States." *Current Anthropology*. 35, 737-62.

"rights" and beyond legal-juridical entitlements. Citizenship is a set of cultural and social processes that must be examined in the realm of everyday life. Ong uses cultural citizenship to refer to "the cultural practices and beliefs produced out of negotiating the often ambivalent and contested relations with the state and its hegemonic forms that establish the criteria of belonging within a national population and territory." She further states, "Cultural citizenship is a dual process of self-making and being-made within webs of power linked to the nation-state and civil society."[96]

Ong points out the multiple levels and the varying modalities of disciplining and constructing citizen-subjects. The state, civil institutions, and social groups all intersect and work together to reproduce the hegemonic criteria of belonging in the United States. She illustrates the complex process by which "newcomers" are evaluated and positioned along different axes of class, gender, race, and culture. Racialization works in tandem with class stratification and the assessment of human capital to determine the placement of these groups in U.S. society. And, depending on their placement, they undergo different processes of subjectification and adopt various strategies to negotiate the conditions they confront. What Ong has formulated is an intricate model that illustrates the complex processes by which a variety of disciplinary forces come together to socialize highly differentiated groups of citizen-subjects. By underscoring the disciplinary force of civic institutions and social groups, Ong's model seems to suggest that adaptation, accommodation, and negotiation are the only options to cultural incorporation in the U.S.

Models of citizenship that enforce rights and responsibilities are relevant here, but I would like to offer new ways of thinking about citizenship beyond legal models that extend what

[96] Ibid. p. 738.

Ong has offered. Citizenship can be extended (for possibilities between individuals and quasi-governmental organizations such as churches, [social] clubs, profit firms, interest groups, etc.—Bruno asserts the concept of citizenship in terms of rights and obligations is too narrowly defined between individuals and states.[97] Citizenship indeed goes beyond legal or political models. And, I do not see legal citizenship separate from cultural citizenship. Rather, I would suggest a braided theory of citizenship where both legal and cultural models of citizenship are intertwined with what Ann Cvetkovich calls "affective" citizenship.[98] In this braided theory of citizenship, I see legal, cultural, and affective models of citizenship moving in and out of each other, always touching and with each strand of hair representing something different but something inextricably connected to the body and connected to citizenship. In this way, each hair might be analogous to what I mean by "languages." We can rethink notions of citizenship by examining corporeal politics.

As a stand-alone term, citizenship fails to encompass the delicate intricacies that shape spatial capabilities. The term points to a number of possibilities and privileges such as legal statuses. Yet, in order to make the concept operational for human agency, citizenship must be paired with another term. A marriage of two conceptual terms such as "sexual citizenship" challenges us to think about how various individuals make sense of both their sexuality and citizenship in their everyday life. Additionally, by pairing the two terms together, we can begin to see how identities, like sexuality, shape citizenship formations.

An ethnographer's role, as I understand it, is to interpret and then convey some social or cultural phenomenon, or in this instance, life history experience. But further, ethnographers are

[97] Frey, Bruno S. (2003). "Flexible Citizenship for a Global Society." *Politics, Philosophy & Economics*. Vol. 2, No. 1, pp. 93-114.
[98] Cvetkovich, A. (2006). *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* (2nd edition). Durham & London: Duke University Press, pp. 11-12.

supposed to draw theories from how individuals or groups make meaning from everyday life. This project, as already stated, attempts to theorize the phenomenon of "citizenship" by examining how Manuel experiences it in his daily life. Some of my colleagues, however, challenge the life history approach and have asked how I can theorize from a single-person ethnography. Although I acknowledge the complexities of theorizing from a single-person ethnography, I do not suggest that everyone encounters citizenship in the same way as Manuel. In fact, my objectives are to complicate citizenship by examining how a single person encounters citizenship.

This project is about how Manuel makes sense of citizenship moving through multiple spaces and using multiple "languages" to negotiate and navigate his citizenship in the U.S. But, I am equally convinced that Manuel's story can identify points of connection that further social justice projects, specifically those of citizenship and asylum cases where women are almost completely absent. In this way, intersectionality as a theoretical tool helps identify how systems and structures of power privilege some bodies over others.[99] In other words, a larger scope of narratives is indeed necessary, but each person's story is additionally necessary since citizenship is experienced differently.[100] Juana M. Rodriguez, for example, analyzes asylum applications of

[99] Collins, P. H. (2000). *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (2nd edition). New York: Routledge.

[100] Intersectionality is formed on the premise that individuals live multiple identities and operate in terms of crisscross systems of oppression. Patricia Hill Collins – "by advocating, refining, and dissemination of Black feminist thought, individuals from other groups who are engaged in similar social justice projects—Black men, African women, White men, Latinas, White women, and members of other U.S. racial/ethnic groups, for example—can identify points of connection that further social justice projects (Collins, 2000, p. 37). Specifically, intersectionality is an "analysis claiming that systems of race, social class, gender, sexuality, ethnicity, nation, and age form mutually constructing features of social organization…" (Collins, 2000, p. 299). Collins sees intersectionality working within a matrix of domination—a disciplinary domain that manages oppression. The disciplinary domain consists of bureaucratic organizations whose task it is to control and organize human behavior through routinization, rationalization, and surveillance. Collins has pointed out, in this domain, change can come through insider resistance—for those interested in social justice, working in a bureaucracy is like working the cracks, finding spaces and fissures to work and expand. Intersectionality untangles relationships among knowledge, empowerment, and power; and opens up conceptual spaces to identify new connections within the matrix of domination. The idea of the matrix emphasizes connections and interdependence rather than single structures of

Brazilian black men, and advances a different understanding of the process of what she calls "queer asylum." Rodriguez asserts that asylum must be understood in terms of complex arrangements of events and statuses including race and class, and she contends a greater need to read queer asylum not merely about protection of people from persecution due to sexuality but more broadly in the context of the intersection of marginalized raced and classed sexualities.[101]

The prototypical asylum seeker has been primarily male individuals persecuted for political beliefs or activities.[102] Women are not typically thought of as "refugees" since their political activities are often not viewed as "real" politics.[103] Most women are neglected by the state contributing to the private-sphere persecutions most often afflicting women.[104] Additionally, the struggle for citizenship and asylum gained ground during the height of the AIDS pandemic, maintaining strict quarantine rules that prevented visitors and immigrants with HIV/AIDS from crossing U.S. borders.[105]

Citizenship is, indeed, a complex phenomenon that encompasses a wide variety of practices, institutions, ideas, peoples, and of course, "languages." And though "citizenship" is almost always reified by "rights and responsibilities," more and more transmigrant experiences,

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inequality. The idea itself prompts us to wonder about how social categories are related and mutually constituted. For example, how do race and sexuality work together? Asking such questions might lead us to discover that sexuality is viewed and treated differently in different racial cultures—is the lived experience of a Latino, gay male different than that of a white, gay male? If so, we might take the next step and ask how does class influence those differences? Or, if these lived experiences are different, we might be provoked to ask another question: are there different masculinities in different racial or class cultures?

[101] Rodriguez, J. M. (2003). *Queer Latinidad: Identity, Practices, Discursive Spaces*. New York: New York University Press.

[102] Greatbatch, J. (1989). "The Gender Difference: Feminist Critiques of Refugee Discourse." *International Journal of Refugee Law*. 1(4): 518.; Kelly, N. (1993). "Gender-Related Persecution: Assessing the Asylum Claims of Women." *Cornell International Law Journal*. 26: 625-674.; Macklin, A. (1999). "Comparative Approaches to Gender-Based Persecution in Canada, Australia and the United States." *Engendering Forced Migration: Theory and Practice*. D. Indra (ed). Providence RI: Berghahn Books. 272-307.; and Bhabha, J. (1996). "Embodied Rights: Gender Persecution, State Sovereignty, and Refugees." *Public Culture*. 9(3): 3-32.

[103] Crawley, H. (2001). *Refugees and Gender: Law and Proc*ess. Bristol UK: Jordan Publishing Limited.

[104] (Ibid., pp.18-21).

[105] Herdt, G., ed. (1997). *Sexual Cultures and Migration in the Era of AIDS*. Oxford: Clarendon Press.

like that of Manuel's, understand citizenship through cultural practices even if they are in the U.S. as non-citizens or in "limbo." This chapter, and the proceeding chapter, seek to explore three primary questions using a single-person ethnography or life history. And though I do not attempt to answer these questions *per se*, the objectives in asking are to, in part, identify the complicatedness of citizenship by posing some polemics involved. They are: 1) how are both transmigrant and nation-state "languages" operational in citizenship formations? 2) How are these "languages" performative in different spaces of power? And 3) how do these "languages" construct new narratives and new spaces of citizenship especially as told by transnational migrants and asylees?

Stuart Hall contends "languages" are signifying practices in the circuit of culture and meanings are discursively produced in those practices.[106] In this sense, "languages" include everything from what we wear to how we behave; if it yields meaning, then it's a "language." Manuel is not a "legal" citizen; however, his "languages" signify a certain kind of citizenship because they intersect in intricate ways that mean something to both him and to the U.S., but the meanings do not necessarily match each other. In a series of interviews, Manuel has identified three major "languages" used to perform, negotiate, and practice his citizenship here in the U.S. and other countries. The "languages" of class, race/ethnicity, and sexuality articulate how Manuel belongs and identifies as a citizen in the U.S. and elsewhere. And, at various moments of flow, these intersecting languages provide a useful model for a "queer" kind of citizenship, and what my title suggests, "acts of queer resilience" are a type of citizenship. Noted historian Linda K. Kerber[107] also insists on a need to rethink citizenship through intersecting "languages,"

[106] Hall, S. (2003). "Introduction." In *Representation: Cultural Representations and Signifying Practices*. Thousand Oaks, CA: Sage Publications.
[107] Kerber, L.K. (1997). "The Meanings of Citizenship." *The Journal of American History*. 84.3, 833-854.

or what I think of as systems of meaning. While class, race/ethnicity, and sexuality can yield meaning about citizenship independently from each other, I argue that we must continue to see how these layers of identity and layers of "language" operate together to yield meaning about how transnational migrants like Manuel make sense of citizenship, and by extension other identities such as race, sexuality, and gender.

Transnational migration should be understood and analyzed within the context of global relations between capital and labor.[108] Manuel, for example, is a laboring body. In order to maintain his "permanent residence," and once political asylum status, in the U.S., he must work. And, in Manuel's situation, there is an exchange of labor for capital that cannot be ignored; he is well aware of this exchange and what is at stake. He states:

> "So, you know I say trequé all the time, it's the exchange. It's all political Christopher. I work for the government. I have a M.D. and Ph.D. and work on malaria vaccines for the U.S. fucking government. I need them, and they need me. I always going to say I got asylum so quickly because they say 'oh, he can work for us.' But, that's not true for everyone, for asylum seekers. I don't know maybe it is [true]. My [asylum] case was granted after only a few months while others wait years. It's an exchange, but I got something out of it too."

But, I do not want to suggest that Manuel is simply a passive actor in the exchange. In fact, Manuel has as much to gain as the U.S. in the exchange of capital and labor. Manuel needs legal U.S. citizenship so he can return to his home country with the same protection he had as an asylee and now as a permanent resident. Simultaneously, the U.S. needs Manuel's medical

[108] Glick Schiller, N., Basch, L., and Blanc-Szanton, C. ([1992]1999). "Transnationalism: A New Analytic Framework for Understanding Migration." in Vertovec, S. and Cohen, R. (eds.), *Migration, Diasporas and Transnationalism*, Cheltenham: Edward Elgar, 26-50.

expertise in infectious diseases to develop malaria vaccines "for the boys" overseas. In this way, transmigrants are engaged in the nation-building process because their identities and practices are configured by hegemonic structures and categories that complicate both "legal" and "cultural" formations of citizenship. However, transmigrants, like Manuel, subvert the nation-building process by "queering" spaces of power and making those spaces work to their advantage.

Transnationalisms are processes by which migrants create social fields across national and cultural boundaries through daily life activities that challenge spaces of social, economic, and political power. Manuel's comment about being gay when he enters the gates of the military base he works and still being employed by the U.S. military when he leaves those gates exemplifies how transnational migrants disrupt spaces of power in their daily life. Although the U.S. military employs Manuel, he is a civilian and a non-U.S. civilian. By utilizing his "languages" of citizenship, *i.e.*, class, race/ethnicity, and sexuality, in this normative space, Manuel disrupts normative notions of citizenship and "queers" citizenship simply by "belonging" in that space.

Queer transnational citizenship, then, requires a critique of citizenship and the nation-state project. I use "queer" as an anti-normative signifier produced through the intersectionality of identities, practices, institutions, and spaces of power & struggle. Michael Warner has called for queer intellectuals to turn their attention to theorizing the social and for critical theorists of politics and the state to take sexuality seriously as a category of analysis. According to Warner, " 'Queer' gets its critical edge by defining itself against the normal rather than the heterosexual…if queers, incessantly told to alter their 'behavior' can be understood as protesting not just the normal behavior of the social, but the idea of normal behavior, they will bring

skepticism to the methodologies founded on that idea."[109] In promoting a queer theory that attempts to advocate "against the normal," queer theory brings together many people who share a common displacement from the social norm.[110] This approach to queer theory is also taken by David L. Eng, who argues that the term "queer" signals "a stake in nonnormative, oppositional politics."[111] According to Eng, queers are not just gays and lesbians, or nonheterosexuals. Queerness includes all who are displaced from normative regimes and practices, including nonwhite or racialized others. If we take the queer project to be a critique of heteronormativity, then we can see that it must be critical of and attuned to how norms of heterosexuality are produced by and uphold norms of race, class, and nation.[112]

"Citizenship" is almost always codified as a heteronormative institution, *e.g.*, military service, yet by examining how Manuel practices his queer transnational citizenship, the heteronormative script seems to unravel. Carol Johnson argues existing queer theory has not engaged adequately with key issues influencing the construction of heteronormative citizenship.[113] For example, "Don't Ask, Don't Tell" does not apply to Manuel, and his queer visibility at the military base interrupts hegemonic discourses of citizenship. To "queer" citizenship means working to conceive a citizenship that does not require universalizing subjects of immersion in and acceptance of formulaic narratives of citizenship. It means paying close attention to the many "languages" of citizenship formation and the complexities of those "languages" when they intersect. It also means understanding how transnational migrants make

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[109] Warner, M., Ed. (1993). "Introduction." In *Fear of a Queer Planet: Queer Politics and Social Theory*. Minneapolis: University of Minnesota Press, pp. xxvi-xxvii.
[110] Cohen, C. (1997). "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?" *GLQ* 3, 437-65.
[111] Eng. D.L. (1997). "Out Here and Over There: Queerness and Diaspora in Asian American Studies." *Social Text*. 15.3-4, 31-52.
[112] Ibid. p. 50.
[113] Johnson, Carol. (2002). "Heteronormative Citizenship and the Politics of Passing." *Sexualities*. Vol. 5, No. 3, pp. 317-336.

sense of sexuality, and understanding how transnational migrants understand "straightness" and "gayness" with differing historical epistemologies than Western notions of sexuality. And, as such, how do those epistemologies disrupt Western understandings of sexuality when transmigrants move into the U.S.? I believe Manuel provides a narrative that goes against a universal and formulaic U.S. perspective of citizenship, and he also works against the heteronormative script of citizenship that the nation-state invests because the state is not only protecting Manuel, but they are invested in preserving his cultural identity – his queer identity. In this context, I am reminded of how Manuel did not reveal his sexuality in his asylum case. How, then, does silence work in this context? Does concealing information suggest agency? How do we measure agency when considering how [Bhabha] articulates the unmeasurableness of agency?

Alternatively, by "protecting" and "preserving" Manuel's cultural identity, the nation-state advances neoliberalism by conflating "protection/preservation" with "equality." The inclusion model of citizenship helps create the myth that equality can be achieved by transmigrants, which in turn helps the nation-state project. As such, Manuel's body has been commodified as a way to advance neoliberal movements and capital, perhaps. Still, I do not want to erase Manuel's agency here. This project, after all, is about how Manuel disrupts citizenship by moving in multiple spaces and using multiple "languages" to disrupt citizenship and assert his agency. As such, the nation-state has just as much to do with Manuel's queer transnational citizenry as he does, but this does not mean that Manuel experiences "equality" the way the nation-state promotes.

In her books, *Buddha is Hiding* and *Flexible Citizenship*, Aihwa Ong examines the dual process of being-made and self-making by individuals working within structures of power. Ong

calls the meaning of citizenship into question, and she states, "Citizenship is less a legal category than a set of self-constituting practices in different settings of power."[114] Power, for Ong, following Foucault, is a "social technology that derives unity not from a process of homogenization or totalization, but from transversality—from passing through individuals, including both being-made and self-making."[115] For Ong, this means accessing the processes by which immigrants are asked to create and re-create their identities by way of nation-state. Ong's conception of citizenship is not confined to conventional, legalistic definitions. Rather, her application of the concept considers the extent to which a society is able to incorporate as full citizens—those marked by otherness. Sexuality seems to factor in Ong's analysis, yet her primary focus remains on race and ethnicity. Ong is interested in trends that seek to redefine citizenship. These include movements by minority groups, homosexuals, and women who seek to expand notions of citizenship by asserting their "right" to membership while also expressing their difference as well as policies that would restrict citizenship to those who embody economic productivity and self-control.

What Ong provides is a useful model in which refugees and asylum seekers establish strategies for agency to maneuver through systems and institutions to obtain basic necessities. Everyday agency is observed, but as Ong has outlined, refugees challenged systems and institutions by creating a subversive nature of citizenship. In his everyday performances and practices within different spaces and structures of power, Manuel re-scripts citizenship with his many "languages" he has brought from his country and those he has adopted in different cultural encounters as a transnational migrant. Utilizing "languages" such as class, race/ethnicity, and

[114] Ong, A. (2003). *Buddha is Hiding: Refugees, Citizenship, and the New America*. Berkeley and Los Angeles: University of California Press.
[115] Ibid. p. 276.

sexuality in different spaces of power are the re-scripting tools for new narratives of citizenship that open up new spaces to theorize how transmigrants *belong*. In this way, Manuel's "languages" add to the complex layers of citizenship primarily because his corporeal inscriptions such as race and ethnicity cross borders that may not match uniform notions of so-called "national identity," *i.e.*, heterosexual, Caucasian, middle-age, upper-middle class, Christian, etc.

Ultimately, Ong describes a process of subject formation with an emphasis on the process of negotiation, particularly how individuals negotiate with disciplining forces. In her analysis of Hong Kong elites and Cambodian refugees, for example, they cannot escape the disciplinary forces of the state or its hegemonic control. Yet, they negotiate, manipulate, and work with the given rules of the system without changing them.[116] Manuel describes similar details in his everyday life and reminds me in almost every interview how he "works the system."

> "So you going have to go to the legal aspects of why are you here, how you can stay here. I mean people have different reason why they come here. My personal reason was political issues, and you know, it was that you were quitting your cultural, you know, principles because you have to just move away from everything that you want, and then you feel like you are asking for a favor. And to ask for a favor to stay in this country, you have to be in connection with a lawyer, so you feel like you're doing something wrong because you have to look for a lawyer, and then you are, when you are Latin, you know, the only way you going to find, that you going need a lawyer is because you're going to jail or because you going get a divorce. It feels like getting a divorce. So when you're coming here, and you know that you have good intentions to stay here, but you

[116] Ong, A. (1999). *Flexible Citizenship: The Cultural Logics of Transnationality*. Durham, NC: Duke University Press.

have to see a lawyer, because he have to, have to drive you in all these, you know, 'express ways' that you don't know what to expect. And then you feel like you're doing something wrong because you need a lawyer, and you say that I don't understand, I don't need a lawyer in my country, and now that I'm here they're just to work and to make a life and to have a house, I need a lawyer to teach me how to do this. So, you know, I think it's one step comes to another and then, you know, this is the, the thing, of the non-expectation answer because you don't know, you don't know if this lawyer is going to be fucking you up and taking all your money, and you don't know how many years, months, weeks it takes, whatever papers you need if it's a work visa or asylum. So your life is, is, is in the hand of someone, but you don't know if the legal part is doing the best part to help you to be here, and for you to have, like a quiet nice set up, you don't have to be worried, 'oh my gosh when I getting my papers, oh my gosh is the lawyer doing his job, oh my gosh, is, you know, I don't have money to pay the lawyer next month and if I don't pay the lawyer I, you know, he's not going to help me and I am going to lose the case. And, you know, it's just a series of stuff that, you know, that, even though you are working your brain is just…at a different speed."

Manuel continues:

"You start to, you start to forget about your cultural, you know background because you just working, you just trying to make a life happening here. So I think, you know, these three aspects are together because I mean like, like it's the train to nowhere, I mean, you know that you going take the train somewhere, but you don't know when the train is going to stop, and you going to feel secure that

you have a piece of paper to say I can apply for a good job, or I can get a mortgage, or I can buy a car, or I can go back and visit my family, or you know, I can bring my family here, which is part of my culture and, and then, you know, those expectations are why open for a person that is coming from another country, why, why do you want to go inside when there are so many doors closing on you? But I mean, I think this is, this is, this, the answer to the question I mean, it's just funny because you know, I was talking to somebody a couple weeks ago, and he' kind of in the same boat that I was, you know. I was talking to him, and he's in Miami, and he say, 'I don't know what to do because my asylum hasn't come for a year.' He's here for different reasons that I am but you know, he say, 'I know that I can work, but my brain is, you know, somewhere else.' It's always, 'what happen if they say no? What happen if they say I have to go to court? And, you know, I need a lawyer, and I cannot go back to my mother and ask for money because they poor. They cannot send money here.' So, you know, it's continuously that you are worry about something you know, because it's just when you see the fucking green card in your hands, it's just 'shit,' this is good because you know you don't pay a lawyer anymore, you can go back to your country. I mean, not in my case, but, and you know, you worry about where I will I work now, and what am I going to do with my life because you are actually living. It's a beautiful milkshake of worry and unknowing. You have to abandon certain things, but you also always keep those things safe inside. You never feel whole but always feel whole. You just forget about this [emotions and culture] shit. You don't want to pass anymore, you don't want to think about your mother

> you just want to resolve this in order to be done with it already. But, you gain something and lose something in the process. It's just a lot of changes, not just a portion of your life. Remember that when you make a decision to move out of your cultural house, like you know, I mean, my 'house' is my country, and I just moving out, and I opening the door, and I closing the door, and I cannot go back to open that door anymore. Am I still my country now, or am I American? I don't know what I am now because I had to give up so much, yet coming here I feel more like myself. Am I really working the system if the trueque [both trek and exchange] means I had to leave so much behind? It's just a beautiful milkshake of worries."

Ong frames cultural citizenship as an adaptive process where there is room for generative and transformative change inextricably bound to the nation-state.

I asked Manuel in this particular interview, "you want U.S. citizenship?" He replied, "yes because I don't *belong* to any country right now…you know, I not [part of my country] anymore. Legally, my identity in [my country] disappear, you know when you die, they…well, I'm dead…I don't exist. I mean, I have an identity, an identity as a human, but I don't have, you know, I don't *belong* to any country." Hall's articulation of belonging is useful here, and he states, "meaning is what gives us a sense of our own identity, of who we are and with whom we '*belong*.'[117] Meaning is constantly being produced and exchanged in every personal and social interaction in which we take part, by complex technologies, which circulate meaning between different cultures."[118] I later asked Manuel, "what would having citizenship do?" Manuel laughed for a moment and then sighed and said,

[117] My emphasis.
[118] Ibid. Hall. p. 3.

> "well, not much really because with my status I can already work, I can travel, I have to pay taxes…the only thing I cannot do, I cannot go to [my country]. If I get my citizenship as a U.S.A. citizen, I can go to [back to my country]. I gon-na be an American citizen then."

For Manuel, belonging is intricately tied to a "legal" notion of citizenship, but culturally, Manuel has already carved out a space of belonging in the multiple spaces he occupies.[119]

Although Manuel insists he doesn't *belong*, his "languages" signify that he does in fact *belong*, to the military, to the U.S., to his home country, and any other space of power Manuel carves out and makes meaning from. Being a doctor means something to the U.S. and Manuel. And, being a doctor from a Latin American country means something to the U.S. and Manuel. And, being a gay doctor from a Latin American country who pays taxes as an asylee, and now permanent resident, means something to the U.S. and Manuel. The "languages" of class, race/ethnicity, and sexuality indicates how Manuel makes meaning out of his citizenship and cultural belonging.

[119] Victor Turner's "liminal" thesis is useful here. Identified as a middle state; transitional stage, where the subject is invisible. (The forest of symbols: Aspects of Ndembu ritual Ithaca: Cornell University Press, 1967, p. 95). "Liminality may perhaps be regarded as the 'nay' to all positive structural assertions, but as in some sense the source of them all, and, more than that, as a realm of pure possibility whence novel configurations of ideas and relations may arise." (1967, p. 97). In "Liminality and Communitas," Turner defines individuals as "neither here nor there, they are betwixt and between the positions assigned and arrayed by law, custom, convention, and ceremony." (1969, p. 95). The realm of pure possibility as an invisible structure – an anti-structure where individuals are constituted within social hierarchies but find ways to move around in these spaces, [hierarchies are political, legal and economic systems]. Spatial terms – without ignoring marginality, liminality (in between) the hierarchies – becomes an instrument in which individuals utilize. Often in relation to "outsiders," liminality is not on the outside or the edges of the social structure but within the fractured cracks that potentially destabilize the structure – the liminal individual actually helps maintain the structure. Marginality does not mean exclusion from agency, "…liminality represents the midpoint of transition in a status-sequence between two positions." (1967, p. 273). "Spontaneously generated in a situation of radical structural change." (1974), p. 248). Activities that have no structure produce structures (1974, p. 255). Liminality is a slippery concept when dealing with a project of human agency. How do I even begin to measure Manuel's agency?

In this view, Manuel's "languages" both identify how he creates new narratives and new spaces of citizenship and belonging, as well as how "languages" help identify what the nation-state rejects. In other words, what narrative might we hear if "languages" of identity were lesbian, woman, street vender, disabled, or 70 years old? My point is twofold here. First, more life/oral histories are necessary for understanding the complexities of citizenship from transmigrant perspectives. Second, asylum processes are a hegemonic structure that privileges certain "languages" over others, certain identities over others. In this queer transnational citizenry, then, there are still questions to be asked that can identify how individuals such as Manuel are in constant play with the nation-state project and how the shifting of power is being negotiated in this hegemonic structure.

For the moment, I want to end with Manuel's final thoughts from this interview. Manuel ended this interview with what I thought was a rather odd and disconnected comment, but upon reflection, seems to identify my objectives in this chapter and dissertation. He said, "so, you know my friend, 'Mark'[120] and I, we have a job [together] like three years ago. I use to say, I use to have a lot of trouble, you know, following his sentence. I use to tell him, 'the English is behind me,' you know, it's like *fucking*[121] me…" I asked for clarity, "the English language is fucking you?" "Yeah," Manuel replied, "it's fucking me, but now Mark say, 'I'm pretty sure you're fucking it.'" I am reminded here of previous interviews where Manuel has stated the ways in which he "works the system." And, I am also reminded of Foucault's model of "governmentality" and how technologies of the "self" and technologies of the "state" are in constant struggle while simultaneously being supported by each other. Foucault additionally states that technologies of the self "permit individuals to effect by their own means or with the

[120] Pseudonym
[121] Emphasis his.

help of others a certain number of operations on their own bodies and souls, thoughts, conduct and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection or immortality."[122]

If languages are systems of meaning, and Manuel's "languages" construct new narratives and new spaces of citizenship, but "citizenship" is a governing system, then I think what Manuel has suggested here is how his "languages" work in intricate ways to both perform citizenship and subvert the governing structure of the nation-state. Manuel's shift in "language" from "being fucked" to "fucking" also indicates a queer moment in the interview. Not only is Manuel "*fucking*" the literal English language, but his shift from passive to active voice indicates his agency within spaces of power and how he negotiates and navigates in these spaces of power. By "fucking" language, Manuel controls his "citizenship" rather than letting it control him.

[122] Foucault, M. (1988). *Technologies of the Self: A Seminar With Michel Foucault*. Luther H. Martin, Huck Gutman, and Patrick H. Hutton (Eds.). Amherst: University of Massachusetts Press, p. 18.

Chapter 5: Sexual Citizenship - Using Transnationality to Queer Citizenship

Citizenship is a rather arduous concept to pin down precisely because it enters our lives in abstract ways. Cultural critics formulate theories about citizenship not in an attempt to confuse people, but rather in an attempt to make sense of a concept that applies to everyone on multiple and often competing scales. No matter how exhaustive we theorize the concept, citizenship privileges inclusion to some individuals at the expense of exclusion to others regardless of its definition.[123] On a vernacular and legal level, citizenship can be summed up in a Marshallian sense that includes three sets of rights: civil, political, and socio-economic.[124] Thomas Marshall's framework has been favored primarily because of its Cold War inclusion tactics protecting the nation-state.[125] Yet, as we have moved toward a postmodern cultural world, Marshall's definition seems to subside under a colossal rubric of citizenship.

"Rights-based" definitions hardly coalesce the entire scope of citizenship since, in today's global economy, nation-states are penetrable by individuals engaged in transnational mobilities. Citizenship is much more than "rights" or the presumptive legal status of individuals. Although citizenship is elusive and difficult to define, it encompasses a wide variety of practices, institutions, ideas, and peoples. Citizenship also involves certain types of behavior as many cultural critics have addressed. Still, "rights-based" definitions are employed and are usually the bastion of full citizenship or equal citizenship. Individuals marked by race, ethnicity, gender,

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[123] Even if one is privileging agency to a "marginal" subject, then exclusionary practices are still set and the exclusion of specific normative identities. The inclusion/exclusion model is problematic because it would seem a new cultural hegemony is created or power is given to the system that places marginal subjects in specific non-normative categories. It should be understood that I am not trying to work toward an inclusion model.

[124] Marshal, Thomas H. *Citizenship and Social Class and Other Essays*. Cambridge: Cambridge University Press, 1950.

[125] I use nation-state here in a traditional sense regarding a form of political organization under which homogeneity and sovereignty is favored to protect citizenship, national identity, and the rigid boundary of the nation-state. While the concept of nation-state attempts to reinforce and regulate national borders and citizens set forth by governments, the concept loses official meaning under the sign of globalization.

and religion (and a host of other identities) remain unfulfilled in achieving full or equal citizenship rights. However, keeping a cultural milieu in mind, citizenship must be understood as an identity in relationship with polity.[126] Nevertheless, the exclusion of these identities maintains the "rights-based" model while simultaneously constructing multiple meanings of citizenship.

Although some individuals remain peripheral in mainstream markets, which often exclude their participation in national discourses of citizenship, their practices and struggles as marginal subjects constitute new notions of citizenship. While citizenship is primarily understood in relation to nation-states, globalization has forced changes in the institution of citizenship itself. Globalization often refers to changing economic relationships accompanied by circulation of commodities, peoples, information, and capitals.[127] As a result of globalization, practices by multiple actors in transnational flows deterritorilize citizenship no longer tied to nation-states.[128] That is, the once favored Marshallian citizen is insipid under globalization. The destabilizing effects of globalization have emerged new citizen subjects and new spatialities beyond geography for citizenship formations with considerable political agency.

This chapter attempts to open citizenship formations by including sexuality in the discourse by examining the ways in which a queer[129] perspectives on citizenship *vis-à-vis* sexuality can influence transnational studies.[130] By bringing sexuality into conversation with

[126] I do not mean to imply "identity" as a uniform concept; rather, citizenship is an fluid identity marker.
[127] Appadurai, Arjun. "Disjuncture and Difference in the Global Cultural Economy." *Modernity at Large: Cultural Dimensions of Globalization*. Minneapolis: University of Minnesota Press, (1996): 27-47.; Tolentino, Roldand B. "Bodies, Letters, Catalogues: Filipinas in Transnational Space." *Social Text*. 14(3): 49-76, 1996.; Tambiah, Stanley J. "Transnational Movements, Diaspora and Multiple Modernities." *Daedalus*. (Winter): 163-94, 2000.
[128] The nation-state constitutes and regulates citizens, even understandings of sexual citizens. Arguably, this is not the case in all situations.
[129] I use queer as an anti-normative signifier produced through the intersectionality of identities, practices, institutions, and struggles.
[130] Justification for this project is based on deficiencies in the literature. I do not mean to imply that work has not been done in this area (sexuality and transnationalism); rather, this project makes frequent references to older literature and findings while attempting to assess some of these ideas with new data. This project is an analytic

transnationality and citizenship, we can begin to understand the potentialities of "queerness" as an enabling framework for human agency in cultural citizenship.[131] My objective here is to further complicate issues of citizenship by evaluating and questioning the role of sexuality and citizenship formation. For example, how does sexuality lend itself to understandings of citizenship? How does sexuality perform citizenship? Race and ethnicity factor greatly in cultural citizenship models, which produce operational openings. Where does sexuality fit in understanding race and ethnicity? How is sexuality operational in the contours of cultural citizenship? And, with Manuel, how does his sexuality "queer" citizenship and asylum?

These complexities produce ambiguities in the meaning(s) of citizenship and although this chapter poses several questions, it is not my full intention to explicate these questions in great detail with so-called answers.[132] These ambiguities do, however, destabilize older notions of citizenship, which are my intentions. Sexuality has been under-theorized in discussions of diasporas, global markets, transnationality, and citizenship. Additionally, this chapter attempts to theorize how sexuality is operational, or its potential to be operational, in national and transnational discourses of citizenship by way of Manuel. Before any analysis is given, a contextual framework offers insight to a highly complicated matrix of "flows."

Globalization, for example, has been a popular term in discussions of citizenship but loses specificities concerning flows of people because its conception does not deal with individual case studies. "Globalization" is often used to refer to changing economic

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treatment of questions in cultural studies specifically transnational studies. I hope to bridge the divide between theory and practice here in an attempt to makes sense of a concept (citizenship) with few workable options for the production of a political discourse that seems to be missing in the overall scope of transnational studies concerning sexuality. This project is an attempt to bring together various elements of political, cultural, and activist dialogues, not as problems to be solved but as potential ground for new discussions of citizenship formations.

[131] Sexuality is disciplined by social institutions and practices that normalize and naturalize heterosexuality. Further explication is needed of how I'm using sexuality.

[132] It is my intention to explicate these questions in a larger project.

relationships accompanied by the circulation of commodities, people, signs and symbols.[133] In such a context, it is unsurprising that participants in political movements, *i.e.*, asylum seekers, also see the necessity of operating with a consciousness of the global context since the term has a homogenizing effect. Globalization involves the circulation of capital and commodities, information, signs, symbols, and representations and also the movement of people. What is missing from the politics of globalization is the "agency" factor that favors individuals over nation-states. The traditional "global citizen" privileges the nation-state over human agency because citizenship is still bound by rigid "rights-based" definitions. But, "traditional" definitions of citizenship have been challenged in cultural contexts like queer sites and queer visibility. [134] Cultural citizenship can be understood as a cultural practice on local, global, and

[133] Appadurai, Arjun. "Disjuncture and Difference in the Global Cultural Economy." *Modernity at Large: Cultural Dimensions of Globalization*. Public Worlds. Vol. 1. Minneapolis: University of Minnesota Press, 1996.; Tolentino, Roldand B. "Bodies, letters, Catalogues: Filipinas in Transnational Space," *Social Text*. 14(3): 49-76, 1996; Tambiah, Stanley J. "Transnational Movements, Diaspora and Multiple Modernities," *Daedalus*, Winter: 163-94, 2000.

[134] The globalization of gay and lesbian identities suggests the questionable efficacy of identity politics, especially its reliance on strategies of "queer visibility." The political rhetoric of queer visibility has been mapped out by theorist such as Lauren Berlant and Elizabeth Freeman in their work, "Queer Nationality: The Political Logic of Queer Nation and Gay Activism," in Michael Warner's (ed.), *Fear of a Queer Planet*, Minneapolis: University of Minnesota Press, 1991, pp. 193-229, and José Estaban Muñoz', " 'The White to be Angry': Vaginal Davis's Terrorist Drag," in *Social Text*, nos. 52-53 (1997): 80-103. This rhetoric has been used as a foundational strategy in gay and lesbian activist projects in the West and increasingly in projects with a scope on the "global." "Visibility" fails to be effective as an activist approach according to Muñoz and Lisa Duggan ("Queering the State," *Social Text*, no. 39 [1994]: 1-14), who both claim that, despite the increased visibility of queer subjects, antigay legislation continues to proliferate, "gay bashing" continues, and violence against women has not abated. In fact, Muñoz has declared that "visibility" leads to the erosion of civil rights for gays and lesbians.

transnational scales. Still, "rights-based" and "identity-based" politics of citizenship[135] are rarely brought to bear on the study of global citizens especially in LGBTQ+ activism.[136]

According to political scientist Shane Phelan,[137] the "traditional" model of citizenship excludes gays and lesbians from receiving these so-called rights and benefits.[138] She complicates debates of citizenship further by offering a critique of "queer citizenship" that ultimately renders gays, lesbians, bisexuals, transgendered, and queers in the U.S. as "sexual strangers." This U.S. nationally bounded definition of citizenship[139] has been challenged[140] by new forms of "citizenship" that are increasingly divergent from membership in a single nation-state. In a global framework, sexual identities are similar to other kinds of identities in that they are imbued with power relations. We cannot erase or divorce power from the evaluation of citizenship. And, these power relations are connected to inequalities that result from earlier

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[135] David Bell and Jon Binnie. *The Sexual Citizen: Queer Politics and Beyond*. *Polity Press*, 2000. Queer communities take place through rights-based understandings of citizenship. They consider the usefulness of sexual politics through the lens of citizenship. Particular locations such as the military. They state, "sexual dissidents are made to carry in the trade-off for rights" (p. 142). Bell and Binnie argue that citizenship trade-offs do no more than exclude certain individuals or groups from securities of citizenship. They are regulated into heteronormative structures. I disagree as my case study will demonstrate. Although, my participant would agree he is "regulated" he would disagree there is a heteronormative influence. The effect is to validate the practice of "passing" as the only legitimated mode of sexual citizenship. Again, I disagree with their claim and ask where there is room for agency in their analysis. Bell and Binnie note the possibilities and limitations of class-based sexual politicking—negotiating this tension—something I will also address.

[136] John Grundy and Miriam Smith in "Exploring Scalar Analysis in Social Movement Politics: The Case of Lesbian and Gay Organizing in Canada" prepared for the *Conference Towards a Political Economy of Scale*, February 3-5, 2005 at New York University. Although Grundy and Smith acknowledge how LGBT citizenship struggles play out on multiple and interrelated spatial scales in a Canadian context, and they discuss the intersection of queer ethnocultural citizenship practices, a critical analysis of queer citizenship beyond identity-based politics seems to be missing from their report.

[137] Phelan, Shane. *Sexual Strangers: Gays, Lesbians, and Dilemmas of Citizenship*. Philadelphia: Temple University Press, 2001.

[138] Phelan's work has been useful in understanding the distance between heteronormative and queer citizenship in the United States. I would argue that her primary concerns, however, focus too directly on a "rights-based" inclusion of citizenship in a heteronormative framework. Her central thesis leaves little room for individual agency since so much of her critique places queers (and gays and lesbians) on the outside of citizenship. This work is not directly part of the cultural studies framework, but it is useful for understanding how citizenship is measured in a U.S. nationally bounded discourse.

[139] Adopted by Marshall's analysis of citizenship that only applies to males in England.

[140] Challenged on multiple fronts.

forms of globalization, but they have also generated new asymmetries for the diasporan subject.[141]

The term diaspora seems to be yet another term often used in discussions of cultural citizenship but loses effectiveness in individual agency. "Diaspora" denotes transnational movements secured by arguments around globalization and the growth of non-nation based solidarities.[142] Debates on globalization have identified the economic and political dismantling of national borders, as well as the growth of transnational cultural formations[143] that open discussions about the contingencies of diasporic subjects.[144] As scholars in diasporic studies have identified, new notions of diasporic identities and experiences have emerged,[145] and the term does find relevancy in the discussion of cultural citizenship.

Paul Gilroy, for example, states, "Diaspora is a valuable idea because [it is] an alternative to the metaphysics of 'race,' nation and bonded culture coded into the body,"[146] and puts "emphasis on contingency, indeterminacy and conflict."[147] This is an important claim and lies alongside the view that diaspora involves a conception of identity that avoids the essentialism of much of the discussion on ethnic and cultural identities[148] because diaspora refocuses attention on the transnational dynamic processes. Sexuality should not be evaluated as an essential

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[141] Again, I do not mean to imply a universal "identity" or negate subjectivity from individuals by using "diasporan subject."
[142] Robertson, R. *Globalisation*. London: Sage, 1992; Appadurai, A. "Disjuncture and Difference in the Global Cultural Economy," in M. Featherstone (ed.), Global Culture. London: Sage, (1990): pp. 295-310.
[143] Featherstone, M. (ed). *Global Culture*. London: Sage, 1990.; Robertson, R. "Globalisation: Time-Space and Homogeneity-Heterogeneity," in M. Featherstone et al. (eds.), *Global Modernities*. London: Sage, 1995.
[144] National citizenship virtually collapses as migrant groups have become increasingly part of the mainstream and cannot be "contained" in the modern sense.
[145] Hall, S. "Cultural identity and Diaspora" in J. Rutherford (ed.), *Identity: Community, Culture, Differnece*. London: Lawrence and Wishart, 1990.; Gilroy, P. *The Black Atlantic*. London: Verso, 1993.; Bhabha, H. K. *Nation and Narra*tion. London: Routledge, 1990.; Clifford. J. "Diasporas." *Cultural Anthropology*. 9 (1994): 302-338.
[146] Gilroy, Paul. "Diaspora and the Detours of Idneity." In K. Woodward (ed). *Identity and Difference*. London: Sage. (1997): p. 328.
[147] Ibid. Gilroy, p. 334.
[148] Ibid. Hall.

identity but as an identity relational to subjectivity (always in process—never absolute). A primary focus on the daily practices that construct citizenship should be evaluated and analyzed in how citizenship is performed. In this chapter, I incorporate evaluations of race and ethnicity,[149] but as the focal point, I hope to extend the new notions of diasporic identities to include sexuality. Sexuality is an enabling identity contributing to and complicating notions of citizenship. The issue of sexuality is particularly important given the increasing recognition of the ways in which gender, race, ethnicity, class, and nation intersect in social relations and how these intermingling identities perform citizenship.

The bulk of the literature in the field of transnationality and diaspora deals with race and ethnicity. Sexuality is discussed on a cursory level, or it is often blended into the mix with other markers of identity such as gender.[150] As scholars, we should not be tempted to homogenize racial or ethnic groups precisely because they coexist with other markers of identity—in this way, an intersectional approach permits difference at every evaluation without compromising one identity over another.[151] We must evaluate the distinctive trajectories of every individual without falling into a vicious trap of essentialism or reductionism.[152] We can attend to issues of gender, class, ethnicity, and sexuality as alliances to each other and not as markers of identity in competition with each other.[153] Sexuality has been seriously under-explored in transnational

[149] Further interviews are necessary before I can make appropriate evaluations of race and ethnicity.
[150] I have not found any studies dealing directly with "age," but generational studies certainly fit. I would be interested in youth cultures and elderly cultures and citizenship.
[151] Although in this evaluation, clearly sexuality is being privileged.
[152] Essentialism, reductionism, and individualism are all problematic concepts; I hope to develop a rationale in a larger project that goes beyond universalizing subjects or making individualistic claims that also reduces the subject in question to a grand narrative.
[153] Lisa Lowe discusses the ways in which nineteenth and twentieth-century historical processes of immigration exclusion and legal definitions of citizenship linked together form racialized, gendered Asian American subjects before the law (p. 11) in her work, *Immigrant Acts: On Asian American Cultural Politics*. Lowe analyzes the juridical mechanisms by which Asian American immigrant laborers were at once barred not only from institutional and social definitions of "maleness," but from normative conceptions of the masculinity legally defined as "white" (e.g., normative heterosexuality, nuclear family formations, entitlement to community). Her analysis provides a model for thinking about how the Asian American formation operates not as separate processes of identity formation

studies. Sexuality contains different strengths and weaknesses depending on the individual in question, but there is no question that sexuality can be an enabling device in citizenship formation as noted in previous chapters when Manuel discusses belonging and his citizenship status. Intersectionality is an approach that treats sexuality as a useful tool—just as race and ethnicity are useful tools—in understanding citizenship, and how individuals perform citizenship through these identities and through understandings of diaspora.

Stuart Hall has played an influential role in the critical evaluation of the term "diaspora." His concerns have been to reconstruct an approach to cultural identity and "race" which avoids the pitfalls of essentialism and reductionism. The concept of diaspora emerges as a way of rethinking the issues of black cultural identity and representation away from the notion of the essential black subject.[154] Hall wishes to focus on "historical positionings"[155] as "histories have their real, material and symbolic effects."[156] Hall further states:

> The diaspora experience, as I intend it here, is defined, not by essence or purity, but by the recognition of a necessary heterogeneity and diversity; by a conception of 'identity' which lives with and through, not despite, difference; by hybridity.

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restricted in isolation, but as coming into existence only in and through a dialectical relationship to one another. How might this be applied to sexuality and race? What might it look like in a vernacular context? [Mexican Gay-American] (troubling) Lowe's model provides a theoretical grounding to focus attention on a dynamic relationship of sexuality and gender formations (she's addressing "maleness") as they frame and are framed by Asian American racialization processes. Queerness as a critical methodology based not on content (textual) but rather on form and style (performance, practice, and process). Thinking about queerness in this way highlights the need to understand the legal and cultural discourses. "Queerness" not as an identity-politic but as affect (structure of feeling—a theory of feeling) to encompass a much larger constituency of sexuality or practice. (Eng, "Out Her and Over There," pp. 40-41) Eng states, "focusing on a politics of queerness that can function for Asian American studies as a method of wide critique, considering at once a nexus of social differences and concerns as they dynamically underpin the formation of Asian American subjectivities." (p. 41) "Queerness, then, helps to articulate how Asian American sexual, racial, and class formations come into existence only in relation to one another." (p. 42).

[154] Ibid, Hall.

[155] "historical positionings" – a concept I shall explore in this chapter via sexuality

[156] Ibid, 1990, p. 226.

> Diaspora identities are those which are constantly producing and reproducing themselves anew, through transformation and difference.[157]

I hope to examine the potential of "hybridity" as a political process that generates new sites of power rather than simply suggesting how individuals perform resistance in superstructures.[158] Although hybridity is always present, it is not always recognized, and the contours of hybridity need further research. Sexuality certainly lends itself as foci for research in cultural citizenship and contributes to issues of hybridity. For example, how does sexuality produce and reproduce new narratives of diaspora?

Robin Cohen offers another evaluation of diaspora useful in this analysis. Cohen suggests that the old diasporic practice of "sojourning" has become a feature of the new global economy and that the static terms of migration theory with their emphasis on the binary process of travel from and return to are no longer particularly useful.[159] I agree since for many individuals "travel" occurs on different scales.[160] According to James Clifford, the nation-state is subverted by diasporic attachments which construct allegiances elsewhere. Clifford suggests that the diasporan "subject" think globally but live locally.[161] Cohen notes the competition between two loyalties: homeland and country of settlement.[162] At the same time, Cohen suggests that the diasporic experience liberates the group from the representation and ideological chains

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[157] Ibid, 1990, p. 235.
[158] Discuss Lisa Lowe's concept of heterogeneity.
[159] Cohen, Robin. "Notions of Diaspora: Classical, Modern and Global." Paper presented to *International Seminar* organized by UNESCO-CRER on "Emerging Trends and Major Issues in Migration and Ethnic Relations in Western and Eastern Europe." University of Warwick, 1993, p. 22.
[160] Travel occurs through the imagination, through cyberculture, through narrative, etc. And, all have potential agency for individuals.
[161] James Clifford, "Diasporas," Cultural Anthropology, Vol. 9, No. 3, 1994, pp. 302-338.
[162] Cohen, 1993.

of the nation. For Cohen, and to a certain extent Lowe, diasporas are particularly adaptive forms of social organization.[163]

Most terms that contour diasporic studies get reified through vague definitions; transnationality is no different. And, like most terms, there are no general agreements on the definitions of transnationality. An oversimplified version of transnationality can be understood by breaking the word down into parts: *trans* meaning across or over and *nation* meaning to be born. The two parts are misleading since it makes little sense to be born across or over. Transnationality also signifies intercourse between an individual and a nation or nations, a bridging of the local (individual and culture) and global (nation and government) via flows of people. Culture and government are an unlikely marriage, but the two entities yield the complexity of transnationality especially since the two refer to an interlocking system of power between individuals and spaces.

Without a doubt, transnationality conveys a power exchange between individuals and nations.[164] Manuel speaks at length about this exchange through his explication of "trequé." Although we can accept the complex aspects of transnationality including religion, ideology, ethnicity, production, consumption, accumulation, communication, circulation, and so on, in accepting these does not qualify a complete transnational phenomenon. Transnationality is a concept with multiplicities of meanings. Transnational signals a demise of the nation-state in the current phase of globalization.[165] And, transnational is often conflated with diaspora because they both yield cross-border migration. Transnational and diaspora, offered by Gilroy, however,

[163] Cohen, p. 175.
[164] Economic exchange is most widely analyzed in transnational studies.
[165] Ibid. Appadurai

signals resistance to the nation-state in terms of location.[166] Diasporan subjects are understood through the politics of cultural identity or cultural citizenship.

Transnationalism has been contextualized in a larger diasporic context – the principles of transnationalism.[167] Although globalization deals with economic, political, and cultural aspects of mobility, transnationalism emerges from global corporations and global patterns of labor migration. The two terms are significantly different. Migrants attempt to define their identities in terms of origin and destination as noted by Robin Cohen. Arguably, identity is a more complicated matter that cannot be evaluated in simply binary terms like origin and destination. Stuart Hall suggests:

> Cultural identity is a matter of 'becoming' as well as of 'being.' It belongs to the future as much as to the past. It is not something which already exists, transcending place, time, history and culture. Cultural identities come from somewhere, have histories. But, like everything which is historical, they undergo constant transformation. Far from being eternally fixed in some essentialized past, they are subject to the continuous 'play' of history, culture and power. Far from being grounded in a mere 'recover' of the past, which is waiting to be found, and which , when found, will secure our sense of ourselves for eternity, identities are the names we give to the different ways we are positioned by, and position ourselves within, the narrative of the past.[168]

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[166] Ibid. Gilroy. *The Black Atlantic*.
[167] Clifford, James, "Diasporas." *Cultural Anthropology*. Vol. 9, No. 3, 1994, pp. 302-38.; Cohen, Robin (1997) *Global Diasporas: An Introduction*. Seattle, WA: University of Washington Press.; Gabaccia, Donna R. (2000) *Italy's Many Diasporas*. Seattle, WA: University of Washington Press.; Tölölyan, Khachig (2000) "Elites and Institutions in the Armenian Transnation," *Diaspora*, Vol. 9, No. 1, pp. 107-36.
[168] Stuart Hall. "Cultural Identity and Diaspora" in *Identity: Community, Culture, Difference*. Jonathan Rutherford (ed.) London: Lawrence & Wishart, 1990. p. 225.

Sometimes identities are shaped in interstitial periods, or in liminal spaces. Interstitiality and liminality need to be put in context of racial and ethnic models—"transnationalization," [169] trade diasporas,[170] and "bifocal" citizenship. [171]

Although citizenship articulates legal rights, Aihwa Ong offers a radically different conception of citizenship useful for exploring belonging, identity, and culture. Aihwa Ong poses a different reading of transnational identity in her book, *Flexible Citizenship: The Cultural Logics of Transnationality*. For Ong, transnational identity should not be limited to its expression but include as well its potential for expression and highlight the dynamic processes of identity formation not as a destination but as a process always in motion. One avenue to see this potentiality is through case studies of individuals who are able to migrate but without traditional citizenship rights like asylum seekers. Such individuals can move between countries to take advantage of better opportunities or to flee insecurity.

A growing body of work in diasporic studies suggests that national citizenship regimes are being eroded by developments at the supranational level. Aihwa Ong, for example, interrogates the meaning of citizenship drawing primarily on a poststructuralist Foucauldian model of governmentality[172] and a Marxist approach to late capitalism to examine Chinese

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[169] Yasemin Nuhoglu Soysal. (1994) *Limits of Citizenship: Migrants and Postnational Membership in Europe*. Chicago, Il: University of Chicago Press. "Rights" shaped at an international level (transnational organizations), and ethnic models are highlighted in terms of "transnationalization."

[170] Mara A. Leichtman. "The Legacy of Transnational Lives: Beyond the First Generation of Lebanese in Senegal." *Ethnic and Racial Studies*. Vol. 28, No. 4 (4 July, 2005) pp. 663-686. Focus on "trade diasporas," Mara A. Leichtman looks at generational links. Her work on trade diaspora in Lebanese community in Senegal – issues of race and ethnicity – ethnic model – emphasis on migrants become ethnic groups (ethnic groups assimilate while maintaining transnational ties.

[171] Mahler, Sarah J. (1998) "Theoretical and Empirical Contributions Toward a Research Agenda for Transnationalism," in M.P. Smith and L.E. Guaruizo (eds.), *Transnationalism From Below*, New Brunswick, NJ: Transaction Publishers, pp. 64-100. Sarah J. Mahler questions whether transmigrants can be " 'bifocal' if they, themselves, do not move between 'home' and 'host' countries."

[172] Foucault, M. "Governmentality," In *The Foucault Effect: Studies in Governmentality*, Graham Burchell, Colin Gordon, and Peter Miller (eds.), pp. 87-104. Chicago, IL: University of Chicago Press, 1991.

cultural life and their transformation of citizenship. Ong argues that a "flexible citizenship" of Chinese subjects is constituted by interrelated regimes in the contemporary world. She suggests that in an era of globalization, individuals as well as governments develop a flexible notion of citizenship and sovereignty as strategies to accumulate capital and power.

"Flexible citizenship," according to Ong, "refers to the cultural logics of capitalist accumulation, travel, and displacement that induce subjects to respond fluidly and opportunistically to changing political-economic conditions.[173] She continues stating:

> In their quest to accumulate capital and social prestige in the global arena, subjects emphasize, and are regulated by, practices favoring flexibility, mobility, and repositioning in relations to markets, governments, and cultural regimes. These logics and practices are produced within particular structures of meaning about family, gender, nationality, class mobility, and social power.[174]

In some ways, Ong's work provides an interpretive model of transnationality that opens discussions of citizenship rather than a globalization model that ultimately closes those discussions down by eliminating individual accounts. Adding sexuality into the discussion of transnationality can lend to understanding cultural citizenship beyond global context of flows.

Globalization is too limiting a concept to use in discussions of citizenship because, as Ong states, "a model that analytically defines the global as political economic and the local as cultural does not capture the horizontal and relational nature of the contemporary economic, social, and cultural processes that stream across space. Nor does it express a culture's

[173] Ong. A. *Flexible Citizenship: The Cultural Logics of Transnationality*, p. 6
[174] Ong. p. 6

embeddedness in differently configured regimes of power."[175] For this reason, Ong prefers to use the term transnationality in which she creates a model that works for her.

"Trans," for Ong, "denotes both moving through space or across lines" as well as changing the nature of that space and the subject in motion. Ong does not seem to emphasize a moving back and forth narrative; rather, she implies that one would only have to move through a space one time in order for there to be a transnational flow. "Besides suggesting new relations between nation-states and capital, transnationality also alludes to the transversal, the transactional, the translational, and the transgressive aspects of contemporary behavior and imagination that are incited, enabled, and regulated by the changing logics of states and capitalism. What follows, when globalization is used is a narrow sense of new corporate strategies."[176] Analytically, Ong is concerned with transnationality, or, as she states, "the condition of cultural interconnectedness and mobility across space, which has been intensified under late capitalism."[177] My interest is in this "cultural interconnectedness" to which Ong refers, specifically with sexuality. She uses transnationalism to refer to the cultural specificities of global processes, tracing the multiplicity of the uses and conceptions of "culture."

Ong argues that the strategies and effects of Asian professionals operating in a global market seek to circumvent, and, at the same time, benefit from several nation-states is leading to a kind of citizenship that is responsive to the market, while simultaneously being heavily regulated by the nation-state.[178] She refutes superficial assertions of the end of national

[175] Ong, p. 4
[176] Ong, p. 4
[177] Ong, p. 4
[178] In an earlier essay on cultural citizenship, Ong draws on Foucault's notion of subjectification to discuss cultural citizenship beyond "rights" and beyond legal-juridical entitlements. Citizenship is a set of cultural and social processes that must be examined in the realm of everyday life. Ong uses cultural citizenship to refer to "the cultural practices and beliefs produced out of negotiating the often ambivalent and contested relations with the state and its hegemonic forms that establish the criteria of belonging within a national population and territory." She further states, "Cultural citizenship is a dual process of self-making and being-made within webs of power linked to the

sovereignty, while recognizing the growing effect of transnational mobilities on citizenship. In this theory of citizenship, Chinese migrants locate agency in superstructures and have forged new social contracts in what Ong calls the "postdevelopmental" state. In this new kind of citizenship, individuals in motion benefit from both globalization and the nation-state while escaping the disciplining effects of globalization and nation-state.

The emphasis on agency allows a view of citizenship as flexible, yet the drawback is what Ong calls "graduated sovereignty" induced by globalization, when even as the state maintains control over its territory, it is willing to let corporate entities set terms for regulating citizenship. Ong introduces the notion of "graduated sovereignty zones" to capture how the nation-state is being refashioned in a transnational world. In order "to meet the challenges of global markets and supranational organizations," Ong asserts, "state governments must confer certain privileges or [prevent] harsh treatment to certain ethnically marked peoples or certain "zones" within the nation-state."[179] In this regard, the state no longer fulfills a uniform regulatory role over its nation and national terrain. The results, however, as Ong claims, are

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nation-state and civil society." (p. 738) From Aihwa Ong. "Cultural Citizenship as Subject Making: Immigrants Negotiated Racial and Cultural Boundaries in the United States." *Current Anthropology*. 35, (1996): 737-62. Ong points out the multiple levels and the varying modalities of disciplining and constructing citizen-subjects. The state, civil institutions, and social groups all intersect and work together to reproduce the hegemonic criteria of belonging in the United States. She illustrates the complex process by which "newcomers" are evaluated and positioned along different axes of class, gender, race, and culture. Racialization works in tandem with class stratification and the assessment of human capital to determine the placement of these groups in U.S. society. And, depending on their placement, they undergo different processes of subjectification and adopt various strategies to negotiate the conditions they confront. What Ong has formulated is an intricate model that illustrates the complex processes by which a variety of disciplinary forces come together to socialize highly differentiated groups of citizen-subjects. By underscoring the disciplinary force of civic institutions and social groups, her model seems to suggest that adaptation, accommodation, and negotiation are the only options to cultural incorporation in the U.S. *Flexible Citizenship* takes a slightly different turn with an emphasis on agency. Ultimately, what Ong is describing is a process of subject formation with an emphasis on the process of negotiation, particularly how individuals negotiate with disciplining forces. In her analysis of Hong Kong elites and Cambodian refugees, for example, they cannot escape the disciplinary forces of the state or its hegemonic control. Yet, they negotiate, manipulate, and work with the given rules of the system without changing them. The participant for this study describes similar details and reminds me how he is able to "work the system." Ong frames cultural citizenship as an adaptive process where there is room for generative and transformative change inextricably bound to the nation-state.

[179] Ong, (*Flexible Citizenship*) p. 215

different regimes of rights, disciplines, benefits, and securities that may work in multiple ways depending on the context in question.

Race and ethnicity, in Ong's transnational model, become open signifiers, no longer determined by either western hegemony or by postcolonial responses to westernization. New narratives of racial and ethnic identities emerge from the assurance of economic successes, and as a result, racial and ethnic identities operating in a postdevelopmental state facilitate a cultural logic in which they play a part in shaping the cultural construction of citizenship. But, how does sexuality factor in here? If race and ethnicity are open signifiers, then sexuality can work in a similar way. It is in this sense that the cultural logic of transnationalism undermines both western and indigenous constructions of identities. While there are some inherent problems with Ong's assertion, particularly on the part of specific gendered and sexualized subjectivities, she argues there is a need for a greater recognition of the flexible nature of citizenship in terms of multiple loyalties that may transcend any particular state.

Sexuality is absent from Ong's transnational discussion.[180] The relationship between ethnicity and sexuality provides a crucial political nexus for analysis in a transnational context. Sexuality has been dealt with in the transnational context by various scholars in the field.[181]

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[180] Alan Sinfield. "Diaspora and Hybridity: Queer Identities and the Ethnicity Model." *Textual Practice*. 10(2): 271-293, 1996.

[181] David L. Eng. "Out Here and Over There: Queerness and Diaspora in Asian American Studies." *Social Text*, No. 52/53, Queer Transexions of Race, Nation, and Gender. (Autumn-Winter 1997), pp. 31-52. Eng's work is especially useful in identifying sexual citizens in a larger diasporic scope. Focus on queer citizenship in an Asian context, popular culture, intersecting queerness and diaspora, "productive dialogue between Asian American Studies and queer studies, bringing together two disciplines that have remained traditionally unconnected." (p.33), an adaptive AIDS model. Eng suggests that not only does queer problematize certain claims to citizenship and formations of the nation, but that the nation-state itself can be queered. (p. 41 from "Out Here and Over There); Philip Brian Harper. " 'Take Me Home': Location, Identity, Transnational Exchange." *Callaloo*, Vol. 23, No. 1, Gay, Lesbian, Bisexual, Transgender: Literature and Culture. (Winter, 2000), pp. 461-478. Uses autoethnography, U.S. / Canada transnational, and gay male identity.; Carl F. Stychin. " 'A Stranger to Its Laws': Sovereign Bodies, Global Sexualities, and Transnational Citizens." *Journal of Law and Society*, Vol. 27, No. 4. (December 2000), pp. 601-625. Stychin interrogates citizenship, cosmopolitan framework, lesbian and gay subjectivities, sexual citizen, mobility and migration, sexual dissidents passing undetected in the absence of close surveillance, discursive construction of homosexuality and migration, "migration has played a key role in the construction of sexual

Sexuality is often collapsed in "tourism" studies, which leaves little room for a critical evaluation of agency.[182] What seems to be missing in this dialogue is a critical discussion of human agency. Some scholars focus on the limits of sexuality in cross-border contexts[183]; however, I would like to emphasize how sexuality enables mobility in a transnational context.

Transnationality, Sexuality, and Agency: A Model for LGBTQ Asylum Seekers

A growing feature in transnational studies is the question of agency. Ong advocates for models of citizenship that work against regimes that regulate identities, particularly racial and ethnic identities. However, agency must be understood in relation to regimes; it does not operate in isolation. Individuals are always operating within regimes that regulate; it might be useful to

identities" (611). Jasbir Kaur Puar. "Global Circuits: Transnational Sexualities and Trinidad." *Signs*, Vol. 26, No. 4, Globalization and Gender. (Summer, 2001), pp. 1039-1065. Jasbir Kaur Puar – travel, tourism, HIV/AIDS model, queer theory, sexual identities in Trinidad.; Debra Burrington. "The Public Square and Citizen Queer: Toward a New Political Geography." *Polity*, Vol. 31, No. 1. (Autumn, 1998), pp. 107-131. Debra Burrington – citizenship (no transnational discussion), U.S. context of gays, social space/gay clubs.; David William Foster. "The Homoerotic Diaspora in Latin America." *Latin American Perspectives*, Vol. 29, No. 2, Gender, Sexuality, and Same-Sex Desire in Latin America. (March, 2002), pp. 163-189. David William Foster – Latin American context and novels/novelists.; For a more in-depth analysis of citizenship, AIDS, and Brazil see João Biehl. "The Activist State: Global Pharmaceuticals, AIDS, and Citizenship in Brazil." *Social Text*. 80, Vol. 22, No. 3, Fall 2004. João Biehl – AIDS model and citizenship in Brazilian context. Jasbir Kaur Puar. "Circuits of Queer Mobility: Tourism, Travel, and Globalization." *GLQ*. 8: 1-2, pp. 101-137, 2002. Focus on queer travel in economic markets. Cindy Patton and Benigo Sanchez-Eppler (eds.) *Queer Diasporas*. Durham: Duke University Press, 2000. Utilizes an AIDS model in queer tourism. LGBT/Q sex tourism is often followed by a concern with the spread of HIV/AIDS as in Patton and Sanchez-Eppler. Stephen Clift and Simon Carter (eds.) also acknowledge the AIDS model in sexuality studies of travel in *Tourism and Sex: Culture, Commerce, and Coercion*. New York: Pinter, 2000. See also Dennis Altman's *Global Sex*. New York: Routledge, 2001, and Matti Bunzl. "The Prague Experience: Gay Male Sex Tourism and the Neocolonial Invention of an Embodied Border," in *Altering States: Ethnographies of Transition in Eastern Europe and the Former Soviet Union*, Daphne Berdahl, Matti Bunzl, and Martha Lampland (eds.), Ann Arbor: University of Michigan Press, 2000, pp. 70-95.

[182] Most studies of gay and lesbian tourism emerge from British scholars through a convergence of interests in cultural geography and queer theory—rarely addressed in transnational studies—and use discussions regarding the heterosexism of public space generated by volumes such as David Bell and Gill Valentine, eds., *Mapping Desire: Geographies of Sexualities*. London: Routledge, 1995. *Queers in Space: Communities, Public Places, Sties of Resistance* (Gordon Brent Ingram, Ann-Marie Bouthillette, and Yolanda Retter, eds., Seattle: Bay, 1997) also deal with gay and lesbian tourism with some acknowledgment of agency veiled as resistance. And, Nancy Ducan (ed.) delivers a useful analysis of gender and sexuality in *Body Space: Destabilizing Geographies of Gender and Sexuality*, (London: Routledge, 1996) but it fails to enter the discussion of cultural citizenship as I intend here.

[183] Eithne Luibhéld presents a careful analysis of the various ways sexual identities, practices, and ideologies have disciplined and prevent women from attaining U.S. citizenship in *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002). Although Luibhéld challenges current U.S. immigration policy, the primary focus in *Entry Denied* highlights the struggles of immigrant lesbians and gays crossing the border.

understand the symbiotic relationship for individuals "constrained agency." Gloria Anzaldúa has offered a theory of agency in her book *Borderlands/La Frontera: The New Mestiza*, suggesting borderlands as "exhilaration" that can emanate from one's ceaselessly negotiating the "shifting and multiple identity" producing in the straddling habitation of national boundaries.[184] Emphasis on negotiation. Homi K. Bhabha identifies agency as a powerful effect of cultural hybridity and the establishment of a "third space," which "displaces the histories that constitute it, and sets up new structures of authority, new political initiatives," and thus "enables other positions to emerge."[185] Arjun Appadurai designates as a key aspect within contemporary global culture the rise of "the imagination as a social practice," which he conceives as "now central to all forms of agency."[186] The power at stake would manifest specifically in terms of sexuality. Manuel's sexuality is powerful in this way.

Lauren Berlant traces the effects of a particular fantasy of the "American Dream" that has solidified its purchase on the collective national psyche since the earliest days of the first Reagan administration. Lauren Berlant has suggestively argued that this fantasy identifies citizenship not with a recognized set of rights and liberties whose significance is continually reevaluated and adjusted through the operations of a properly political sphere, but rather with the achievement of a social mobility in the shadow of whose inequalities and impediments to popular political power become effectively obscured. In other words, this increasingly officialized fantasy authorizes the

[184] Anzaldúa, Gloria. "Preface" in *Borderlands/La Frontera: The New Mestiza (second edition)*. San Francisco: Aunt Lute Books, 1987.
[185] Homi Bhabha. "The Third Space" (interview with Jonathoan Rutherford). In *Identity: Community, Culture, Difference*. Ed. Jonathan Rutherford. London: Lawrence and Wishart, 1990. 207-221 (page 211).
[186] Arjun Appadurai. "Disjuncture and Difference in the Global Cultural Economy." *Modernity at Large: Cultural Dimensions of Globalization*. Public Worlds. Vol. 1. Minneapolis: University of Minnesota Press, 1996. 27-47 (p.31).

conceptualization of socioeconomic status as the substance of U.S. citizenship itself.[187] A way of making sexuality operational for human agency.

In the final chapter of *Flexible Citizenship*, Ong argues that states and individuals moving through those states have fashioned creative responses to global capitalism. Ong suggests, in this idea, that nation-states ultimately lose power because of the slipperiness of the global market. While Ong's model challenges older models of citizenship formation, she acknowledges that her work is still open for debate and that these ideas of transnationality, flexible citizenship, nation-states, global markets, and so on need additional interrogation.[188] One way to open this discussion further is by asking: How does sexuality factor into Ong's notion of transnationality and flexible citizenship? In this sense, I am not interested in challenging what Ong has started; rather, I would like to complicate notions of citizenship, as Ong has already done, by adding sexuality to the equation. In one of her articles, Ong suggests that citizenship is becoming disarticulated and deterritorialized from global assemblages and political spaces.[189] However, sexuality might apprehend Ong's assertion since sexuality does not just index gayness or

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[187] Lauren Berlant. "Introduction" and pp. 1-24. in *Queen of America Goes to Washington City*.

[188] Again, Aihwa Ong calls the meaning of citizenship into question in her book, *Buddha is Hiding: Refugges, Citizenship, and the New America*, (Berkeley and Los Angeles: University of California Press, 2003) and she examines the dual process of being-made and self-making by individuals working within power structures. Ong states, "Citizenship is less a legal category than a set of self-constituting practices in different settings of power." Power, for Ong, following Foucault, is a "social technology that derives unity not from a process of homogenization or totalization, but from transversality—from passing through individuals, including both being-made and self-making." (276) For Ong, this means accessing the processes by which immigrants are asked to create and re-create their identities by way of nation-state. Ong's conception of citizenship is not confined to conventional, legalistic definitions. Rather, her application of the concept considers the extent to which a society is able to incorporate as full citizens—those marked by otherness. Sexuality seems to factor in Ong's analysis, yet her primary foci remains on race and ethnicity. Ong is interested in trends that seek to redefine citizenship. These include movements by minority groups, homosexuals, and women who seek to expand notions of citizenship by asserting their "right" to membership while also expressing their difference as well as policies that would restrict citizenship to those who embody economic productivity and self-control. What Ong provides is yet another useful model in which refugees establish strategies for agency and maneuver through systems and institutions to obtain basic necessities. We can observe this in everyday people, but as Ong has outlined, refugees challenged systems and institutions by creating a subversive nature of citizenship.

[189] Aihwa Ong. "Mutations in Citizenship." *Theory, Culture & Society*. Vol. 23 (2-3): 499-531, 2006.

straightness, it also indexes gender, class, ethnicity, religion, transnationality, politics, etc.[190] There is a growing insistence on ethnographic research that contextualizes global processes within wider webs of power.[191] Ong insists there is a need for a greater recognition of the flexible nature of citizenship in terms of multiple loyalties that may transcend any particular state,[192] but these multiple loyalties may not necessarily be limited to geographic spaces—they can also be extended to identities, family, friends, vocation, etc.

How sexuality operates within contemporary national and transnational cultural terrains deserves further thought. My understanding of sexuality and citizenship is based on the work of queer theorists such as Michael Warner, David Eng and Lauren Berlant, who ask that we attend to the ways in which sexual deviance and normalization are produced in and articulated through other differences including race, nation, gender, class, and religion. Elaborating on the scholarship of Michael Warner and David Eng, [193] I employ queer theory not as identical to gay and lesbian studies but as a useful framework and methodology for interrogating the heteronormativity of cultural citizenship in the nation-state. And, circulated through capitalism, nation-state regulates gendered and sexualized citizens.

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[190] I would need to develop this more obviously.
[191] Clifford, 1997.
[192] *Flexible Citizenship*
[193] Michael Warner has called for queer intellectuals to turn their attention to theorizing the social and for critical theorists of politics and the state to take sexuality seriously as a category of analysis (see "Introduction" to *Fear of a Queer Planet*, Minneapolis: University of Minnesota Press, 1993). According to Warner, " 'Queer' gets its critical edge by defining itself against the normal rather than the heterosexual…if queers, incessantly told to alter their 'behavior' can be understood as protesting not just the normal behavior of the social, but the idea of normal behavior, they will bring skepticism to the methodologies founded on that idea." (pp. xxvi-xxvii). In promoting a queer theory that attempts to advocate "against the normal" (as Warner states), queer theory brings together many people who share a common displacement from the social norm. (Cathy Cohen, "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?" *GLQ* 3(1997): 437-65. This approach to queer theory is also taken by David L. Eng, who argues that the term "queer" signals "a stake in nonnormative, oppositional politics." (Ibid. "Out Here and Over There," p. 50). According to Eng, queers are not just gays and lesbians, or nonheterosexuals. Queerness includes all who are displaces from normative regimes and practices, including nonwhite or racialized others. If we take the queer project to be a critique of heteronormativity, then we can see that it must be critical of and attuned to how norms of heterosexuality are produced by and uphold norms of race, class, and nation.

I do not intend to provide a complete ethnography in this chapter, if such a thing even exists, but to draw on several interviews in a "thinner" description of Manuel whose experiences detail how sexuality is operational in [cultural] citizenship formation. This is in no way a presumptive valorization of the "queer subject" but a useful analysis of the potential of sexuality in understanding citizenship in a different context.

How might flows of people, culture, capital, and politics from different countries to the U.S. [and then globally] inform sexual citizenship? What circuits shape explicit modes of sexuality [HIV/AIDS, government work, queer performance]? What are patterns to the sense of relationships, sovereignty, entitlements that condition sexual citizen? What transnational flows constitute the relevant spaces, practices, relations, and beliefs for sexuality? How do we even begin defining sexuality, queer sexuality,[194] queer Citizenship,[195] gay diasporas?

At the time of the interviews, Manuel worked in a malaria unit at a government base in the Washington, D.C. area, and he spent three months of the year in Ghana, West Africa testing malaria vaccines. His primary focus before malaria was HIV. Manuel has offices in Chicago,

[194] I differentiate gay and lesbian from the term queer, which I consider to eschew a political platform based exclusively on sexual identity and sexual practices and on the polarization of homo- and heterosexuality. The use of the term "queer," as Michael Warner points out, "gets a critical edge by defining itself against the normal rather than the heterosexual" ("Introduction" from *Fear of a Queer Planet: Queer Politics and Social Theory*, ed. Michael Warner, Minneapolis: University of Minnesota Press, 1993, p.xxvi.) Initially a designation of terror and shame, queer in contemporary usage has been resignified in a rather open and capacious context, one that can be used simultaneously to discuss the politics of the personal, to question a spectrum of personal identities, to act against normalizing ideologies, and to resist the historical terror of social phobia and violence (agency). Gay and lesbian and queer are not mutually exclusive terms. Gayness might provide ideal, though not exclusive grounds for queer practices; and queers can often be "lesbians and gays in other contexts – as for example where leverage can be gained through bourgeois propriety, or through more gender-marked language (it probably won't replace lesbian feminism)" (Warner, xxviii). The gay and lesbian liberation movement that emerged in the post-Stonewall era was largely based on a politics restricted to sexual identity and practices. New queer social movements—in the 1990s and beyond—are largely based, instead, on the critique of identity politics and the discursive production of the subject. Queer activism's critique of the coalitional interests along the lines of political goals need to be considered in the context of racial differences.

[195] Queer citizenship requires a critique of citizenship, of the nation-state, or normalization and heteronormativity. To queer citizenship, then, we need to work to conceive a citizenship that does not require universalizing subjects of immersion in and acceptance of formulaic narratives of U.S. citizenship. I believe the participant involved in this project provides an interesting narrative that goes against a universal and formulaic narrative. However, additional interviews are necessary.

New York, Miami, and Washington, D.C.; his travel corresponds to what Ong would cite as a transnational flow/citizen.

At age 13, Manuel discovered he was HIV positive due to a blood transfusion needed because of a car accident. Because his doctors refused to treat Manuel, he spent 15 years of his life traveling from his home country to Miami to get medical treatment. While Manuel's non-citizen status prevents him from receiving certain rights and benefits like voting rights or the right to drive a car, his status under U.S. political asylum guarantees him certain cultural and political freedoms he would not otherwise have even imagined living in his home country. These freedoms include, but are not limited to, sexual freedoms. Manuel's non-citizen status combined with U.S. protection complicates ideas of "citizenship." For this reason, I want to discuss the cultural logics of citizenship in regard to Manuel's current position as a non-citizen living in the U.S.

My major goal here is to contribute to Ong's notion of transnationality and "flexible citizenship" by exploring the idea of a "sexual citizen" via critical person-centered ethnography. Manuel's story contributes to a much-needed discussion and rethinking of "citizenship" since his status under political asylum favors cultural expression over national rights and privileges. In other words, the U.S. is not only protecting Manuel's sexuality because of his experiences in his home country, but the U.S. is also preserving his cultural position as a homosexual by granting him political asylum and permanent residency in the U.S.

In our interviews, Manuel narrates his story and describes how he interacts with political and cultural forms and the production of cultural values across uneven geographies. By using Ong's concept of "transnationality," I hope to illustrate a possible "sexual citizen" model that Manuel has created favoring agency. Manuel's culture and influences have changed while

residing in the U.S., but his position here under political asylum also changes the logics of a nation-state definition of "citizenship." [196] Ong focuses on the "cultural specificity of global processes" (4). This entails an ethnology of transnational practices that exist at the nexus of global capitalism and the intersecting structures of family, community, work, travel, and nation. Ong asserts, transnational "subjects" engage in "flexible citizenship" to take advantage of work, residence, education, and investment opportunities behind a variety of different national borders. In the process, they have developed a sense of self-importance, of being on the cutting edge of global economic developments. But, in these opportunistic gains, there is a price, or as Manuel would say, "it is a trequé."

Extending "Flexible Citizenship" to include Sexuality

Manuel has been a permanent resident of the U.S. since March 2004, but he is not a U.S. citizen. Manuel will probably never become a U.S. citizen because of the reasons why he is

[196] The prototypical asylum-seeker has been primarily male individuals persecuted for political beliefs or activities (Greatbatch, J. "The Gender Difference: Feminist Critiques of Refugee Discourse." *International Journal of Refugee Law*. 1(4):518, 1989. ; Kelly, N. "Gender-Related Persecution: Assessing the Asylum Claims of Women." *Cornell International Law Journal*. 26: 625-674, 1993.; Macklin, A. "Comparative Approaches to Gender-Based Persecution in Canada, Australia and the United States." *Engendering Forced Migration: Theory and Practice*. D. Indra (ed). Providence RI: Berghahn Books. 272-307, 1999.; Crawley, H. *Refugees and Gender: Law and Proc*ess. Bristol UK: Jordan Publishing Limited, 2001.; and Bhabha, J. "Embodied Rights: Gender Persecution, State Sovereignty, and Refugees." *Public Culture*. 9(3): 3-32, 1996]. Crawley also affirms women as not typically being thought of as "refugees" since their political activities are often not viewed as "real" politics. Most women are neglected by the state contributing to the private-sphere persecutions most often afflicting women (Ibid., pp.18-21). Herdt, G., ed. *Sexual Cultures and Migration in the Era of AIDS*. Oxford: Clarendon Press, 1997 identifies struggle for citizenship, issues around asylum gained ground during the height of the AIDS pandemic, maintaining strict quarantine rules that prevented visitors and immigrants with HIV/AIDS from crossing the U.S. borders, political organizing around AIDS and gay "rights" enabled the establishment of immigration provisions for asylum cases based on sexual orientation, laws require asylum petitioners to assert and document the horrible conditions that existed in their "home" countries. Rodriguez, Juana M. *Queer Latinidad: Identity, Practices, Discursive Spaces*. New York: New York University Press, 2003. Analyzes asylum application of Brazilian black men, advance a different understanding of the process of queer asylum. Asylum to be understood in terms of complex arrangements of events and statuses including race and class. Her contention, the need to read queer asylum not merely about protection of people from persecution due to sexuality but more broadly in the context of the intersection of marginalized raced and classed sexualities.

here. Manuel has a green card, but he cannot vote, nor can he return to his home country. Should he return to his home country, and get caught, he loses his asylum status because he is in violation of his own protection status. Manuel has "limbo status," as he explained, because he is a non-citizen in both the U.S. and his home country. Every year the U.S. grants residency to hundreds of people like Manuel who are political dissidents of their respective country. Manuel lives in the U.S. under political asylum. That is, the U.S. is protecting Manuel because if he returns to his home country, as he was told, he will be executed. Manuel has what he calls a "big mouth." After years of lesbian and gay activism and HIV/AIDS education in his home country, Manuel's "big mouth" was literally shut when several men claiming to be Venezuelan military police kidnapped, raped, and tortured Manuel near his home.

The term "transnationality," as used by Ong, implies a new approach to how we might perceive hybrid cultures, border crossings, power structures, and intensified exchanges among localities and nations. Additionally, "trans" denotes both moving through a space or across lines, but the "moving through" also changes the nature of what moves and its surroundings. That is, Manuel's culture and influences have changed while residing in the U.S., but his position here under political asylum also changes the logics of a commonsense definition of "citizenship." Ong's notion of "trans" operates nicely with Manuel's story. However, "trans" also yields complexities specific to Manuel beyond Ong's model but not completely divergent from her primary aim. Central to Manuel's story are the blood *trans*fusions that *trans*mitted the HIV virus when he was 13 years old. Qualifying his HIV status has been routine upon meeting new people as he explained to me, because assumptions are almost always made based on his ethnic and sexual identities. Ong's notion of "trans" operates differently with the case of Manuel.

"Some people not really lucky, so I wasn't lucky," Manuel commented when I asked about his history with HIV. "How did you get HIV?" I asked. "Well, it wasn't for a good fuck that's for sure," he explained since many people assume because Manuel is gay and Latino, promiscuous sexual activity must be how the virus was transmitted. Qualifying his HIV status is routine, as he explained to me, every time he meets someone new because assumptions are always made that because Manuel is gay, he must have, as he stated to me, "fucked all these guys and that's what people always assume how I got HIV." HIV/AIDS is a transnationally transmitted disease affecting entire nations. AIDS might be one of the most specific examples of globalization, yet it is not discussed much in transnational scholarship.

I already knew Manuel got HIV from a blood transfusion, but I asked him, for clarity, "you got HIV from a blood transfusion, right?" "Yeah," he said, and I asked him to share his story.

> "The blood transfusion was because we, my family, my mother and my father and I, we have a car accident. In the accident, my mother and father, they were in stable condition so they were transported to a clinic, a private clinic. But, I was not in really a stable condition, and I was taken to a public hospital. The service is completely different, so I get, you know, the virus. I got 10 blood transfusions in 5 days."

After Manuel received treatment, including the blood transfusions, he returned to the hospital months later for additional tests before the doctors would perform surgery to correct his broken nose. It was then that Manuel learned he was HIV positive.

"But they don't say HIV then, they just say AIDS, you know, 'you have AIDS' they say to me," as Manuel corrected my assumptions about terminology used by [home country name

omitted] medical practitioners. "The bottom line was," as Manuel explained, "they talk to my mother and, you know, they say 'he gon-na die in 3 months so you have to make arrangements, you know, wait for him to go.' And in that point, I was diagnose with AIDS—it was just *the* AIDS. So my mother, you know, have to go home and say to me, 'has you ever fuck somebody and you didn't tell me?' She said, 'somebody molest you? Somebody rape you?' I say 'NO,' and she say, 'are you sure?' And I say 'yes, I'm sure. Nobody molest me, nobody touch me there.' She say, 'OK, did you suck a dick or did you get fucked by pleasure then?' And I deny because I didn't, I mean, I never have sex then, I was just a kid."

The assumptions made about HIV and AIDS, according to Manuel, always lead back to sexual activity. While Manuel never had sex, his diagnoses with "AIDS" at age 13 forced him to transition from what he calls a "little boy to a mature man" because, as he noted, "nobody put the puzzle together." "I mean, it was pretty difficult because I was 13, and I never think as a little boy, I have to think like an adult because something was wrong, I not having sex so what's this result, this diagnosis, something has to be wrong," Manuel explained to me. "I was really mature in many aspects because I have to be. I remember the doctor says to my mother, 'so I'm not going to perform the surgery on him because I can die,' that was the doctor. But nobody put the puzzle together to realize that it was after the accident, the blood transfusion, that I get HIV—not because I was gay or have sex. After that, everything changed in my life. They just imagine that, you know, they make a simple equation, they say 'ok, it's obvious this little 'girl' is gay, and he's fucking everyone so the result is that he have AIDS.' "

"But you were 13, and you never had sex," I asked Manuel, "how, why would they think you got HIV from sex?" Manuel responded, "I know I was gay, I mean, I was a big *maricón*, I still a big maricón [laughing], but you know, I didn't have sex with anybody. They just cannot

go beyond that thinking. I mean, it's so many things that HIV can—I mean, it's a lot of changes when you are 13 already, but for somebody to tell you, 'you have AIDS,' and you know you never have sex, something—there is not enough information there. It makes you think."

According to Manuel, his home country has one of the largest undocumented HIV/AIDS epidemics in the Latin American region. The virus continues to spread because public officials, including health and governmental officials, refuse to educate its public about HIV and AIDS. Assumptions and misconceptions about the virus continue to strike people in the most productive age groups like Manuel who received a blood transfusion at age 13. Instead of recognizing that blood should be tested, doctors and the general public make "obvious" connections that Manuel got "AIDS" because he is gay, and he got "AIDS" from gay sex. Assumptions and misconceptions are barriers to the eradication of HIV and AIDS in his home country especially since the virus is still considered to be transmitted only through gay sexual activity.

From Manuel's perspective, people in his country often believe the virus is deserved because they are gay, and discrimination is an on-going problem. Although discrimination is illegal, it still occurs especially at the medical level like when Manuel was refused medical treatment. Manuel insists more education and awareness initiatives must be conducted in Latin American countries to minimize not only discrimination, stigmas, and misconceptions about homosexuality and HIV/AIDS, but to eliminate the spread of HIV altogether. Manuel had just turned 30 years old at the time of this interview, and he has spent more than half his life attempting to educate people about HIV and AIDS in a transnational context.

The prevalence and misconceptions about HIV and AIDS have raised questions of access to medical care, to accurate sex education, and to institutional change. In the U.S., denial of medical care is against the law, yet, as Manuel pointed out, the stigmas associated with HIV,

AIDS, and homosexuality in his home country deny those individuals from receiving medical treatment. "It's not the United States, Christopher," he said. "We talking about a government that enforce denial to homosexual and HIV patients," Manuel asserted. When Manuel was denied medical treatment, he flew to Miami and sought the treatment he needed. "So, you were told you had 3 months to live, what happened when you lived beyond those 3 months—how did your family react?" I asked Manuel. "Well, I didn't die," he responded. "It was a very intense 3 months," Manuel explained. "Everyone was expecting for me to get really, *really* sick." "This was your family?" I asked. "With my family, yeah," he said.

"So after 3 months I didn't pass away, and my mother say, 'well, so let's take you to Miami, and maybe a doctor can figure out when you're gon-na die because you have to be ready, and we have to be ready.' She was strong, and she was right, I mean, we have to prepare, and I have to know if I will go to medical school or just to stay home and wait until God came and to take my body and die. But, it wasn't happening like that. So, we flew to Miami, and I met Dr. "Smith," which *you* know was my doctor until five months ago when I move here. So Dr. Smith, he is very honest and say, 'you're not gon-na die tomorrow or in 3 or in 6 months or in one year, or in 10 years or maybe 25 years.' So when he was talking to my parents and myself, the first thing that came out of my mouth was, you know, 'I going to finish high school in one month, and I just wonder if I can go to, you know, my university?' He said, 'oh of course you can.' My mother was, she was like in shock because, you know, they were not expecting that." "So when did you get to medical school?" I asked Manuel. "I entered med school when I was 14 years old," he replied. In disbelief I asked, "you were 14 years old?"

Manuel was often regarded as a "special youth" by his family when it came to his intelligence, as he shared his story with me. Even prior to learning he was HIV positive, Manuel

wanted to go into the medical profession. Manuel's diagnosis with HIV, or rather with "AIDS," and the inaccurate information given to him and his family about his prognosis, influenced him to move into the direction of specializing in infectious diseases and HIV/AIDS education at an early age. I asked Manuel, "did finding out you were HIV positive influence your decision to specialize in HIV/AIDS and infectious diseases?" "Well, that's a big part why," he began to explain. "I think it was because at that point," when Manuel was denied medical treatment in his home country and had been given inaccurate information about his HIV diagnosis, "I wanted to treat patients who had HIV. It was like a big deal when you have a patient with HIV. Every person is different—everyone needs special attention. Not everyone is the same, and I know because I was HIV positive. So, I think I took my beginning of my disease, well not my disease, I don't think I have disease, I have a 'special blood,' I took it—it have a big influence on my medical career *and*—you know, my life." In this way, Manuel was not "traumatized" by his HIV status; but rather, his HIV status propelled him to become a doctor. Even though he never had sex, Manuel knew he was gay. His "special blood" motivated him to be resilient and become an infectious disease doctor at a young age.

"Special blood?" I asked confused. "Yeah, I have special blood," Manuel replied with a smile. "Can you explain what you mean by 'special blood'? I don't understand," I asked. "Ok, well, so I make, I thought about that because it was no information out there, so we have to go to another country, a country that is not my country, to be able to get some information about, you know, AIDS. And I can go back, you know, to my country and start my medical training, but I can also, you know, start my family training. I have to train my family to be able to say 'HEY! There is no HIV here,' if I go and grab a glass. And, 'I—not, uh, my name is MANUEL—I not uh, my name is not HIV.' But it was, it was an intense training for all my family, and they, you

know, one by one, start to understand that, you know, that I didn't have anything that was contagious, and that their life wasn't at risk because I was breathing the same oxygen or, you know, it was ok to hug me. So, I mean, it was a training. It was very challenge training, I mean, challenge time in my life," Manuel ended. Although we didn't discuss his "special blood" reference again, I understood Manuel to mean that he was going to turn this "not so lucky" experience of a blood transfusion that gave him HIV into a way to educate his family and country about HIV and AIDS. In other words, Manuel took his diagnosis as an opportunity to reverse the stigmas associated with HIV, AIDS, and homosexuality in his home country through education. By specializing in infectious diseases, Manuel gained knowledge needed for accurate diagnoses he could later give to his patients.

"I was very healthy when I return and feel optimistic," Manuel further noted about his initial Miami trip. Manuel said he was "one of the first people in [my country] to receive a Ph.D. in infectious disease," which he earned when he was 19 years old, two years after receiving his medical degree. According to Manuel, "it was a big deal, it was like 25 doctors to graduate that year, but only 3 of us, we were the first ones, the first group to specialize in infection disease, specifically HIV/AIDS, in [my country]."

Because there is political turmoil that continues to trouble Latin American countries, the prevention of HIV and AIDS have not been declared a priority by his government. Despite the lack of attention to HIV/AIDS, anyone who tests positive for the virus is supposed to be granted access to treatment and medication. But this is not necessarily the case, as Manuel explained his own circumstances. Additionally, because of the growing economic divide among the [his home country omitted] population and budget problems and poor planning by the government, the

HIV/AIDS crisis is not a high priority for public health officials. I asked Manuel to illustrate his accounts with public health and the government so I could understand precisely what he meant.

"Public health is never an important issue in my country," Manuel explained. "It's like they never would worry to test the fucking blood, they just put it to people without testing because nobody, *nobody* want to know there is something called HIV. AIDS was already known in the United States and Europe. It was in South America, but they didn't want to get a serious point about that. I mean, it was happening, we were having cases, nobody knows why we were having cases in kids, I mean, babies even because they have transfusion done, but it wasn't a problem for them. I was diagnosed in 1990 and seven years later is when the government, and I'm not talking about the current government, I'm talking about the previous government, when they realize that people were, you know, getting all the infectious disease you can have through blood transfusion. They realize they have to test, you know, just to prove and see if blood was infected with HIV or whatever. They officially start to say that HIV was present seven years after I was diagnose, that's when they start work on AIDS, on the national level, you know, they were testing blood before they connect the blood to somebody else. Seven years after me. You know how many people expose to HIV in seven years from just blood transfusion?"

Manuel elaborated that HIV/AIDS education is now mandatory on a national level; however, he also explained no standard instruction exists. Although some institutions provide beneficial information, others do not discuss HIV or AIDS openly because of the taboos linked with homosexuality. Aside from micro-level institutional education, the government lacks mass media messages needed to create awareness about HIV and AIDS. Because the government does not emphasize HIV and AIDS as a national priority and public health issue, the epidemic continues to grow at increasing rates within his country. But I asked Manuel, "even with all the

information that the U.S. and France has concerning HIV and AIDS, that isn't enough to convince the government to make it a priority?" Manuel replied, "well, nobody talk about it, but I have a big mouth, I talk about it."

"What do you mean by having a 'big mouth'?" I asked. "I'm getting in a lot of trouble because I'm always saying things I feel," Manuel explained. "I wasn't happy with that government system that we had, and I wasn't happy with the, with anything, with the health care. Basically, you know, after many years of being a physician treating people who have HIV, and I was working with HIV patients, I realize the system is not working. Things not right and HIV/AIDS and gay and all that kind of stuff together, and working for the government, is kind of scare people so you never talk about it. It's happening, but you know, in some point the government wasn't taking serious public health issues. I mean, it was affecting the population—gay, straight, kids, everybody, I mean, everyone was affected by that. But the government never put any effort to give assistance or educate. It was like they say, 'we don't want to see, we don't want to hear, we don't want to talk about it.' And, for me, being a doctor, I could not be quiet."

"So what did you do?" I asked Manuel. "I was always trying to help other people, and you know, and I still want to help other people, but, I mean, when you try to defend the interests of somebody else that is not you, and they not your social or economical level, and you start to bitch and moan about the government, in some point, the government get uncomfortable with you being so annoying." "You were annoying?" I asked. "Yeah," Manuel continued, "they start to, you know, to be your enemy so they become something that is a problem for you. I was getting medicine from many countries, you know drugs to help my patients, and in some point the government close all the help that I have. They were like giving me shit because I was making it public, you know, helping people getting this medicine. But I wasn't solving

everybody's problem, I was just helping my patients." For clarity I asked, "they were upset with you because you were resourceful, and they were not, and you were bringing attention to the HIV/AIDS epidemic in your country?" Yes!" Manuel replied. "Do they want people with HIV?" I asked. I could not wrap my head around what Manuel was telling me and asked him to explain further.

"They don't want people with HIV, but that's the problem. The government don't want to bring attention to HIV either. They don't want to realize that HIV is a health issue, and it exists. I mean, they just don't want to talk about it. We don't do anything because we don't talk about it, so if you don't talk about something, nobody going to have to solve anything that doesn't exist. But to help my patients, I have to talk about it. I have to publicize—to other countries, you know, I need help here—hello—anybody can help me. We do have cases of HIV in my country, but we don't have stats about HIV in my country. I mean, we have 3 cases reported since 1983 to 1993, and that's it." Again, in disbelief, I asked, "from 1983 to 1993, 10 years, there were only 3 cases of HIV reported in your country?" "But remember that if we don't talk, it's not a problem," Manuel reminded me, "and there's something in this country [the U.S.] called 'out of sight, out of mind.' " "If it's not discussed, then it won't exist?" I asked. "Yeah," Manuel said, "but I have a big mouth, so I talk about it." "Give me an example of what you mean by a 'big mouth,'" I asked Manuel.

"So one time," Manuel elaborated, "we went to demonstrate. I went to the media, and I make a lot of noise, you know, I complain. I went to the United Nations, I went to the embassy, and I make A LOT of people very, *very* unhappy and uncomfortable. I was working in public institutions, you know, and the constitution say that you are free to demonstrate any place that you want, and you can say whatever, so that's what I did. But that's in the constitution, you not

really free, I learned the hard way. If you go out there, and you demonstrate, and they discover you are working for the government, and demonstrating against the government, you just going to get fired—or worse. That's what I was doing. So one time, we have a debate on TV. The entire media was there, you know, the president of [my country] was, you know, giving people 15 minutes to talk, to make a speech about what were some problems and how we can resolve and work those problems. So I have my, you know, '15 minutes of fame,' but not really." "What did you say?" I asked.

"I actually didn't get my 15 minutes. They close the program after I talk for 10—they got really upset with what I was saying. I talked about the problem with HIV and AIDS in [my country]. BUT NOBODY want to hear that, nobody want to know that. And then, of course, the next day, you know, I was in the media, I went to the media to finish—I still have 5 minutes, you know, of talking to do. But they shut my mouth because they didn't want for other countries to see what was really happening." "They shut your mouth?" I asked. "Yeah, so five days later, I was going to work, and I was kidnapped by the military police, or well, that's what they say to me—they say they were police. So, they stop me on the street, with no charge or any explanation, they put me into a police car, that's how I know they were actual police because it was a police car." "What happened?" I asked Manuel. "Well, so, I was having 'vacations' for days with these men," he replied in his usual sharp wit, "in which, you know, it was a different experience, it was a painful experience. They were punishing me, they were making my life difficult, and they were making my family's life very difficult, so they kidnapped me, you know, the final attempt to shut me. So they break my nose, they beat me for I don't know how many hours, they stick something in my ass—a broomstick, you know what is that?" I nodded. "They

cause a lot of trauma in my back and trauma in my head, and then when they were very happy about what they did, they release me close to my house."

I asked Manuel, "what do you think they would accomplish by doing this to you?" Without hesitation, Manuel responded, "they would close my big mouth." He paused for a moment and then explained the intention was to keep him quiet not only about HIV and AIDS but also his homosexuality. The rape, he explained "wasn't for pleasure, they were teaching me a lesson for being *maricón*." "But I'm still alive," he continued, "I'm still gay. It wasn't easy, and I worry a lot for my family. That was in January of 2004, and this February it was two years actually. So you know, they did what they were taught to do. After I came back to my home, they call my house, and they say, 'this time we stick something in your ass, but next time' they will, you know 'we will kill you' or kill somebody in my family if I didn't shut up. So they give me choices—either I shut up and everything fine, or if I don't shut up, they take more action. So, you know, my mother, she say, 'you have to go, just for few months and see how we can work this out without you, and then you can come back.' I was scared for them, you know, so I say, 'ok, I go.' So I escape, and I came to the United States. My friends in Miami insist I come—I have many friends because since 1990 I been back and forth, for you know, my medical treatment—this time, I has to stay. So I come to Miami and ask for political asylum."

I asked Manuel to explain political asylum in his own words. Manuel explain, "political asylum is like, if you are persecuted in your country for your political beliefs, and you were punished for the way you think—you know, they mistreat you or they try to kill you—you can ask the U.S. to get protection." "So the U.S. is protecting you?" I asked. "Yes, I have protection status, they protecting me. But, I cannot go back to [my country] now, I don't think ever, and I always going to have to remain in the United States with protection by the U.S. law. So now I'm

here, and my family is over there. And, I feel like a big stupid guy sometimes because I didn't keep my mouth shut. I just run away."

So I said, "you're not stupid Manuel." "I know, but I just leave everybody behind, but I guess it's my turn. I really try hard, I mean, I think I did my best, and things were out of control, and I didn't have control—I really don't' have control now, but I did my part, and I don't know what is happening now with that—I mean, they still make threats to me, so. But I know my family is there, and they not able to come here, I not able to go there, so it's kind of, you know, crossing the opportunity for me to reflect on what I did. Basically, everything happen because I have a big mouth. But, I beginning to realize this is home, well I start to accept that this is my home [the U.S.]—it's not really home. It's just quite shocking to know that you are not able to go to the place where you were raised and born. But, I can go to other countries? Doesn't make sense. I love my country, I always gon-na say that it's the best country in the world even if it's not, but you know, every country have good things and bad things. This is my home now, and there are good things here too."

Manuel has sought a flexible position among a myriad of possibilities and problems with his non-citizen status. In working out how this flexibility is both a product and a condition of his sexuality and HIV status, sexuality can contribute to theories of citizenship at least in terms of migrations, diasporas, and other transnational flows. Manuel has created a new discourse, one that is produced by official nations, the U.S. and his home country, but is constructed by Manuel as a new diasporan "subject." Manuel's non-citizen status under U.S. political asylum removes old stigmas of homosexuality in the U.S., or at least sends contrary messages about homosexuality by U.S. officials. And, as a resident here, Manuel retains symbols of irrefutable

racial, ethnic, and cultural links to his "home" land such as race, ethnicity, sexuality and how each of them work together in acts of resilience.

With the current "anti-immigration backlash" that has recently surfaced in the U.S., Manuel's story contributes to a possible strategy to gain social acceptance within the national rhetoric of "protecting our borders." In other words, "protecting our borders" has new meaning when we consider how the U.S. is protecting Manuel. His story complicates issues of commonsense citizenship since the U.S. is protecting a non-citizen. Manuel's agency promotes new thinking in cultural behavior in which the nation-state protects and preserves cultural formations. In other words, Manuel is not a "loyal" citizen of the U.S., but he is not a "disloyal" sojourner of his home country. Manuel might have what Ong calls "graduated sovereignty" in which a nation-state subject transforms American strategies of exclusion in the on-going creation of "home" through negotiations and exchanges, or what Manuel would call "trequés."

Within the geographic and global context, Manuel's current location is the United States. Within a cultural context, Manuel locates himself on an imaginative plane or playing field. In other words, Manuel does not want to be an "American," but he places great value in living in the United States. I asked him to share with me his experiences from the last two years. "Well, it's very different, my life in [my country]. It was very significant, very important to me. Here, I have no family with me now, I have myself with me and that's it, and there's no family here. I not American, and family is family. That's it, I mean, my family is my life—my mother is my arm, my father is my other arm, my grandmother is my leg, my grandfather is my other leg. And, I don't know if this makes sense, but I am a conjunction of everybody in my family. My friends are very important to me, but they are my friends, you know? But I think it's important to share your life with somebody. I can't share my life with my family, well, I mean, I can on

the phone or, you know, on the internet chat, but I can't be next to them. So, you know, I share my life with my friends."

Manuel continued to explain friendship to me. "I never know when I move here, to D.C., that I would meet you, you know? And I never could have projection of my life. I mean, I never know I gon-na meet this 'Jesus' that I see every day, and we would become friends. You were not on my schedule. When they give me the job, they didn't say, 'oh, by the way, you going to meet Christopher,' you know. But it's like that, life is like that." "Like what?" "I wish I know this word in English, we call '*trequé*.' It's an economical activity where you trade things." "Like an exchange or trade off?" "YES! A trade off, life is a trade off, you know, not because you give me material things but because you are giving me friendship when I cannot be with my family." "Thanks," I said and asked him to explain life's trade offs a bit more?"

"Well, everything, again, is about the context, it is about time and place. It's *compromiso* here. In my country, I was very open homosexual, but you know what happen there. Here, I don't give shit what people think, I still a doctor so, you know, everything have different context, where you are and who are the people around you. In [my country], I have to be cautious, but here it's like I don't care…as much…[he grins]. I can be more relaxed here. So I can walk down the street, and I don't have to be like constantly asking myself, "who is behind me?" or "what they gon-na do to me?" Gay life in South America is very different. Everywhere I go, it's constant worry about what they gon-na think, what they gon-na do with me, how they gon-na treat me, how many jobs I gon-na lose because I gay or because I'm positive. Instead, I going to do whatever here, and the U.S. will protect me for that. So when I come to the states, I can have, I can be openly gay and the laws protect—for me, not for you maybe [we laughed]. I can say "gay" on my résumé, and they [the U.S. government] still gon-na hire me. That's the deal I

made with the government, you know, they need me to do their work, and in exchange I get to be gay around a bunch of cute Navy boys [we laugh]. So I'm gay, I'm [HIV] positive, and I working for the U.S. military. So it's like I'm working the system,[197] and that makes me proud. I mean, don't misunderstand, not just because I'm gay and working for the Navy, it's because, you know, I'm working for the medical science in a country that is not my country. They need me too, you know, I can still do what I love to do. I still helping people I don't know, I just don't going to see my family and be with my family – it's a trade-off. You just have to work the system and that's it, but there is always a price."

"And, well, everything is a new challenge, every day is a new challenge, every day it's a new thing. But, I mean, sometimes I get like how you say here, 'cold feet'?" "You get scared?" I asked. "I'm scared, yeah, sometimes I am a big chicken, but, you know, the next day I have to face the music, I have to keep going." "What keeps you going Manuel?" I asked. "Well, I don't know when I gon-na die if that's what you asking." "We were talking about life's trade offs," I said. And Manuel narrated, "if they don't kill me with the kidnap, I don't think I gon-na die this year, but you never know. So, I think I just grow up with this, you know, I just, I mean, this is part of my life. I just, you know, I don't see this as a problem. I mean, and if somebody is in my life they have to know this is my life," he explained as I sat there a bit confused. But then Manuel said, "so I have all this collection of 'beauty pills,' I mean now I'm taking 9 pills a day

[197] As Pierre Bourdieu notes the way we move through social space with different types of capital (cultural, social, symbolic, and economic) enables us to embody different volumes and compositions of these capitals: social class is made up of this embodied combination, lived and carried on the body, displayed through dispositions such as the access, entitlement, and occupation of space. Class is always a composite with other forms of capital and social positionings such as race, ethnicity, gender, and here, sexuality, which provides different values in the volume and composition; these amalgams can both enable and restrict access and entitlements but are always visible through dispositions. Pierre Bourdieu. "Symbolic Power." *Critique of Anthropology*, 4: 77-85, 1979; *Distinction: A Social Critique of the Judgment of Taste*, London: Routledge, 1986.; "What Makes Social Class? On the Theoretical and Practical Existence of Groups." *Berkeley Journal of Sociology*, 1-17, 1987; "Social Space and Symbolic Power," *Sociological Theory*, 7: 14-25, 1989.

but before it was like 57 pills a day. So you have the orange ones, the blue ones, or I use to say 'that was for them.' "

"For who?" I asked. "This is for my mother," as he acted the motions of swallowing a single pill, "and this is for my father, this is for my grandmother, this is for my grandfather, and this is for me.' It's a lot of condition, but you know, they keeping me alive." I can only imagine the multiple meanings Manuel meant in his answer to "what keeps you going?" But, it is this, and many interviews with Manuel, that I can to the thesis that "queer resilience" is what keeps him going. Obviously, Manuel's family is very important to him, so much in fact that he dedicates his medicine to his family. The act of swallowing pills is not so much a trade off as it is Manuel's process of exchanging something he needs to do with people he wishes he could be with. Manuel ended by stating, "but here it has been very significant as well because I'm growing as a professional and then research in something that I have a lot of passion for. I guess, I am learning something new here, but I teaching to new people, and that can be a trade off too." The ambivalence that attends Manuel's life here in the United States offers insight to how sexuality can help in transnational studies. Resources do not just flow back to people's country of origin but to and fro and throughout the network. Cohen describes part of this dynamic; anywhere within the web of a global diaspora.[198] The strategy is often one of spreading assets, particularly if one of the geographic contexts of activity – "at home" or "away" – is deemed unstable for reasons of political turmoil.

Manuel has fashioned a creative response to his non-citizen status. He is a "sexual citizen." The way discourse about race and nation are important to the self-conceptualization process. As part of the "sexual citizen" theory, AIDS complicates the matter to other

[198] Robin Cohen. *Global Diasporas: An Introduction*, London: University College London Press, 1997. (p. 160)

individuals. I am not suggesting people should become HIV positive, but for Manuel, his situation is a strategy to gain social prestige and acceptance across borders with transformative aspects. Such strategies for a "sexual citizen" remain impossible for some individuals.

Citizens are defined by Marshall as adult heterosexual males operating in a free market under attendant rights and privileges awarded by a nation-state. Using a broader concept of citizenship, however, emphasizing its cultural, ethnic, gendered, and, with Manuel's case, sexual facets, citizens have sexualities whose bodies matter in legal, socio-cultural, and economic politics. The rights to free expression, bodily autonomy, institutional inclusion, and spatial themes are all pertinent to the concept of a "sexual citizen." The right to free sexual expression especially concerns marginal groups, such as sexual minorities. Free sexual expression means that the public sphere, as a heterosexual male domain, cannot continue to privilege cisgendered sexuality as it has in the past. A sexual citizen also refers to embodiment. For Manuel, embodiment concerns the freedom to engage in various kinds of sexual expression that might be prohibited at the national level and by local authorities.

Can citizenship be made "queer"? For Manuel, the right to free sexual expression and the fact that the U.S. protects Manuel's homosexuality suggests that, at least for Manuel, the "rights-based" model of citizenship can be turned inside out to include sexuality. My goal here is to tease out the rationalities that shape citizenship and transnational processes that are apprehended through and directed by cultural meanings. How does one become a "sexual citizen"? As Manuel stated, "everyone is different" so the model does not work favorably across individual spacialties. I am not suggesting that homosexuality will gain social capital for all individuals. The concept of a sexual citizen bridges the private and public and stresses the cultural and political sides of sexual expression. In her work on sexualities in Thailand, Rosalind Morris

argues that what could be delineated as a "gay diaspora" may redefine understanding of sexual practices among gay men in ways that invites more policing of the very practices by the Thai state.[199] As such, the use of queer sexualities from postcolonial contexts in specific moments of queer liberationist agendas may well do anything but advance liberation for those they purport to describe. Whose visibility is enabled here, and at the expense of whose invisibility? Here, sexuality can be a leveraging tool between individuals and postdevelopmental nation-states.

Ong's model is somewhat problematic and the limiting effects of her central thesis will be addressed in the larger paper. While this model works for Manuel, it obviously does not work or benefit the lesbian living in Afghanistan. And, Manuel's story contributes to the fraternal aspects of global markets and transnationality where women are excluded. More information, more research, is needed, as well as theoretical tools, for understanding the cultural dimensions of citizenship and how sexuality lends itself to acts of queer resilience. Most importantly, we need narratives by people—discourses that people use to make sense of their society, interpret their place in, construct courses of action and thereby give rise to new demands for rights—whether legal or cultural. These narratives need to be understood not as universal narratives, but as narratives that speak to and about the everyday experience and not just Avery Gordon's "ghostly matters."

[199] Rosalind Morris. "Educating Desire: Thailand, Transnationalism, and Transgression," *Social Text*, Nos. 52-53 (1997): 53-79.

Chapter 6: Spatial (Dis)Comfort and Political Asylum "*Testimonio*"

"Space is not a thing but rather a set of relations between things."
- Henri Lefebvre, *The Production of Space*, 1991: 83

Previous chapters have referenced Manuel's agency in how he "fucks" systems and structures of power, uses language and scripts to rewrite his story, and subverts citizenship through cultural engagements. The previous chapter focused a little on different spaces that Manuel navigates, but this chapter focuses specifically on his own personal space to unpack the "central tissue" of my thesis: trauma as agency and identity in negotiating and navigating systems and structures of power for LGBTQ+ political asylees. The spatial practices of the everyday have a provocative and productive history in cultural studies. "Space" and "space-making" are rich concepts that offer utility to anyone interested in identity, culture, and even methodological development. James Clifford,[200] for example, is known for his work on traveling cultures and identifies hotel spaces as launching points for strange and wonderful voyages, collections, juxtapositions, and passionate encounters where strangers pass through and occupy space, leaving traces of memory, history, and identity in creative and unusual ways.[201] The "uncomfortable encounters" of space and spatial practices, Clifford argues, are also important research tools for interpretation. Ethnographers, he notes, are travelers[202] who encounter space on multiple registers offering possibilities of new knowledges from a self-reflexive position. Like Clifford's hotel space, this chapter identifies the bedroom space, and more specifically the bed, and its spatial practices, as sites where new knowledges, narratives, and identities emerge in the context of LGBTQ+ political asylees revealing the tactics –and acts– of resistance, resilience,

[200] James Clifford. "Traveling Cultures." In Lawrence Grossberg, Cary Nelson, and Paula A. Treichler, eds., *Cultural Studies*, 96-116. New York and London: Routledge, 1992.
[201] Clifford, 96.
[202] Clifford, 99.

and other strategies of survival and agency in disciplining structures such as ethnography and indeed asylum procedures in which participants are asked to offer testimonials regarding their lives.

This chapter explores the different and intersecting spaces of an asylee and an ethnographer and examines the intersections of bodies, spaces, and additional systems of meaning brought together through ethnographic practices. Stitching together pieces of interviews that took place in different spaces with Manuel, this chapter identifies the contextual nature of human agency and the micropolitics of "tactical transgressions" made possible in those structures through bodily and linguistic performances that bring attention to the roles of the ethnographer and the "disciplining" manner in ethnographic research. By examining systems of meaning, primarily the intersections of comfort and discomfort, I argue that the bedroom, and more specifically, the bed, are sites of political activity that offer frameworks for thinking about how sexual space works as a site that "speaks back" to disciplining structures. Specifically, I examine how language is contingent on the spaces one occupies and how silence and speaking operate in legal and ethnographic practices such as the courtroom and the bedroom.

Asylum seekers in the U.S. are often confronted with a complex set of administrative procedures including having the responsibility to make a credible case about their "persecution or well-founded fear of persecution"[203] using evidence such as photographs of their bodies, legal documentation, and indeed their own testimony. Such procedures are complex systems of emotional labor that coexist in multiple social spaces. This chapter also examines the dynamics

[203] In order to be eligible for asylum, an applicant must meet the definition of "refugee" in the Immigration and Nationality Act (INA). The INA defines refugee as: "Any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person habitually resided, and who is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." [INA § 101(a)(42)(A), 8 U.S.C. § 1101(a)(42)(A)(2005)].

of **"***testimonio***,"** as Manuel often calls it, of a political asylee and compares ethnographic and legal procedures in which the participant/asylee must negotiate. Given the structure of power in legal procedures, asylees may use silence operationally to protect themselves and censor their testimony. In a similar fashion, structures of power may shift in ethnographic procedures, and asylees may use speaking operationally to remind ethnographers of their disciplining tendencies.

Building off of Juana María Rodríguez' theoretical framework from her book *Queer Latinidad*,[204] this chapter re-imagines the practice of knowledge production through intersecting relations between bodies in spaces and grounded theories from ethnographic interviews to conceptualize how geographic discourses are transformed into meaningful spaces for asylee subjectivity and identity. Rodríguez notes "identity is about situatedness in motion: embodiment and spatiality."[205] She notes how embodiment and space, such as an asylum seeker testifying in a courtroom, work to constitute, inform, and transform one another[206] through the subtle ways asylees "speak back" to disciplining structures even when "speaking" is delivered in the form of silence or coded language, as I will illustrate in this chapter. Similarities between asylum processes and life history methods are apparent in terms of collecting evidence or data and the ways in which officials—either attorneys, asylum agents, or ethnographers—constantly ask asylees to defend and "make a case"[207] about their lives. While the processes are similar, the narratives that come out in different spaces, such as a courtroom and a bedroom, are quite

[204] Juana María Rodríguez. *Queer Latinidad: Identity Practices, Discursive Spaces*. New York and London: New York University Press, 2003.
[205] Rodríguez, 5.
[206] Rodríguez, 5.
[207] Asylum applicant bears the burden of proof of establishing that he or she falls under the definition of refugee [INA § 101(a)(42)(A); 8 U.S.C. § 1101(a)(42)(A) (2005)]. The applicant is required to testify under oath regarding the truth of his or her application in order to meet this "burden of proof" [*Matter of Fefe*, 20 I&N Dec. 166, 118 (BIA 1989)]. The Board of Immigration Appeals "not only encourages, but requires the introduction of corroborative testimonial and documentary evidence, where available [*Matter of S-A-*, 22 I&N Dec. 1328, 1332 (BIA 2000)]. Testimony, however, can be sufficient to sustain the applicant's burden of proof if the testimony is credible [*Matter of Mogharrabi*, 19 I&N Dec. 439, 445 (BIA 1987)].

different. At the same time, linguistic cues delivered by participants in ethnographic interviews have the potential to bring attention to the ethnographer's disciplining nature and illustrate how participants "speak back" in different structures of power.

Unlike our usual interviews that take place in what I would characterize as "neutral" spaces, such as a library or café, and on neutral furniture like a chair or sofa, Manuel invited me to sit on his bed during one interview.[208] I cannot confirm his intentions of why he chose the bed for this interview except to say that I felt like he was taking control of the interview, which relates back to his own agency in this process. He mentioned in the previous interview that he sees me as a "secretary, or something like that, when we're on the sofa, and it's kind of weird"[209] because we have become friendly in the duration of this project. He noted that the next interview be on his bed because "it's more relaxing and comfortable there."[210] I obliged his request without considering how sitting on his bed might generate feelings of discomfort for me. My only concern then was that Manuel's comfort be satisfied. Being on his bed "is not, you know…foreign. It's my space that I can be, you know, my space that I can be me,"[211] he explained. Although performance is an integral part of the interview process, from all people involved, Manuel suggests that being in a "neutral" space somehow prevents him from offering testimony where he can **"*be*"** himself. His emphasis on being the possessor of "space" and his comfort to relax and be himself is particularly important in this context since Manuel has noted that asylum procedures are limiting and ethnographic procedures promote and encourage elaboration:

[208] The date is specified here for contextual purposes since several interviews have been conducted with Manuel after August 3, 2008.
[209] Interview with Manuel, April 12, 2008, page 1.
[210] Ibid., page 1.
[211] Ibid., page 4.

> "Well, in asylum interviews, you have, you have to keep quiet about a lot of stuff, you know. You can't say too much or it might actually hurt your case. You have to be, what's the word…consistent with what you say. I didn't always feel comfortable because, you know, you have to say everything, but you have to say it in a little time and space. Like I was interviewed several times by different people and had to make sure I said the same thing or they use that against me, you know. And then you have to write down the same thing, but they only give you one hundred lines, so that's not a lot. I felt, you know, limited by that, like I didn't get a chance to say everything. It was all true, but I was very, very, you know, cautious and didn't say everything I wanted to say. I like these interviews [with you] because I can say whatever I want, and we've been doing this for a long time now, and you take what I say and write those papers that are fascinating to me. Like, you take something I say and write a long, long paper about one thing. […] I like doing these interviews because I get to say what I was not able [to say] in my asylum interviews."

Departing from the uncomfortable space of a courtroom, Manuel suggests offering testimony of his life in an ethnographic setting necessarily requires occupying a space of comfort where he can elaborate. Unlike an asylum interview, ethnographic interviews allow Manuel a certain testimonial freedom where, through years building a rapport, he feels comfortable sharing his life history. Additionally, occupying a familiar space such as his bed is also necessary when telling the sensitive nature of his life experiences because it "is not foreign."

Because we favor the friendly rapport over our "researcher" and "participant" relationship, sitting on his bed did not seem like an unusual request. However, because our

multiple identities intersect in this ethnographic and personal space, it required negotiating my own levels of comfort and discomfort at a moment's notice. Sitting on his bed, it became clear, was an opportunity for Manuel to express a more "authentic" self whereas sitting in a "jail-like room," Manuel censored his remarks and indeed kindled his discomfort. I am not suggesting that political asylum applicants are somehow fraudulent or inauthentic when giving testimony in a courtroom or additional asylum spaces. Rather, space often shapes how people engage in dialogues since they are responding to many variables operating simultaneously. Manuel further noted:

> "When you are sitting there, you know, in that room, and it's dark with no windows, and the table with the tape recorder, and [the asylum agent] is asking you all the questions, you feel like you did something wrong, like you commit a crime…a criminal. You are in a very unfamiliar space, and it's like, I know I'm sitting there, I know it's me, but it just feels like I am watching myself because you have to be, you being very careful of what I say and do."

Reflecting on the past but speaking in the present, Manuel moves from "I" to "you" to "I" suggesting how multiple identities are operating in different testimonial spaces. As Manuel stated, testimony offered in asylum procedures can help, and certainly hurt one's case, and he alludes to the self-disciplining nature of asylum procedures. Additionally, Manuel notes how he is acutely aware of his own body and rhetoric in that space suggesting an awareness of how different spaces evoke different kinds of responses and certainly different kinds of emotions.

Courtrooms, and additional asylum spaces, have disciplining properties preventing applicants from feeling comfortable about giving personal testimony. They are, after all, defending themselves in the context of the court, which can incite feelings of despair, threat, and

vulnerability, as their defense is, as Manuel noted, comparable to that of a "criminal." Similarly, one might censor personal narratives if the space is filled with strangers such as a library or café where Manuel and I often conducted interviews. Personal space, on the other hand, such as a bedroom evokes a radically different testimonial response as I soon realized.

Not unlike a courtroom, bedrooms, and more specifically, beds, are spaces that move bodies and ideas to material possibilities. The bed is a space of action and performance. People sleep, read, study, and eat on their beds. It is a space where ideological and material exchanges occur and central tissues are exchanged. People pray on their beds, watch TV on their beds, fold clothes on their beds, and certainly friends talk to each other on beds as Manuel and I did that afternoon. Without hesitation or immediate feelings of discomfort, I agreed to have the next interview on his bed. This space, however, required a couple of extra steps of preparation than our regular interviews and the dynamics of space, bodies, and testimony inspired new epistemological considerations.

I have been in Manuel's bedroom before, but because our meeting was an ethnographic one, I made it a point to look over his space with a different lens as I prepared for the interview. I saw several things that I perhaps had not noticed when I was there as his "friend." And, unlike other interviews, I was keenly aware that different protocols [what kinds of protocols are there in the courtroom?] for the interview were materializing. This was the first time, for example, I had to take off my shoes to do an interview. Removing my shoes made me feel a bit vulnerable as removing articles of clothing to sit on his bed seemed overwhelming similar to sexual foreplay. Somehow I began to understand what Manuel was referring to when he described preparing for an interview for an asylum agent. And, as I took off my shoes and positioned the tape recorder on his bed, I couldn't help but notice the objects of comfort in Manuel's room that make it "his

space." Pictures of friends, family, and his boyfriend decorate his walls and dresser, the medical and security badges, as well as stethoscope drape over his lab coat hanging from the door, and several differently shaped pillows and stuffed animals line his bed in an organized fashion.

As I grabbed one of the pillows from his bed to comfort my back during the interview, Manuel paused for a moment, looking at the pillow and then me with concern quickly stating, "don't use that pillow…it's covered with DNA !" While "DNA" can signify a number of bodily fluids and particles such as hair, saliva, skin, blood, and mucus, at that moment, I had only concentrated on the imaginative performance of Manuel and his boyfriend having sex and ejaculating on the pillow I was holding in my hands. The thought of Manuel or his boyfriend's semen ejaculating from their penises immediately entered my imagination and feelings of discomfort besieged my body and mind. It was not an image that I expected to envision nor one I invited into my imagination. I was aghast with the surprise and astonishment of what I had heard and could not respond in words to his exclamation. Such a comment and the feelings it evoked for me challenged my own ethnographic positionality and prompted me to question what was really being said and done by Manuel in "his space." I was immediately aware of my own body and how issues of power were entering this space. The unidentified "central tissue" of "DNA" made me feel uneasy, and I realized at that moment the structure of power had changed.

Power is multifaceted and sometimes difficult to assess in ethnographic interviewing. Participants often perceive the interview as both an "opportunity" and a "threat."[212] Michael Schwalbe and Michelle Wolkomir, for example, write "[to] open oneself to interrogation is to put oneself in a vulnerable position."[213] Vulnerability might encourage the participant to exert

[212] Michael L. Schwalbe and Michelle Wolkomir. "Interviewing Men." *Handbook of Interview Research*, J.F. Gubrium and J.A. Holstein, eds., 203-19. Thousand Oaks, CA: Sage, 2002: 205.
[213] Schwalbe and Wolkomir, 207.

power over the researcher through various methods of "testing." Testing is when the participant exposes the researcher's inferiority or lack of knowledge in areas in which the informant has expertise. If the researcher "concedes being in unfathomable waters, control shifts to the interviewee."[214] Arlie Hochschild additionally asserts that a researcher's emotional reactions are as important as other sensory data points, such as visual or auditory reactions.[215] Although the interview was premised on Manuel's comfort, his exclamation promoted discomfort in me, a discomfort that prompted me to question the role of emotions of asylees in the legal and ethnographic practices, and indeed the roles of emotions for ethnographers, returning to the idea of "affective language" and "complex personhood" in chapters one and two. Additionally, Manuel's "DNA" exclamation incited awareness that I was in uncharted waters, and no longer was I guiding the interview.

Kathleen Blee notes that researchers should not ignore participants' emotions or expunge them from data records, since important data include understanding "emotional negotiations in fieldwork are dynamic."[216] It is clear here that both the researcher and the participant attempt to negotiate emotions in subtle ways. Manuel may have intentionally attempted to create discomfort for me as a way to remind me that I too have made him uncomfortable during the interview process over time. As Blee and other scholars have argued, "[j]ust as researchers may try to invoke emotional dynamics of rapport to facilitate data collection in interviewing situations, so too respondents may attempt to create emotional dynamics that serve their strategic interests."[217] Such emotional labor, as it pertains to political asylees, are a form of citizenship

[214] Schwalbe and Wolkomir, 208.
[215] Arlie R. Hochschild. *The Managed Heart: Commercialization of Human Feeling*. Berkeley: University of California Press, 1983.
[216] Kathleen M. Blee. "White-Knuckle Research: Emotional Dynamics in Fieldwork with Racist Activists." *Qualitative Sociology* 21 (1998) 381-99: 396.
[217] Blee, 395.

politics and practices otherwise known as "affective citizenship," which demands emotional inclusion in occupied spaces where exclusion was once present such as the courtroom and other legal spaces in asylees' adjudication also mentioned in chapter three as it relates to sexuality and disability. Perhaps Manuel was alluding to more than just a simple cautionary remark on my behalf, and his comments were meant to activate my own emotional labor as an ethnographer within this context. At any rate, his comment elicited several questions and emotions that were not present in previous interviews.

Terry Arendell, too, notes that researchers must remain cognizant of and handle several activities simultaneously. The conversation with participants, the embedded knowledge in the dialogue, responses and attempts to change the line and direction of discussion, anticipated movements with the overall situation monitored logistically and emotionally by the researcher.[218] Arendell reminds ethnographers to keep a watchful eye on the scope of activities occurring from interviewees as there are many analytic points operating from interviewees simultaneously. She would contend, I am certain, that we must also be cognizant of our own emotions during the interview and how researchers' own emotions contribute to the unstable dynamics of the unfolding knowledge. Some researchers already acknowledge that qualitative research is inherently "an emotionally challenging endeavor."[219] Carolyn Ellis and Michael Flaherty have

[218] Terry Arendell. "Reflections on the Researcher-Researched Relationship: A Woman Interviewing Men." *Qualitative Sociology* 20 (1997): 341-68: 344.
[219] Terry Arendell. "Reflections on the Researcher-Researched Relationship: A Woman Interviewing Men." *Qualitative Sociology* 20 (1997): 341-68; Paul Atkinson and Martyn Hammersley. "Ethnography and Participant Observation," 248-61. *Handbook of Qualitative Research*, Norman K. Denzin and Yvonna S. Lincoln, eds., Thousand Oaks, CA: Sage, 1994; Kathleen M. Blee. "White-Knuckle Research: Emotional Dynamics in Fieldwork with Racist Activists." *Qualitative Sociology* 21 (1998) 381-99: 395; Norman K. Denzin and Yvonna S. Lincoln. *Handbook of Qualitative Research*. Thousand Oaks, CA: Sage, 2000; Carolyn Ellis. "Sociological Introspection and Emotional Experience." *Symbolic Interaction* 14 (1991): 23-50; Carolyn Ellis. "Heartful Autoethnography." *Qualitative Health Research* 9 (1999): 669-83; Carolyn Ellis and Michael G. Flaherty. *Investigating Subjectivity: Research on Lived Experience*. Newbury Park, CA: 1992; Michael L. Schwalbe and Michelle Wolkomir. "Interviewing Men." *Handbook of Interview Research*, Jaber F. Gubrim and James A. Holstein, eds., 203-19. Thousand Oaks, CA: Sage, 2002.

written, "[s]ociologists now generally recognize that emotional processes are crucial components of social experience"[220] and our emotions contribute greatly to the interpretation and composition of our written ethnographies. While this chapter is not about me, *per se*, my feelings of discomfort during this interview with Manuel is the genesis of this chapter, and by extension, how I arrived at this project, which explores how space, asylum processes, testimony, and emotional labor interact with each other. The epistemological insight "uncovered" here points to the ways in which asylees navigate structures of power and assert their agency in subtle but distinctive ways that leave others in feelings of discomfort.

Studying emotions provides a depth of understanding when efforts to analyze fieldwork experience "objectively" are disjointed. Emotions such as comfort and discomfort are, for me, a means to a larger understanding of asylee subjectivity in practices of everyday life and remind me of the "messiness" in ethnographic methods.[221] Blee also notes that "emotional dynamics in fieldwork often require continual negotiation and renegotiation."[222] Emotional dynamics between researcher and participant have the potential to enrich ethnographic understanding, as well as yield a more informed understanding of how affect contributes to asylee subjectivity.

Manuel never indicated exactly what he meant by "DNA," and I never asked then or thereafter. The assumption of gay sex, however, moved my body and mind to a different space at that moment leaving me with feelings of discomfort. It mattered little that I was making an assumption about his comment since at that moment I was reminded, too, that beds are also spaces for intercourse and meaningful emotional and sexual contracts. Although he and I were

[220] Carolyn Ellis and Michael G. Flaherty. *Investigating Subjectivity: Research on Lived Experience*. Newbury Park, CA: 1992: 63.
[221] Carolyn S. Ellis and Arthur P. Bochner. "Analyzing Analytic Autoethnography." *Journal of Contemporary Ethnography* 35.4 (2006): 429-49.
[222] Blee, 398.

not engaging in sex, the emotional responses brought out by the interview and the material exchanges through words such as his comment or material objects such as the passing of the pillow was indeed a meaningful contract that we engaged amplifying the relationship between researcher and participant.

The use of clinical language like "DNA" seems appropriate for Manuel regardless of what he actually meant or my assumption because he is an infectious disease doctor, and "DNA" is a key term in his everyday occupation. His exclamation, however, is consistent with what Jeff Goodwin, James Jasper, and Francesca Polletta call "the pleasures of protest"[223] where participants engage in a deliberate style of political engagement that shifts power between researchers and participants. There was indeed a feeling of discomfort, but not disgust, as I placed the pillow back in its original spot on his bed and proceeded with the interview. As I occupied this intimate space with Manuel, I found it difficult to formulate the usual questions I would ask regarding asylum, citizenship, and trauma among other things we would usually discuss during our interviews. Even though we were two gay men that favored friendship over our ethnographic roles, his comment and the space we occupied aroused emotions of discomfort I had not felt in previous interviews. Although Manuel noted in our last meeting that the interviews "make him feel good" because he is able to speak openly unlike during his asylum interviews, I never considered how the interviews make me feel until this moment. It was then that I realized how space and emotion intersect [maybe reminded], as well as differences and similarities between this researcher/friend and participant/friend relationship operate in ethnographic methods when addressing spatial relations.

[223] Goodwin, Jeff, James M. Jasper, and Francesca Polletta. *Passionate Politics: Emotions and Social Movements*. Chicago: University of Chicago Press, 2001: 20.

The anthropological concept of proxemics as described by Edward Hall[224] details the distance between people as they interact culturally is particularly useful here. Hall notes that physical proximity facilitates the escalation of emotional intensity, such as when someone is standing too close to you at the ATM machine, and certainly when a researcher is sitting on the bed of his participant. Emotions evoked by spaces bridge the personal and the political, the ethnographer and the participant, the interviewer and the interviewee, the public and the private everyday citizenship because binaries collapse, which challenge, or rather disrupt, conventional structures of power and narrowly defined concepts of inclusion. Sitting on Manuel's bed was, for me, "foreign" in this context even though it was "familiar" to him. Here, "foreign" and "familiar" intersect just as comfort and discomfort intersect and lend to the analysis of emotional labor in asylees adjudication, as well as how sexual space is an important factor in understanding LGBTQ+ asylees. The distance between our bodies and the allusion of gay sexual intercourse indeed escalated the emotional intensity I felt.

Although I note that this chapter is not about me, it does represent an on-going tension about "intimacy" within ethnographic practice in which I am reminded of sociologist Salvador Vidal-Ortiz' autoethnographic moment while sitting on his bed with his sexual partner. Vidal-Ortiz[225] argues that autoethnography is an untapped way of exploring the complexity of issues when studying "race" and ethnicity for Puerto Ricans and other Latinos. As he lay on his bed with his sexual partner, Vidal-Ortiz also argues how "space" and spatial practices offer insights in the complexity of difference and promotes autoethnographic analysis for the development of research questions identifying how differences in skin type between he and his partner generate

[224] Edward T. Hall. *The Hidden Dimension*. New York: Anchor Books, 1966.
[225] Salvador Vidal-Ortiz. "On Being a White Person of Color: Using Autoethnography to Understand Puerto Ricans' Racialization." *Qualitative Sociology* 27.2 (2004): 179-203.

different feelings.[226] "Autoethnographies 'turn the eye of the sociological imagination back on the ethnographer.' "[227] "Autoethnography is creative because it 'transform[s] the condition of knowledge production.' "[228] The bedroom is not an immediate space that one thinks of as a cultural "field" of knowledge production in ethnographic endeavors, yet ethnography reconstructs the bedroom, or rather, reimagines the bedroom and the bed, into a cultural field of useful insights especially when the emotions of comfort and discomfort intersect between the participant and researcher.

In the context of feminist and queer politics, Sara Ahmed details the roles of emotions and "affective economies" in lesbian, gay, bisexual, and transgender asylee processes in her book *The Cultural Politics of Emotion*[229] with particular attention to "queer feelings" of comfort and discomfort in different spaces. "Comfort," she notes, "suggests well-being and satisfaction, but it also suggests an ease and easiness [but] one can [certainly] be made uncomfortable by one's own comforts."[230] "Comfort is about an encounter between more than one body […] to be comfortable," Ahmed states, "is to be so at ease with one's environment that it is hard to distinguish where one's body ends and the world begins […] in feelings of comfort, bodies extend into spaces, and spaces extend into bodies."[231] "Discomfort," on the other hand, "is a feeling of disorientation [where] one's body feels out of place, awkward, [and] unsettled."[232] Queers, Ahmed notes, do not always feel comfortable in queer spaces.[233] Discomfort, then, according to Ahmed, is not simply a choice or decision but strategic and necessary for

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[226] Vidal-Ortiz, 181.
[227] Cited in Vidal-Ortiz. [P.T. Clough. *Autoaffection: Unconscious Thought in the Age of Teletechnology*. Minneapolis: University of Minnesota Press, 2000, 179]
[228] Cited in Vidal-Ortiz. [Clough 2000, pp. 172-173, 174]
[229] Sara Ahmed. *The Cultural Politics of Emotion*. New York: Routledge, 2004.
[230] Ahmed, 147.
[231] Ahmed, 148.
[232] Ahmed, 148.
[233] Ahmed, 151.

survival.[234] Perhaps Manuel is challenging my own comfort as I have challenged him to survive the process of interrogation in ethnography that is similar to interrogation felt in asylum adjudication.

Discomfort, however, is a productive feeling, and as Ahmed points out, embracing queer feelings of discomfort are exciting and uncertain but also generative.[235] Ruth Holliday notes that comfort "also signifies the degree of feeling between outside of one's body and its inside, the way in which identity is mapped onto the body."[236] "Comfort in this case derives from being 'recognizably' queer to both oneself and others. In part, this notion is informed by the politics of visibility."[237] Holliday's analysis is particularly important here since Manuel did not disclose anything regarding his sexuality or disability during his asylum hearing, yet his queer sexuality was in large part the inception of his persecution.[238] Manuel silenced his sexuality, as it may have worked against him during his asylum hearing. Becoming legible within other representational grids such as ethnography must, therefore, be a meaningful tactic and strategy for survival or an act of resilience. Additionally, because "DNA" is not always visible, and in fact, sometimes unrecognizable or unintelligible, as it may signify bodily particles unseen by the human eye, Manuel must make his sexuality visible or at least highlight it in some capacity to appease the silence he endured during previous testimony. In this way, Manuel *queers* (verb) "his space" by signaling, at least implicitly, that queer sex occurs on his bed, and that it is

[234] Ahmed, 152-153.
[235] Ahmed, 155.
[236] Ruth Holliday. "(Dis)Comforting Identities,"55-83. In David Bell, Jon Binnie, Ruth Holliday, Robyn Longhurst, and Robin Peace, eds., *Pleasure Zones: Bodies, Cities, Spaces*. Syracuse: Syracuse University Press, 2001: 69.
[237] Holliday, 69.
[238] It should be noted that Manuel's case was successful because, as he has stated, "I did not talk about my sexuality at all in my asylum case." (Interview 6, October 7, 2007, page 5).

meaningful in his life. In this way, Manuel does in fact get to tell the story he never got to tell, on his terms, in his space through discursive language, which all yield a certain kind of agency.

My feelings of discomfort, after Manuel's introductory exclamation about the pillow and "DNA" prevented me from asking the formulated questions I carried in my mind. Instead, as the interview began, I simply asked Manuel, "what would you like to talk about?" In a sudden yet graceful gesture, Manuel reached below his nightstand and retrieved four photo albums. During the hour and a half interview, Manuel narrated stories of his life from the images in those books reminding me of how bodies respond to material objects, just as my discomfort and silence was a response to Manuel's "DNA." These photos departed greatly from the kinds of photos used in his asylum case that documented and evidenced bodily trauma. While issues of asylum, citizenship, and trauma emerged, stories of sex and sexual encounters along with stories of friends and family guided his narrative. It did not take long to realize how sexuality for Manuel is an important and necessary system of meaning when narrating the events of his life in an ethnographic setting especially since his sexuality was absent from his asylum testimony.

The work of Michel de Certeau and Henri Lefebve are particularly useful in articulating the concept of "space" as they relate to this chapter. Because "space" is a complex concept, some distinctions should be made to clarify why it is a guiding issue in this chapter. "Space" is not an abstract container for things, but rather, it is an assemblage of activities, emotions, and objects where meaningful practices and performances are made. Although he does not reference political asylum, Michel de Certeau's work[239] has been incredibly useful for contextualizing asylee subjectivity within ethnographic and asylum processes. De Certeau writes "space is a

[239] Michel de Certeau. *The Practice of Everyday Life*. Trans. Steven Rendall. Berkeley: University of California Press, 1984.

practiced place, and 'space' is a product of action and movement."[240] "Place" is different from "space" because there is a matter of absences and presences of practices. A bed is a place to sleep, but when cultural practices such as intercourse occur on a bed, it becomes a space of intimacy, sexuality, and emotional contracts. "Spaces" are the practices in which people alter things to make them their own, and as de Certeau theorizes, spaces are opportune actions for everyday people to subvert the representations that institutions seek to impose upon them, such as stating "don't use that pillow…it's covered with DNA!"

De Certeau identifies "space" as everyday "tactical" activities that lie behind the cloak of conformity. A "tactic" is "a calculated action determined by the absence of a proper locus."[241] The comprehension of sexual intercourse in a specific space such as a bed is different than the object of a bed because it evokes imaginative possibilities. De Certeau notes that "space" is a temporal intervention within a "place" that disrupts predictability and obscures visibility.[242]

"Spaces," in other words, are sites of operation where cultural practices or discourse make "places" habitable such as finding comfort in uncomfortable situations and making things "habitable" in the minds of everyday people.[243] Manuel notes:

> "I can't sleep when I am alone because of the nightmares and the, you know, the trauma that never go away." "That building, that space," he elaborated, "that wasn't me because I just move here. I guess I didn't decorate it with enough stuff (he laughs)…it was just too plain, I needed more pictures [of family and friends]." "It's kind of scary because when you're attached to a place for a long time and then you are taken out of that place, a place that is really comfortable, and move

[240] de Certeau, 117.
[241] de Certeau, 36-37.
[242] de Certeau, 57.
[243] de Certeau, 11, 17, 21, 60, 141.

to a place that you not really sure, it becomes uncomfortable…but you have to make it comfortable or you will be scared all the time. But I always have a place I call home, that is my space, that I would be there and nobody will bother me. But, you know, it's home because I make it my home."

Henri Lefebve's work on "space" [244] is also useful here as he illustrates the centrality of relationships between people and power in different places. For Lefebvre, space is a map not just to be read, but also to be produced and consumed by collective social practices and so a part of everyday experience. Representational space mapped onto a physical place creates a "local" that is both imagined and material, that is, it is a lived space. Lefebvre contends that space involves social relationships between and among people, practices, and objects highlighting it as an arena of social struggle and cultural tension. Systems of meaning including emotions, objects, and language, which are focal points in this chapter, contribute to both the production and consumption of space, as well as struggles for and over power. Issues of power are central to Lefebvre's concept of "space" as it is also central to this analysis.

Lefebvre notes that recognizing the quotidian dimensions of space allows us to understand that not only does power produce space, but also everyday acts of resistance contest the dominant mapping of space.[245] In other words, examining cultural practices, such as those found in the ethnographic method of interviewing in different spaces, offers a lens to how struggle is activated. Issues of power and meaning are central to the concept of "space." Space is important, but resistance–and resilience–around space is not an inevitable product as Lefebvre notes. Spatial contestation occurs partly because an institution with an ideology that includes an understanding of the importance of space has organized resistance to displacement and produced

[244] Lefebvre, Henri. *The Production of Space.* D. Nicholson-Smith, Trans. Oxford: Basil Blackwell, 1991 [1974].
[245] Lefevre, 165.

a certain consciousness around identities, which is certainly relevant to Manuel's testimony. Though his is not an overt resistance, this constant expression of sexual identity reinforces the sense of an asylee community that expands spatial borders. In other words, such emotional labor may be a connective thread, or the braided theory, for asylees that have never met and live in different parts of the country**,** speculatively speaking. Marginalized groups expressing collective identity, asserting a right to self-definition through cultural representation through physical space seems to be some form of resistance. David Harvey has noted that "space is an intensifying point of social struggle,"[246] and this is certainly relevant when thinking about the socio-political dimensions of sexuality of LGBTQ+ political asylees within a 40+ year scope since the *Refugee Act of 1980*.

Lefebvre's sociospatial theory contains a number of insights that are of critical relevance to this project. Lefebvre contends that there are different levels of space, from the very abstract to the very natural to more complex spatialities whose significance is socially produced. The space is a social product, or a complex social construction based on values, and the social production of meanings, which affects spatial practices and perceptions.[247] The space produced in a certain manner serves as a tool of thought and action. It is not only a means of production but also a means of control, domination, and power cultivated by the human body.[248] He explains that the discursively constructed representation of space and lived space are not independent of each other, but that the separation of these spaces, particularly by practitioners, in this case ethnographers such as myself, serves distinct ideological purposes. Yet, this can be extended to the asylum agent recording testimony, ethnographic researcher recording data,

[246] David Harvey. *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change*. Cambridge, MA: Blackwell, 1990: 226-39.
[247] Lefebvre: 1974, 10.
[248] Lefebvre: 1974: 11.

representations in different documents, and certainly the meeting points in the dispersal and movement of this evidence.

Lefebvre's argument is that social space is a social product and has meaningful implications for ideological purposes for those who occupy the space. For Lefebvre, "this search concerns *logico-epistemological* space—the space of social practices, that in which sensible phenomena are situated, not excluding the imaginary, projects and projections, symbols, utopias."[249] Space represents the political use of knowledge,[250] epistemological space including products of the imagination[251] in a three-part dialectic of what he calls the trialectics of space: spatial practice (everyday life), representations of space ("expert knowledge"), and spaces of representation (lived space, "moments" of presence).[252]

For Lefebvre, spatialization is always in progress and multi-scaled where bodies are responding to the spaces which they occupy. The cultural spaces are the object of struggles over their form, how they are represented and their cultural meaning. For Lefebvre, social relations and lived space are inescapably blended together in everyday life. Manuel elaborates this issue of space further when discussing the concept of a "free jail":

> "I am able to help everybody here [in Washington D.C.] with my job because I'm a doctor, you know, but I'm not help-, I don't able to help my own family because they over there, you know. That makes me very angry, you know, my country, the system, you know, that made me be here. But I'm 'free' here, but I cannot go back [there]. I can go anywhere that I want, but I not there, and I cannot go there

[249] Lefebvre, 1974: 19
[250] Lefebvre, 1974: 8-9.
[251] Lefebvre, 1974: 11-12.
[252] Lefebvre, 1974: 38-39.

> now, I cannot go home. Everybody needs me there [in my country], but I am here." "Being here is like being in jail, a free jail."

While Manuel was referring to his status as an asylee with no legal citizenship in the United States, "here" can signify multiple spaces that he occupies in his everyday life, such as his bedroom, DC, work, the U.S., his body, and certainly his mind. Manuel is cognizant of how his body moves in and out of different spaces, yet it connects these spaces creating an interesting narrative of how asylees claim space. One can move around different spaces, but the spaces one creates is the reminder of the distances between objects of comfort like family and friends.

I asked Manuel to explain the "free jail" concept further. Manuel said being in a free jail is like:

> "You have an open space, but there is nothing around. Everything is safe like a pretty white room, but you can't find the door to get out. You just keep looking and feeling for the handle, but it's not there. You can move around, but because you cannot find the handle, you feel trapped by the openness, you know. I can move around, you know, I can go outside, around the city, but I still feel trapped." "I feel scared when I'm alone in the house. But on the other hand, I want privacy too. So you know, it's never going to be perfect. I'm by myself, and I'm with somebody, but that somebody is not here [because he lives in Boston], so I feel scared, but you know, they say 'home is where the heart…is, is that correct?"

Similar to Manuel's "free jail" description is Akhil Gupta and James Ferguson's theory where individuals work through "conceptual processes" by which "space is made meaningful" to

appease cultural absences that make life uncomfortable.[253] It is clear that comfort and discomfort intersect in Manuel's everyday life as he moves in and out of different spaces.

While Manuel's bed and his comments prior to the interview may have made me feel uncomfortable, the bedroom, his bed, and the stories he tells about his life create a space where he can give testimony about sexuality in ways that subvert official discourse and legitimized space, such as asylum testimony in a courtroom. While the images in those books and on his walls might promote discomfort for Manuel because they are reminders of the proximal distance between him and his family who live in Latin American country thousands of miles away, or friends who live in Florida, or his boyfriend who lived in Boston at the time of this interview, his narrative only suggests how they bring comfort to this space. By the end of the interview, Manuel stated, "these pictures make me feel at home." To "feel at home" suggests the most basic need for comfort and safety. And, "to feel at home" by speaking about sexuality signals the way Manuel makes space meaningful. Feeling discomfort from Manuel's "DNA" remark reminds me of the other ways he makes space in his everyday life through subtle gestures, comments, and tactics of resilience. But, after listening to the interview and recalling previous discussions, I am also reminded that Manuel will not allow my presence and role as ethnographer to discipline his body in "his space" where he "feels at home."

The home is a prime site for expression of creativity and power, as well as for appropriating the stock of cultural goods that shape meaning. Examining one's archive of personal belongings such as photographs and the array of materials attached to the body such as clothes yields significant meanings. Susan Bordo has noted that the body is "an instrument of

[253] Akhil Gupta and James Ferguson. "Beyond 'Culture': Space, Identity, and the Politics of Difference," 33-51. In Akhil Gupta and James Ferguson, eds. *Culture Power Place: Explorations in Critical Anthropology*. Durham and London: Duke University Press, [1992] 1997: 39-40.

power."[254] Through this analytic framework of Bordo, Lefebvre, Rodriguez, Ahmed, and others, I illustrate how the body "speaks" and more specifically how the body "speaks back" to disciplining discourses. The body is itself a space that carries sexuality; as such, there is potential for the body to "speak back" as it moves into any public space, or in this case, private spaces too. Several have noted that the body is a key component in ethnographic research.[255] And, with work related to political asylum, the body acts as the ultimate evidence of truth[256] since "the refugee's body becomes the place of an inscription, the meaning of which relates to a double temporality: an inscription of power, through the persecution they suffered in their home country, and an inscription of truth, insofar as it bears witness to it for the institutions of their host country."[257] The erasure of emotion such as fear, comfort, and discomfort are almost always absent over the privileged forensic materiality of the body.[258]

The body is itself a space that carries sexuality; as such, there is potential for the body to "speak back" as it moves into any public space. How do sexual spaces act, perform, shape subjectivity, and open up possibilities for social justice? Because bodies are already always sexual, and themselves already spaces that move into spaces, the possibilities and potential to "speak back" in subtle and tactical ways seem endless. Sherry Ortner argues that studies of power and resistance are ethnographically thin.[259] Sociologist Randall Collins explores embodied emotion and its entrainment in collectivities arguing that when human bodies share

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[254] Susan Bordo. *Unbearable Weight: Feminism, Western Culture and the Body*. Berkeley, CA: University of California Press, 1993: 16.
[255] See Helen Thomas and Jamilah Ahmed, eds. *Cultural Bodies: Ethnography and Theory*. Malden, MA: Blackwell Publishing Ltd., 2004.
[256] Didier Fassin and Estelle D'Halluin. "The Truth from the Body: Medical Certificates as Ultimate Evidence for Asylum Seekers." *American Anthropologist* 107.4 (2005): 597-608.
[257] Fassin and D'Halluin, 598.
[258] Fassin and D'Halluin, 605.
[259] Sherry Ornter. "Resistance and the Problem of Ethnographic Refusal." *Comparative Studies in Society and History*, 37 (1995): 173-193, page 190.

space, the result is body synchronization and rhythmic alignment. The energy of bodies attunes to the energy of other bodies.[260]

"Home" has multiple connotations. "Home" is not only a physical space but an emotional response to the level of comfort in that space. Ruth Holliday notes that "for many people, most discussions about their sexuality takes place in the 'comfort' of the home, rather than in the frenetic atmosphere of 'the scene.' This apparently 'private' space is thus key in the social construction of sexual identities."[261] "It is in the interplay of different discursive and social spaces, including the home, that people come to negotiate and formulate 'comfortable' identities."[262] Material forms may act as key metaphors of embodied identities, tools with which to think through and create connections around which people actively create identities. Artifacts, such as the objects of comfort Manuel refers to, permit people to know who they are by virtue of the fact that they assume specific forms or images in a manner not possible to convey in words.[263] Feminist cultural critic Robyn Wiegman articulates how bedroom space arouses feelings of loss, survival, and grief because the intimate objects we place, by our own volition, remind us of our personal histories, losses, and struggles. She notes that we fill the bedroom with emotional objects as "a politics of surviving."[264]

Manuel stated, "but, you know, you have to value things, and everything is, I wish I know this word in English. We call it 'trequé.' " What is that? I asked. "Trequé is an economical activity where things are traded," he replied. "Like an exchange?" I asked for clarification. Manuel "Exchange, yeah! It was the first thing, way, way before people have

[260] Collins, Randall. *Interaction Ritual Chains*. Princeton, NJ: Princeton University Press, 2004.
[261] Holliday, 74.
[262] Holliday, 76.
[263] Christopher Y. Tilley. *Metaphor and Material Cultures*. Oxford: Blackwell, 1999: 268.
[264] Robyn Wiegman, ed. *AIDS and the National Body*. Durham: Duke University Press, 1997: 6 and 336.

money, they start to do trequés. Like, I give you an orange, you give me mangos." Exchange is necessary for sustenance – objects of nourishment are the objects of comfort. Again, to clarify, I stated, "a trade, like to trade items to live." Manuel responded, "yes! a trade. So, life is a trade, you know, not because you give me material things, but because you are giving me knowledge, you are giving me friendship." Friendship, and other exchanges, are resources. Manuel further explained that this example (above) does not adequately describe the intricacies of the exchange. He added "trequé" also involve an emotional component in the exchange that cannot necessarily be put into literal language. "Trequés" are subtle gestures, an offering of something valuable. Stuart Hall says, "it is through the medium of culture that people transform the mundane phenomena of the material world into a world of significant symbols to which they give meaning and attach value."[265]

What do these objects of comfort do for him then? Maintaining distance and closeness simultaneously. Reminders of the journey. The pictures bring those people into that space but may also remind him of the distance that keeps them separate. The security and medical badges and lab coat that hang on his door – allow him to move into a space and practice medicine that can potentially save lives but may remind him of the governing structure that disciplines his body in that space. His narrative allows for the retelling of stories that may generate nostalgia of the past but the retelling of the stories of the past may also transform those objects of discomfort into meaningful objects of comfort. These mementoes provide the material markers of templates, inscribed with narrative and sentiment, which may later re-articulate the shifting boundaries of identity – he's not just an asylee but a son, a lover, a friend, a doctor, a transmigrant, moving in and out of spaces.[266]

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[265] Stuart Hall. *Resistance Through Rituals: Youth Subcultures in Post-War Britain*. London: Routledge, 1976: 2.
[266] Alfred Gell. *Art and Agency: An Anthropological Theory*. Oxford: Clarendon Press, 1998.

Returning to Manuel's initial "DNA" comment, I don't know if it was his intention to make me feel discomfort, again, I didn't ask. Instead, I thought about previous interviews where Manuel articulated his space-making practices. Ejaculating on a pillow during intercourse certainly signals the various ways one can make and claim space. But for Manuel, space-making is about disrupting traditions and finding pleasure in testing his surroundings through performance. Subtle gestures, comments, and silences like waving and smiling to strangers on the street, or telling people in gay bars that his occupation is a "houseboy" rather than doctor, or remaining silent when asked by acquaintances to justify why he is "here." But space-making for Manuel is also about making others feel welcome and comfortable. "For me," Manuel said, "it's that interaction on the street that when I say 'bless you' to that man or "hello," there is lots of confusion, you know, it's disruption, but I'm pretty sure if he sees me two weeks from now, he will remember me and remember that I'm the guy that said "bless you" or "hello" and at least smile back to me." "That's how you break traditions, that's how you impact somebody's life," he concluded. In the time that I have known Manuel, I cannot dismiss the connection he makes here with his "DNA" comment. Perhaps his comment was intended to break the tradition of ethnography and create "confusion" for me to puzzle over.

These kind of performances may be similar to Rodríguez' concept of "Queer Latinidad" or Ahmed's "queer feelings" as the discursive spaces that open up interpretive possibilities for representation, strategies for survival, and certainly activism. When I asked about these performances, Manuel replied, "it's a theater, life is a theater and everything is a strategy Christopher. People use strategy everyday. I don't know if everybody, but a lot of people, a lot of Latin people use strategy because they have to survive, and they have to find comfort in a lot of uncomfortable spaces." The bedroom, then, carries with it opportunities to conceive

Latinidad and queerness as "tactical transgressions" in the ethnographic method because questions of space and spatial practices are *accented* in the analysis of performance and agency. "Activism," Rodríguez states, "implies *coraje y corazón*, [courage, anger, and heart, emotion] a willingness to listen to the languages and voices and to interpret their traces within new worlds of meaning."[267] Hybrid forms of culture and language play a substantial role in political asylum struggles. The dominant U.S. discourse insists on the usage of official English, defined against vernacular forms such as *Spanglish*. Bilingualism resists the attempted domination of language by the proponents of official English. In doing so, language becomes an essential component in the tactics of resistance to disciplining structures.

I consider Manuel a political agent or what Michel de Certeau calls a "poet of his own acts"[268] who uses spatial practices, as well as language, as opportunities to make his life meaningful as he moves in and out of different disciplining structures. "Tactics," according to de Certeau, "are opportunities that must be seized 'on the wing.' " Tactical transgressions, on the other hand, are acts that often go unnoticed and are left open to question and interpretation, such as saying "don't use that pillow…it's covered with DNA ! " Tactical transgressions are slight and not obvious because they happen only momentarily and in the smallest of ways. But, tactical transgressions act as micropolitics because they have the potential to disrupt, inform, and move bodies to new frameworks of knowledge. What de Certeau calls *docta ignorantia*, "a cleverness that does not recognize itself as such."[269]

Amy Shuman and Carol Bohmer explain how the tools of folklore, especially narration and language, by the asylum seeker offer a framework for understanding how trauma gets

[267] Rodríguez, 38.
[268] de Certeau, xviii.
[269] de Certeau, 56.

negotiated in personal and political spaces.[270] As a key system of meaning in his everyday structures, Manuel describes the "intimate" structure of language in an analogy akin to sexual intercourse. As already stated, Manuel said, "so, you know my friend, 'Mark' and I, we have a job [together] like three years ago. I use to say, I use to have a lot of trouble, you know, following his sentence. I use to have a hard time [with language] with work, you know my job, with people, with even going to the store. I use to tell him, 'the English is behind me,' you know, it's like fucking me, fucking me up the ass." I asked for clarity, "the English language is fucking you?" "Yeah," Manuel replied, "it's fucking me, but now Mark say, 'I'm pretty sure you're fucking it.' " Here, Manuel's friend, "Mark," indicates how Manuel has learned to use and manipulate the English language in ways that work to his advantage. Manuel's "DNA" comment, then, illustrates how he uses language to "discipline" me in "his space." Rodríguez suggests how language disrupts the demands of the court,[271] but how might the bedroom disrupt the demands of ethnography (more specifically my interpretations as an ethnographer and friend)?

Tactical transgressions might, too, operate through silence or the "taken-for-granted" practices of everyday life. Performance and acts of agency, for Manuel, also occur through silent tactics. "You can say a lot without saying anything at all, you know, talking without talking," Manuel once noted. And "activism," he asserts, "occurs in many spaces," but as he elaborated, "it's about recognizing, and, I think it's, it's a question of respect, you know? Latin people are making differences in this country. We have a lot of people that are doing great things for this country. And, you know, great things include cleaning your house and cooking your food ! "

[270] Amy Shuman and Carol Bohmer. "Representing Trauma: Political Asylum Narrative." *Journal of American Folklore* 117.466 (2004): 394-414.
[271] Rodríguez, 94.

Henry Giroux notes "language is situated in an ongoing struggle over issues of inclusion and exclusion, meaning and interpretation." Citing Chandra Mohanty, Giroux observes that "such issues are inextricably related to questions of 'power, history, and self-identity.' "[272] This observation, with its emphasis on "issues of inclusion and exclusion" and on "power, history, and self-identity," provides a basic reference point for understanding the relationship between the materiality of language and the body.

In this way, tactical transgressions are not limited to just sexual spaces but any space where oppositional politics to disciplining structures might emerge. But, "activism" necessarily requires recognition and respect as Manuel identifies, as well as Ahmed's necessity to embrace discomfort as a productive and generative feeling. So, my discomfort was useful because it helped generate or activate additional questions/thoughts regarding asylum processes, but was that Manuel's objective or just another act of queer resilience? Spatial practices are crucial to knowledge production, and the analysis of spatial practices is necessary to intellectual subjectivity even if it enables feelings of discomfort. The bedroom is not an immediate space that one thinks of as a "cultural field" of investigation, but it has the potential to create meaningful dialogue, and it offers opportunities to examine a number of intersecting systems of meaning including comfort and discomfort. The space of speech envelops the space of bodies and develops by means of traces, of writings, of prescriptions and inscriptions.[273]

Manuel's thoughts on how he feels when doing these interviews seem an appropriate conclusion to this chapter and illustrate a different kind of intimacy and activism noted previously in this chapter. Manuel stated, "well, for me, it's like you are thirsty, you need to

[272] Giroux, Henry A. *Living Dangerously: Multiculturalism and the Politics of Difference*. New York: Lang, 1993, p. 161.
[273] Lefebvre, 1974: 403.

drink water. The interview is water, and telling you about my life is my thirst. But, it's also a way for me to just release, too. I can take it in my body like water, but I can give water too, like nourish[ment]." "I feel great, you know." "But, we, like I want to see you because we friends too, so sometimes I don't want to have an interview, I just want to go, you know, and just be friends because that is release too." "But for me," he further commented, "the interview, well you, for what you doing, it's moving, I moving into a different space, I moving my worries somewhere else, you know. I can tell you about my life, and I hope it helps someone because you write those papers, those papers you send me where I have to look up all those words, and I learn all those new words. But it help to someone, that, you know, asylum is not just about trauma or 'working the system,' it's about helping other people find comfort in that process."

In the concluding chapter of *The Production of Space*, Lefebvre articulates a central thesis relevant to political asylum that space is becoming a central object of political struggle in the contemporary world—it is no longer merely the "medium" or "stage" of sociopolitical conflicts but one of their constitutive dimensions. "Space," Lefebvre[274] suggests, "is becoming the principal stake of goal-directed actions and struggles." In this situation, Lefebvre argues, all social actors, movements and institutions are subjected to a "trial by space." (Manuel's "DNA" comment redirected the interview in which he wanted to feel comfort) As Lefebvre remarks, "Space's investment—the production of space—has nothing incidental about it: it is a matter of life and death."[275] Manuel indicating his bedroom and the stories he tells is necessary to his survival in a "foreign" place that he has made, through his own spatialization, comfortable.

By examining emotional space, as well as its intersections with physical and representational spaces, renewed theoretical discussion to rights-based approaches to citizenship

[274] Lefebvre, 1991 *The Production of Space*. Blackwell: Cambridge, MA [1974]: 410.
[275] Lefebvre, 1991: 417.

in the context of political asylees. Space is a productive force and framework. It serves as a political instrument all in the exigencies of the body which deploys a space around itself and extends itself through it, resisting the management of bodies in space in what Lefebvre calls "counter-space."[276] Manuel's comment, "don't use that pillow…it's covered with DNA!" is a signpost for what Lefebvre calls "points of possible rupture" that open up cultural significance of space.[277] Unanticipated geopolitics, of our relation to our bodies, the world, and changing space of (dis)comfort and difference.[278] Thus, "social space" is a complex system made up of a shifting web of social, psychological and geographic relationships and requires a reflexive understanding of one's own implication in this web of interrelatedness as well as the power structures implicit within the language we choose to describe it. Making meaning is a social activity, and what is meaningful on a personal level is at the same time culturally defined in a historical, political, and social context.

For Anthony Giddens,[279] reflexivity is the key to understanding the contemporary world. The self becomes a project constantly being remade and self-identity is an on-going project in which individuals construct and organize self-narratives in an attempt to establish and control their pasts and secure their futures. Power shift between researcher and participant – Manuel initiates the interview by introducing "(dis)comforting knowledge."[280] Norman Denzin claims that "the work of the good realist ethnographer has always been to study and understand a social setting, a social group, or a social problem…these researchers were self-reflexive but not self-

[276] Lefebvre, 402-403.
[277] Lefebvre, 431-432.
[278] Lefebvre, 434.
[279] Anthony Giddens. *Modernity and Self Identity*. Cambridge: Polity Press,1991; "Living in a Post-Traditional Society." In U. Beck, A. Giddens, and S. Lash, eds., *Reflexive Modernization*, 56-109. Cambridge: Polity Press, 1994.
[280] See Kandice Chuh. "Discomforting Knowledge: Or, Korean 'Comfort Women' and Asian Americanist Critical Practice. *Journal of Asian American Studies*, 6.1 (2003): 5-23.

obsessed."[281] Self-reflexivity does not remedy…but helps move…more effectively. "discomfort forces action"[282] While Manuel's bed and his "DNA" comment prior to the interview may have made me feel discomfort, the bedroom, his bed, and the stories he tells about his life while sitting on his bed is a space where he can offer "testimonio" about sexuality in ways that subvert official discourse and legitimized space, such as asylum testimony in a courtroom or interviews in ethnography. The emotional dynamics between researcher and participant have the potential to enrich ethnographic understanding, as well as yield a more informed understanding of how affect contributes to asylee subjectivity.

[281] Norman Denzin. "Analytic Autoethnography, or Déjà vu All Over Again." *Journal of Contemporary Ethnography* 35.4 (2006): 419-28.
[282] Holliday, 83.

Chapter 7: Queer Asylum: Finding Refuge in an Unstable System

This project has been a comprehensive examination of immigration relating to LGBTQ+ asylum seekers and asylees living in the U.S. "Queer asylum" not only addresses the experiences and processes of LGBTQ+ refugees but also brings attention to the unstable dynamics of immigration law and policy, as well as the interrelated discourses that shape the lives of LGBTQ+ asylees and asylum seekers. Specific objectives to this project include, but are not limited to, identifying how LGBTQ+ asylum seekers navigate and creatively engage these unstable spaces to find refuge from persecution. I use the term "space" abstractly to mean anything from language to the body and the performances of these, but it also includes the more concrete geographic and textual sites such as the U.S., the home, the courtroom, interviews, law, and identity. I am particularly interested in examining how LGBTQ+ individuals and communities have subverted immigration policy creating roadblocks or pathways to inclusion, and how alternative sexualities have "*queered*" the nation-state and dimensions of citizenship bringing attention to the political legitimacy of sexuality or the continued struggle for LGBT inclusion.

Since the *Refugee Act of 1980*, sexuality has become a powerful marker in gaining political legitimacy for some LGBTQ+ refugees. For the first time in U.S. immigration policy, LGBTQ+ refugees were recognized as political agents, and laws were chartered to protect and preserve the cultural dimensions of refugees' identities, specifically their "alternative" sexuality. The growing number of successful LGBTQ+ asylum applicants testifies to the influence of sexuality on U.S. immigration law. The number of unsuccessful LGBTQ+ asylum applicants, however, also highlights the flexible properties of law and policy illustrating how some bodies benefit from codified legal standards while others do not. Such laws and policies simultaneously

emphasized conflicting and opposing definitions of and for LGBTQ+ individuals as members of a "particular social group" seeking protection in the U.S. contributing to controversies, contradictions, and inconsistencies for the rights of both LGBTQ+ refugees seeking protection and LGBTQ+ individuals already protected as citizens of the state.[283]

Asylum in the U.S. is a complicated process, and the process intensifies, along with the debates, when sexualities are at the center. Because asylum processes are different for everyone, and cases involving sexuality vary and are determined on a case-by-case basis, understanding a comprehensive picture of successful and unsuccessful cases involving sexuality along with the unstable properties of immigration law and additional discourses engaging in asylum are primary to a deeper study that asks:

- What does the process of asylum look like (individually, collectively, comparatively) for LGBTQ and non-LGBTQ asylum seekers?
- How is sexuality defined in immigration law and asylum cases, and how is it understood cross-culturally or through patterns of migration?
- How are other forms of identity such as race, class, and gender entering LGBT asylum claims?
- What are the discursive patterns in successful versus unsuccessful (LGBT) asylum cases?
- How are media, law, academia, and advocacy operating in issues of asylum in the U.S. relating to LGBT individuals?

In the tradition of American Studies, this project is interdisciplinary drawing on a range of approaches and methods to answer the questions that guide this project. It is difficult to capture the rich texture of immigration, among other things, through any one method be it

[283] Erika Feller. "Asylum, Migration and Refugee Protection: Realities, Myths and the Promise of Things to Come." *International Journal of Refugee Studies*, 18 (2006): 509-536.

quantitative or qualitative. The addition of other approaches may tap the nuances of multiple and unique outcomes. Elizabeth Jelin, for example, determines that the relationship between the "we" and the "others" of citizenship as it relates to immigrants has been developed from a perspective that privileges legal constructs. She notes that we, as cultural critics working on citizenship studies, cannot arrive at a single approach, method, framework, or model to studying citizenship,[284] but rather, multiple approaches, analyses, frameworks, and models should be integrated to understand citizenship and by extension additional interrelated area studies to bring out a more nuanced understanding. While legal constructs are certainly needed, understanding sexuality, citizenship, and other forms of identity through ethnographic practice offer entirely different perspectives. American Studies seeks to identify difference and cultural diversity largely through the integration of various sets of procedures, or what Norman Denzin calls triangulation,[285] rather than a single mode of investigation. As such, methods for this project are both qualitative and quantitative. I begin with the quantitative aspects of this project that yield more challenges than perhaps data.

Because not all asylum cases are published, a primary objective for this project, then, was to actually find asylum cases, whether successful or not, that involve sexual orientation and develop a historiographic narrative, albeit incomplete, as well as provide some ethnographic analysis to provide some context. Because asylum proceedings are kept confidential, it is difficult to estimate just how many cases have been granted or denied asylum on the basis of persecution due to status as sexual orientation. Sources cite anywhere between hundreds to

[284] Jelin, Elizabeth. "Citizenship and Alterity: Tensions and Dilemmas." *Latin American Perspectives*, 30.2 (2003): 101-117: 114.
[285] Denzin, Norman K. *Interpretive Ethnography: Ethnographic Practices for the 21st Century*. London: Sage, 1997.

thousands of homosexual foreign nationals have won asylum in the U.S.[286] Given these quantifiable statistics, several challenges emerge in collecting an entire scope, yet there are still a number of ways to find data that hopefully lead to new pathways and new questions, as well as offer a fuller picture of the history of LGBTQ+ and sexual orientation asylum-based claims.

Understanding the asylum processes of LGBTQ+ or sexual orientation-based claims requires collecting a comprehensive scope of materials that illustrate a history of sexual orientation and immigration in the U.S. Because asylum proceedings are confidential and not housed in any one repository, it is difficult to estimate with any precision the effect of Janet Reno's 1994 mandate that included sexual orientation as an eligible category for asylum or LGBT-related asylum cases prior to 1994.

News reports, legal scholars, and activist groups, however, have indicated some numbers of successful cases following Reno's decision.[287] While the Board of Immigration Appeals (BIA) publishes some LGBTQ+ asylum cases, news medias, law review journals, and scholarly sources have been incredibly helpful in locating both published and unpublished cases and offering contextual data that contributes to the larger LGBTQ+ asylum frame. It should be noted that unpublished BIA opinions carry no precedential value but still have considerable merit for a project on LGBT and sexual orientation asylum in the U.S.[288] Journalists and lawyers often

[286] Midwest Human Rights Partnership for Sexual Orientation and Lesbian and Gay Immigration Rights Task Force, *Preparing Sexual Orientation-Based Asylum Claims: A Handbook for Advocates and Asylum Seekers* (2nd Edition, 2000) www.lgirtf.org/handbook.html. Neither the INS not the DHS keep statistics on the grounds on which asylum cases are filed or granted. See *U.S. Citizenship and Immigration Services, 2003 Yearbook of Immigration Statistics* (2003). *Immigration Equality*, however, estimates that 2000 sexual orientation-based asylum claims have been filed.

[287] William Branigin. "Gays' Cases Help to Expand Immigration Rights: More than 60 Homosexuals Claiming Persecution Have Been Granted Asylum in U.S., *Washington Post*, Dec. 17, 1996, A1.; "Increased Asylum." *The Advocate*, 12. February 4, 1997.

[288] The first published asylum-granting decision was not until 1987 and was not specific to sexual orientation (Robert C. Leitner. "A Flawed System Exposed: The Immigration Adjudicatory System and Asylum for Sexual Minorities." *University of Miami Law Review*, 58 [2004]).

provide figures of LGBT cases in published materials, but those numbers do not always corroborate with what BIA publishes, nor do they accurately correspond with each other.

Numerous unpublished cases appear in web and printed materials including news and media reports and in law journals. In an effort to qualify their success, immigration attorneys often cite unpublished cases and testimony on their web sites. Advocacy groups also cite unpublished cases on their web sites. *Immigration Equality*, for example, not only cites cases that their affiliate attorneys have won in their newsletters but also provides all published LGBT, sexual orientation, and HIV cases in PDF form on their web site. Director and co-founder of *Immigration Equality* Victoria Neilson, for example, traces some published and unpublished cases to offer theories for framing successful transgender asylum claims.[289] Fatima Mohyuddin also cites four successful transgender asylum cases that remain unpublished.[290] The unpublished asylum case of Mexican-born Jose Boer-Sedano made national and international headlines and appeared in numerous media.[291] And, the case of Ovidiu Banu was featured in a special 1997 edition of *Human Rights: Journal of the Section of Individual Rights and Responsibilities*.[292]

[289] Victoria Neilson. "Uncharted Territory: Choosing an Effective Approach in Transgender-Based Asylum Claims." *Fordham Urban Law Journal*, 32 (2005): 265-289.
[290] Fatima Mohyuddin. "United States of Asylum Law in the Context of Sexual Orientation and Gender Identity: Justice for the Transgendered?" *Hastings Women's Law Journal*, 12.387 (2001): 405-10.
[291] "Court: Gay Mexican Man Eligible for U.S. Asylum." *Associated Press Worldstream*, August 13, 2005.; "Gay Mexican Wins US Asylum Case." *BBC News*, August 13, 2005.; "Appeals Court Says Gay Mexican Man is Eligible for Asylum." *The Associate Press*, August 13, 2005.; "Asylum Granted for Gay Man From Mexico." *UPI*, August 14, 2005.; Ann Rostow. "Mexican Gay Man gets U.S. Asylum." *Gay.com*, August 15, 2005.; David Usborne [New York]. "Gay Mexican Granted Asylum in US Over Risk of Persecution Back Home." *The Independent* (London), August 15, 2005.; "U.S. Appeals Court Says Gay Mexican Man with AIDS is Eligible for Asylum." *Washington Blade*, 36.33 (August 19, 2005): 22.; "HIV-Positive Mexican Earns Asylum in the U.S." *AIDS Policy & Law*, 20.16 (August 26, 2005): 6.; "Court Says Gay Mexican is Eligible for Asylum." *Gay Chicago Magazine*, 29.35 (September 9, 2005): 15-16.
[292] Gina Chon. "Everybody Should be Allowed to Love Freedom: Why Asylum is so Important." *Human Rights: Journal of the Section of Individual Rights and Responsibilities*, 24.2 (1997): 16-17.

Relying on media and law notes has yielded significant finds in locating and evaluating unpublished cases.[293] Rather than offering a more scholarly interpretation of Banu's case, author Gina Chon offers a synopsis of Banu's story detailing significant data of his persecution in Romania and his asylum process to the U.S. with attention to the kinds of questions asylum agents asked during his interview. This kind of data is unlikely to be found in actual published cases, but published cases certainly contribute significantly to the breadth and depth of a deeper investigation. Although there are limitations with what is offered in Chon's short story, the article provides enough for follow-up research including simply mentioning Ovidiu Banu's name, which can lend itself to simply performing a google search to see where Banu also appears.

A considerable amount of sources have already been collected using various newspaper and legal databases and web searches. Key terms such as "homosexuality and asylum" and "LGBT immigration" along with other terms were used to collect data. As my archive grew, specific names and cases were identified in the sources allowing me greater detailed searches using the same databases and search engines. However, in writing this dissertation, it became clear that one of the biggest obstacles of doing this kind of research was, in fact, ensuring that I was not putting anyone at risk. Specific names and cases yielded even more source material in media and law, as well as scholarly sources that have contributed to the scope of unpublished cases.[294] Understanding the individual, collective, and comparative processes of sexual orientation asylum additionally could be ascertained by integrating the creative and expressive

[293] Arwen Swink, for example, cites an unpublished case of a lesbian woman from Peru in "Queer Refuge: A Review of the Role of Country Condition Analysis in Asylum Adjudications for Members of Sexual Minorities" (*Hastings International and Comparative Law Review*, 29 (2005-2006): 251-266, pp.263-265.)

[294] Silvia Pedraza, for example, describes the experiences of Jose Macías (pseudonym), a gay Cuban refugee who left Castro's regime during the Mariel boatlifts in 1980. ("Los Marielitos of 1980: Race, Class, Gender, and Sexuality." *ASCE*. (2004): 89-102.

stories found in novels and memoirs such as in Reinaldo Arenas' *Before Night Falls* that chronicle his journey from Cuba to the U.S. in 1980 or Edwidge Danticat OR's *Krik? Krak!* that detail Haitian women's lives as political prisoners, as well as other forms of popular culture including film, television, and the internet.[295] Approximately 2000 media, law, and scholarly sources have been collected relevant to this project, but I continue to search repositories for additional sources. Georgetown Immigration Law Library, for example, has remained unsearched and can potentially contribute to my source material.[296]

The ethnographic approaches have primarily focused on interviewing participants that have earned asylum and the lawyers and advocacy groups that have assisted them. Interviews with asylees like Manuel are rare, and indeed more interviews should be done with other participants to get a fuller picture. It is not outside my scope to also interview immigration lawyers and advocacy members to understand the different processes involved in LGBTQ-related asylum processes and the different processes specific to sexual orientation-based claims. Interviewing journalists, too, can offer different perspectives and may open possibilities for collecting data.

Interviews already conducted were semi-structured and yielded in-depth content that will assist in a "fuller" picture of the asylum process. Interviews began with participants describing themselves, their occupations, and their experiences, which led to more detailed questions. Interview questions included:

- What was your asylum process like?
- What kinds of questions did asylum agents ask?

[295] Reinaldo Arenas. *Before Night Falls: A Memoir*. New York: Penguin Books, 1993.; Edwidge Danticat OR. *Krik? Krak!* SoHo Press Inc., New York: New York, 1995.
[296] http://www.ll.georgetown.edu/guides/immigrationlaw.cfm

- How long did your hearing last?
- What prompted you to file for asylum in the U.S.?
- What are your experiences like here compared to your experiences in (home country)?

Even more specific questions were asked as descriptions of experiences unfolded and the details of their processes were explained. Participants yielded more in the ethnographic scope by referring to pictures, medical documentation, and current occupations to assist in their descriptions.

Ethnography might be approached through material[297] and visual culture[298] too because "things" communicate like a language and give people meaning. Christopher Tilley notes artifacts have profound effects on people and their social relationships because they are intimately tied to memory and meaning.[299] Additionally, in recent years, cybercultural analyses have entered the scope of ethnographic studies[300] as diverse populations are utilizing more and more technologies for their own social, cultural, and/or political interests.[301] Evaluating the various web sites, whether legal or advocacy, that assist LGBTQ+ individuals in applying for asylum will lend to ethnographic methods.

Ethnography does not begin and end with interviewing and observation. Every effort to examine archival data and put relevant materials in conversation with ethnographic data can significantly expand the interpretations, analyses, and scope of this research project. Integrating

[297] Christopher Tilley. "Ethnography and Material Culture," 258-272. In Atkinson et al., eds. *Handbook of Ethnography*. Los Angeles: Sage Publications, 2007.
[298] Peter Ian Crawford and David Turton, eds. *Film as Ethnography*. Manchester: Manchester University Press, 1992.; John Collier and Malcolm Collier. *Visual Anthropology: Photography as a Research Method*. Albuquerque: University of New Mexico Press, 1986.
[299] Tilley, "Ethnography and Material Culture," pp. 262-263.
[300] Christine Hine. *Virtual Ethnography*. London: Sage, 2000.; Miller, Daniel and Don Slater. *The Internet: An Ethnographic Approach*. Oxford: Berg, 2000.
[301] Kate Douglas. "Witnessing on the Web: Asylum Seekers and Letter-Writing Projects on Australian Activist Websites." *Auto/Biography Studies*, 21.1 (2006): 44-57.

a variety of data, including interviews, memos, newspaper articles, library and historical records, photographs and other visual culture materials, legal documents, and field notes will also contribute greatly to the development of a critically sophisticated and interdisciplinary written ethnography.

With qualitative work, generalizability is always in question. Ethnographic approaches make "a basic assumption…that the meaning people make of their experience affects the way they carry out that experience."[302] As such, I use what Anselm Strauss and Juliet Corbin call "grounded theory," meaning "theory…derived from data, systematically gathered and analyzed through the research process" to generate additional questions and locate themes present within the scope of materials. With such a method, the researcher does not begin with a preconceived notion but rather "allows the theory to emerge from the data" so as to offer insight and enhance understanding of the phenomenon in question.[303] There is no objective to generalize the processes of asylum in the data found, but rather, collect enough data to illustrate differences and work against generalizations. Transcripts, along with other data, were used to create a database to find recurring themes but also to illustrate the individual and comparative processes of asylum necessary for a critical ethnography. Comparative approaches to a critical ethnography not only look at participants' experiences to each other but also incorporate my experiences as a gay man or my queer identity and the participants' experiences to examine, for example, constructions of citizenship in what John Caughey identifies as "dialogic orientation," which yield cultural

[302] Irving Seidman. *Interviewing and Qualitative Research: A Guide for Researchers in Education and the Social Sciences*. New York: Columbia University Teachers College Press, 1991: 4.
[303] Anselm Strauss and Juliet Corbin. *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*, 2nd Ed. Thousand Oaks, CA: Sage, 1998: 12.

traditions different from our own highlighting the arbitrary, constructed but meaningful nature of our own beliefs.[304]

Soyini Madison notes that critical ethnography comprises a "toolkit" of immersive field research techniques that place the researcher directly within the social or cultural milieu under analysis situated within poststructuralist and post-Marxist cultural studies.[305] Critical ethnography approaches suggest looking beyond the instrumental oppositions between cultures to an appreciation of nuanced aspects and contradictory meanings of social phenomena and dynamic power relations. Critical ethnography's aim, as suggested by Madison, is to conceptualize cross-cultural relationships within structures of power rather than ethnographers co-opt the cross-cultural relationships to reify structures of power. Critical ethnography favors agency of the everyday and locates how everyday people creatively negotiate and navigate in structures of power. As such, the interviews assisted in offering testimony regarding the process that was otherwise absent from the asylum hearing, among other things. Critical ethnography sees ethnographic research as an emergent process, involving a dialogue between the ethnographer and the people interviewed. Critical ethnographic scholarship, according to Jim Thomas, "requires that common sense assumptions be questioned."[306] And, Barbara Tedlock notes that the "dialogical process" in critical ethnography acknowledges participants in a study *have* a constitutive voice in the direction of the inquiry to prevent any potential exploitive properties.[307]

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[304] John L. Caughey. *Negotiating Cultures & Identities: Life History Issues, Methods, and Readings*. Lincoln: University of Nebraska Press, 2006: 24.
[305] D. Soyini Madison. *Critical Ethnography: Methods, Ethics, and Performance*. Thousand Oaks, CA: Sage Publications, 2005.
[306] Jim Thomas. *Doing Critical Ethnography*. Newbury Park: Sage Publications, 1993: 2-3.
[307] Barbara Tedlock. "From Participant Observation to the Observation of Participation." *Journal of Anthropological Research*, 47.1 (1991): 69-94.

Critical discourse analysis begins with the assumption that languages play a primary role in the creation of meaning and the language must be studied in social and cultural contexts. Once data has been collected and organized, the question becomes how to "read" all that has been collected. Interpretive research fields such as American Studies suggest that cultures are constantly engaged in the negotiation and production of knowledge, as well as how cultures negotiate structures of power. This approach should be generative considering that law and the legal operations of asylum contribute significantly to the processes of LGBTQ+ immigrant identity and incorporation to the U.S.

In the Bakhitinian sense, critical discourse analysis is a destabilization of "authoritative power" to generate and locate agency.[308] Such an approach would include law and legal operations of asylum without privileging them as the primary discourse. In other words, the limitations in law may actually "push" LGBTQ immigrant identities in multiple directions yielding significant epistemological data by participants. Critical discourse analysis, then, seeks to understand how "texts" position culture and produce structures of power, as well as how individuals adhere, negotiate, and resist "texts" in the hegemonic sense contributing to more nuanced understandings of cultural production. Such a method would assist in understanding a fuller scope of sexuality in asylum cases and how individuals navigate structures of power to find success in immigration court, as well as determine where acts of citizenship emerge in the everyday lives of LGBT asylees.

While anti-LGBT legislation currently exists primarily in same-sex marriage debates affecting "natural-born" citizens, contrarily, immigration law is one of the few U.S. institutions that actually protects and aims to *preserve* LGBT identities with asylum-seekers under the

[308] M. Bakhtin. *Speech Genres and Other Essays*. Austin: University of Texas Press, 1986.

"particular social group" classification. Yet, because there is no statutory definition of what constitutes as a "particular social group" or even "persecution," immigration courts have inconsistently interpreted its meaning. Therefore, it is difficult to ascertain the limits or benefits of "social groups" recognizable under asylum law or what constitutes "persecution."[309] What investment does the U.S. make by protecting and preserving some LGBTQ+ asylum seekers but not others nor those who are "natural-born" citizens? The binary of inclusion and exclusion is further complicated since asylum is intricately linked to other identities such as race, nation, ethnicity, religion, age, disability, and occupation.[310]

Given its investment in the protection and preservation of such identities, asylum is culturally based even as immigration law combatively works to remove "culture" from the legal operation of asylum. How does immigration determine, for example, when persecution is distinctly a product of race, nation, gender, ethnicity, religion, or sexuality when none can be so diligently detached from each other? Through rhetorical devices, immigration law works to remove cultural constructions of difference so that identity distinctions are acutely simplified, yet as language carries multiple meanings and opens up possibilities for multiple interpretations, immigration law continues to change, allowing for greater interventions from asylees and their lawyers, as well as revisions in immigration policy yielding even more restrictive rhetoric or perhaps greater interventions.

[309] Peter C. Godfrey. "Defining the Social Group in Asylum Proceedings: The Expansion of the Social Group to Include a Broader Class of Refugees." *Journal of Law and Policy*, 3 (1994-1995): 257-288.; Alan G. Bennett. "The 'Cure' That Harms: Sexual Orientation-Based Asylum and the Changing Definition of Persecution." *Golden Gate University Law Review*, 29 (1999): 279-309.; Monica Saxena. "More than Mere Semantics: The Case for an Expansive Definition of Persecution in Sexual Minority Asylum Claims." *Michigan Journal of Gender & Law*, 12 (2005-2006): 331-357.

[310] Bill Ong Hing. "Raising Personal Identification Issues of Class, Race, Ethnicity, Gender, Sexual Orientation, Physical Disability, and Age in Lawyering Courses." *Stanford Law Review*, 45. (1992-1993): 1807-1833.

Probably the most significant disruption of the inclusion/exclusion binary is simply being able to recognize alternative sexualities in immigration court. In other words, although immigration law rigorously worked to exclude homosexuality, the framework for exclusion rested on an assumption that sexuality could fit neatly into a binary system. Such a system would suggest that one is either gay or not gay, lesbian or not lesbian, male or female, and numerous other binaries. Deductively then, if immigration court offered a blueprint of acceptable identities including the stereotypical performances of those identities, one would simply have to adhere to those accepted performances in order to pass through, suggesting that LGBTQ+ individuals have been granted asylum for years even though law barred their entry into the U.S. These additional constructs or intersectional layers, as Katie King observes, both alter the terrain of what counts as gay and lesbian and produces new collectivities that cannot be captured within a gay/straight binary.[311] Given the complexity of cultural identifications, such binaries could possibly be utilized for successful gain, problematic cross-culturally, or simply null and void when "making a case."

In order for pre-1990 exclusion to be successful, LGBTQ+ sexualities had to be legible in immigration law. Even after the 1990 inclusive legislation, immigration courts must be able to recognize sexuality in order to make decisions of inclusion or exclusion.[312] While a legislative history composes rhetoric of exclusion to homosexuals, one can still speculate that homosexuals, along with other alternative sexualities, have in fact been moving through immigration courts undetected for years. First, for minors, alternative sexualities may not be experienced until one

[311] Katie King. "Local and Global: AIDS Activism and Feminism." *Camera Obscura*, 28 (1992): 80.
[312] In *Gomez v. INS* (Gomez v. INS, 947 F.2d 660 [2nd Cir. 1991]), for example, Gomez stated she was raped by military "guerillas" in El Salvador for being a lesbian, but the court disposed of the case on the grounds that she presented no "recognizable" evidence that she was a lesbian or that she was raped. In order to prove "persecution" or even "membership in a particular social group" one must present recognizable evidence to the court such that, recognition must be made through the cultural lens of the immigration judge.

has been granted asylum such as with Cuban-born and media activist Pedro Zamora who arrived in the U.S. at the age of 8 from the Mariel Boatlift.[313] Second, cultural barriers in language between the U.S. and asylum-seekers might act as cultural pathways making alternative sexualities illegible and thereby opening up possibilities to move through a complex system as with the case of "Dilcia" another participant of this project.[314] Finally, refugees may choose to silence sexuality and privilege other identities when making a case for asylum as in the story of Manuel. Understanding these scenarios, as well as the legislative history of immigration relating to LGBT individuals, and a fuller picture of LGBT asylum in the U.S. requires enlisting a wide-range of methods to produce a comprehensive scope of data.

LGBT-related issues concerning asylum have made headlines recently, bringing attention to the scrutiny of sexual orientation claims. A November 25th, 2004 headline, for example, from *advocate.com* read "Immigration Lawyer Faked Client's Homosexuality to Win Him Asylum."[315] The article does not mention the asylum-seeker except that his case was revoked, but it does detail the charge, trail, and sentence of immigration lawyer Manlin Chee. Similar stories were published years later in U.K. newspapers: *The Express* "Pretend You Are Gay to Win Asylum"[316] and *The Daily Star* "Say You're Glad to be Gay and You Can Stay; Website

[313] Pedro Zamora is probably the most famous "Marielito." Zamora was eight when he left Cuba in 1980 with his family during the Mariel exodus. He was granted refugee status along with his family, but as a minor, sexuality was not experienced until he became a teen in the U.S. Zamora became HIV/AIDS educator and testified before Congress regarding both immigration and HIV/AIDS issues. Zamora appeared in the MTV reality-based television series, *The Real World: San Francisco*, and he used the 1993 MTV television show to advocate LGBT rights, AIDS and HIV awareness, and intervene in the everyday lives of Americans through media.
[314] Dilcia is a participant in this project who identifies politically as a "queer lesbian," yet immigration court understood her to be a heterosexual woman because she has four children. She was able to make a credible case, however, because her lawyer proved that lesbians can in fact have children and that identifying openly as a "queer lesbian" in Columbia contributed to her persecution.
[315] "Immigration Lawyer Faked Client's Homosexuality to Win Him Asylum." *Advocate.com* http://www.advocate.com/print/news/2004/11/25/immigration-lawyer-faked-clients-homosexuality-win-him-asylum-14432
[316] Marco Giannangeli. "Pretend You Are Gay to Win Asylum." *The Express*, U.K. September 11, 2006.

Helps Illegals Cheat Way into UK."[317] More recently, Mike Carter wrote an exposé on how asylum seekers are being advised by immigration lawyers to tell officials they are gay in order to expedite asylum procedures.[318] None of these articles explains why citing homosexuality is advantageous in asylum claims and makes one wonder why homosexuality would be favorable when making an asylum case? Considering the arduous road LGBT individuals have traveled in immigration law where exclusion has been so explicit, and the obstacles they continue to navigate even as statutory precedents recognize the legitimacy of alternative sexualities in asylum cases, what does one gain politically or legally by claiming homosexuality?[319]

Such articles suggest that alternative sexualities have earned political leverage in immigration law and identifying as gay validates certain claims of persecution that heterosexuality cannot. These articles, however, illustrate a disruption in the heterosexual/homosexual binary that immigration courts credential when comprehending sexuality. While terms like "fake," "pretend," and "cheat" are used to discredit individuals, such rhetoric also situates sexuality in an either/or binary perpetuating notions that sexuality is fixed, stable, and categorically recognizable. Simultaneously, these articles also suggest that sexuality is much more complex than it may seem to the discourses constructing LGBT identities including, but not limited to media, immigration attorneys, and immigration law.

While the aforementioned scenarios and the discourses of media and immigration law attempt to neatly position sexuality within a binary frame, these discourses also bring attention to how LGBT immigrant identities, so-called fraudulent asylum claims, and documented evidence of persecution shape understandings of sexuality. Sexuality varies considering the numerous

[317] "Say You're Glad to be Gay and You Can Stay; Website Helps Illegals Cheat Way into UK." *The Daily Star*.
[318] Mike Carter. "Alleged Advice to Asylum Seekers: Tell Feds You're Gay." *The Seattle Times*. January 7, 2009.
[319] Samual M. Silvers. "The Exclusion and Expulsion of Homosexual Aliens." *Columbia Human Rights Law Review*, 15.295 (1984).

discourses that define it, and the heterosexual/homosexual binary is constantly being challenged through these discourses where, for example, heterosexuality collides with homosexuality in asylum claims where identification goes beyond mere being or doing.[320] Sexuality is a complicated construct that cannot be quantified given the cultural constructions of difference and identity. Immigration law, however, rigorously works to determine who and what counts as lesbian and gay.[321] Even though immigration courts, for example, work to cement heterosexual/homosexual distinctions by using terms such as "immutable," the discursive properties of sexuality make those distinctions even more pliable. While Manlin Chee faked documents to "prove" her client's homosexuality and offered no supporting evidence to disprove heterosexuality, her client's identification as a homosexual is still accurate given the poststructuralist theories of identification that suggest rigid categories of identity, among other things, are unstable. Poststructuralist theories reveal the mutability and fluidity of identities that are always responding to their environs and spaces. Rather than fixed and static, identities are constantly open to formation and reformation producing new subjects out of old discourses. Questions of identity, then, become questions about subjectivity. Chee's client was assumed to be heterosexual by the court because fraudulent documents were provided, but the client's subjectivity is not determined by those documents whether fake or not.

While there have been a number of successful LGBT asylum cases made public through the media since the removal of "sexual deviation" in the *Immigration Act of 1990*[322] and Attorney General Janet Reno's 1994 decision that persecution of homosexuality is an eligible

[320] Nikki Sullivan. "Queer: A Question of Being or A Question of Doing?" 37-56. In *A Critical Introduction to Queer Theory*. New York: New York University Press, 2003.
[321] Margot Canaday. " 'Who Is a Homosexual?': The Consolidation of Sexual Identities in Mid-Twentieth-Century American Immigration Law." *Law and Social Inquiry*, 28.2 (2003): 351-386.
[322] *Immigration Act of 1990*, Pub. L. 101-649, § 601, 104 Stat. 4978, 5067-77 [1990].

claim for asylum,[323] an equal number of unsuccessful LGBT asylum cases have been reported in the media due to burden of proof.[324] Even though the *Immigration Act of 1990* and Reno's executive order created pathways for inclusion, LGBT asylum-seekers are still required to prove that they have an alternative sexuality, as well as persecution was a result of their alternative sexuality in order to find success in immigration court.[325] Unfortunately, proving one's alternative sexuality in immigration court requires documented evidence and a reliance on stereotypes to authenticate homosexuality, which holds great merit in immigration court.[326] Claiming homosexuality is not enough when presenting a case for persecution since anyone can say he or she is gay. Immigration courts, therefore, often favor applicants who also look and act the part of a stereotypical homosexual suggesting that identity is in part a performance and the performativity of identity through the body and language authenticates its own restraints. Judith Butler, however, has theorized how discourses are transformed through queer performativity disrupting rigid boundaries of identity.[327]

Deborah Morgan, Marina Jiménez, Mike King, and Nicholas Keung, however, have all reported cases where applicants were denied asylum because they were either "too butch" or "not gay enough,"[328] and their cases were discredited due to visible markers of alternative sexuality.

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[323] *Attorney General Order No. 1895-94*, June 19, 1994. Attorney General Janet Reno stated in the one-page memo that "an individual who has been identified as homosexual and persecuted by his or her government for that reason alone may be eligible for relief under the refugee laws on the basis of persecution because of membership in a social group."

[324] Kevin Ritchie. "When Refugees Don't Look Gay: Critics Call for Sexual Orientation Guidelines, Full Appeals Process." *X-tra!*, 11. October 11, 2007.; Tiffany Crawford. "Gay Refugees Have Difficulty Proving They're Gay." *Canada.com*. March 15, 2008.; Michael Madigan. "Asylum Seekers Quizzed Over Their Sexuality." *The Courier Mail*, Australia, 17. May 23, 2007.

[325] Bryan Anderton. "Gay Iranian Faces Deportation: Judge Denies Asylum After Seeking Proof." *The Washington Blade Online*. December 12, 2003.

[326] Pamela Heller. "Challenges Facing LGBT Asylum-Seekers: The Role of Social Work in Correcting Oppressive Immigration Processes." *Journal of Gay and Lesbian Social Services*, 21 (2009): 294-308.

[327] Judith Butler. *Gender Trouble: Feminism and the Subversion of Identity*. New York: Routledge, 1990.

[328] Deborah Morgan. "Not Gay Enough for the Government: Racial and Sexual Stereotypes in Sexual Orientation Asylum Cases." *Law & Sexuality*, 15 (2006): 135-161.; Marina Jiménez. "Can't Prove He's Gay, Teen is Denied Asylum; Nicaraguan Fears His Return Home as Board Member Unconvinced Over Sexuality." *The Globe and Mail*

Fadi Hanna argues that visibility should be irrelevant in sexual orientation-based asylum cases and identifies how courts reward those who adhere to stereotypical "performance-as-identity" model suggesting that identity is determined by behavior rather than by "immutable characteristics" defined by law. Hanna argues that asylum law protects stereotypical "effeminate" homosexuals while punishing those that are "not gay enough."[329] After a two-year battle in the courts, Jorge Soto Vega made a credible case and was granted asylum in the U.S.[330] The Soto Vega case not only illustrates the contradictions in immigration law because Soto Vega's "immutable characteristics" were eventually altered through performance-as-identity but also illuminates the cultural barriers between individuals' experiences and how those experiences are legitimized or delegitimized in immigration court. The language of sexuality, for example, does not always correspond cross-culturally in immigration courts where one can identify as "queer," which can take on many sexual, political, and subjective connotations. In order for the case to be considered "credible," however, the court must be able to understand claims through their own cultural lens. In other words, everything must be legible, which sometimes requires reducing identity and practice to simplified terms that everyone can understand particularly those outside the scope of queer identities, politics, and sensibilities.

While the poststructuralist tenets of queer theory detail the limitless possibilities of identification that permit sexuality and other identities to be more flexible, Jacques Derrida's

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Canada, A6. February 7, 2007.; Mike King. "Too Butch to Get Asylum." *The Advocate*, 30. June 8, 2004.; Nicholas Keung. "Refugee Claimant 'Not Gay Enough.' " *The Toronto Star*, A15, February 8, 2007.

[329] Fadi Hanna. "Case Comment: Punishing Masculinity in Gay Asylum Claims." *Yale Law Journal*, 114 (Jan. 2005): 913-920.

[330] (Jorge Soto) *Vega v. Ashcroft*, 04-70868.; "Terrorized Gay Mexican Wins Long Fight for Asylum." *365gay.com*, January 30, 2007.; "Gay Mexican Granted Asylum After Long Battle." *Los Angeles Times*, January 31, 2007.; "Gay Mexican Granted Asylum After Long Battle." *San Francisco Chronicle*, January 31, 2007.; Tami Abdollah. "Citing Persecution, Judge Grants Gay Mexican Immigrant Asylum in U.S." *Los Angeles Times*, January 31, 2007.; "Gay Mexican Whose Initial Bid for Asylum was Rejected can now Stay, Judge Decides." *The Associated Press*, January 31, 2007.; "Gay Mexican Man Gets Asylum in U.S." *MSNBC.com*, January 31, 2007.; "Victorious Sexual Orientation Asylum Claim." *ImmigrationProfBlog*, January 31, 2007.

theory of violent hierarchies remains prominent in immigration court where alternative sexualities are either punished or rewarded for being too masculine or not masculine enough. And, even though gender is not one of the five protected categories under refugee asylum law, structures in the legal process use gender performance to legitimize credibility claims, which highlight the contradictions present in immigration law that center around sexual orientation as a qualifier of persecution.[331]

Proving sexual orientation is crucial in lesbian, gay, and bisexual asylum claims as exemplified in the *Soto Vega v. Ashcroft* case.[332] Soto Vega was originally denied asylum because he appeared too stereotypically heterosexual. While the immigration judge accepted that Soto Vega was a homosexual, he did not accept that persecution existed because of Soto Vega's heterosexual demeanor remarking in the hearing:

> I didn't see anything in his appearance, his dress, his manner, his demeanor, his gestures, his voice, or anything of that nature that remotely approached some of the stereotypical things that society assesses to gays.[333]

[331] *Refugee Act of 1980*, Pub. L. No. 96-212, 94 Stat. 102, codified in sections of 8 U.S.C. states: "Any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." Gender is unspecified here or in subsequent immigration law (Mattie L. Stevens. "Recognizing Gender-Specific Persecution: A Proposal to Add Gender as a Sixth Refugee Category." *Cornell Journal of Law and Public Policy*, 3 (1993-1994): 179-219.; Nancy Kelly. "Gender-Related Persecution: Assessing the Asylum Claims of Women." *Immigration and Nationality Law Review*, 15 (1993-1994): 175-224.; Jenni Millbank. " 'The Ring of Truth': A Case Study of Credibility Assessment in Particular Social Group Refugee Determinations." *International Journal of Refugee Law*, 21.1 (2009): 1-33.

[332] No. A-95880786 (B.I.A. Jan. 27, 2004). The Ninth Circuit has agreed to hear Soto Vega on appeal. Soto Vega v. Ashcroft, No. 04-70868 (9th Cir. filed Oct. 25, 2004). Transgender asylum claims are equally complex and require proving an entirely different rubric of distinctions related to sex and gender. See for example, Victoria Neilson. "Uncharted Territory: Choosing An Effective Approach in Transgender-Based Asylum." *Fordham Urban Law Journal* 32.2 (2004): 99-124.

[333] *Soto Vega, No.A-95880786*, at page 3 (Immigration Ct. Jan. 21, 2003).

Stereotypical performances are effective because immigration courts adhere to binary structures in order to comprehend alternative sexualities.[334] Ultimately, the court condemned Soto Vega for concealing his homosexuality in Mexico as a strategy to protect himself from persecution, then punished him for not being gay enough, or rather, not behaving gay nor appearing gay in the courtroom. Eventually, the court later rewarded Soto Vega for adhering to stereotypical constructions of gayness.[335] After two years in immigration court, Jorge Soto Vega was able to make a credible case and was granted asylum in the U.S. Recent media reports note how "flaunting [homosexuality is] now his best weapon against deportation."[336] Lori Adams, a lawyer at Human Rights First states in Dan Bilefsky's editorial "Gays Seeking Asylum in U.S. Encounter a New Hurdle" that judges and immigration officials add "new hurdles" in gay asylum cases where an applicant's homosexuality must be made socially visible.

The necessity to adhere to stereotypical behavior in sexual orientation-based asylum cases offers some problematic assumptions, as well as promising disruptions in the binary structure. First, appearance and performance become the requisite nexus between persecution and alternative sexualities. Second, immigration courts reward applicants that perform stereotypical behavior and thereby perpetuate, or rather, validate the binary structure that it relies on to comprehend sexuality. Third, as long as one can perform recognizable or legible homosexuality, it is easier to make a credible case.

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[334] Jenni Millbank. "Gender, Sex and Visibility in Refugee Claims on the Basis of Sexual Orientation." *Georgetown Immigration Law Journal*, 18 (2003-2004): 71-110.

[335] Soto Vega eventually performed more visible "effeminate" characteristics in the courtroom, and his lawyer explained that a "truer" self emerged since he no longer feared the same kind of persecution in Mexico residing in the U.S.

[336] Dan Bilefsky. "Gays Seeking Asylum in U.S. Encounter a New Hurdle" January 28, 2011. *The New York Times Online*. http://www.nytimes.com/2011/01/29/nyregion/29asylum.html?pagewanted=all

Such assumptions would suggest that regardless of how one identifies, a credible case could be made as long as the court recognizes gayness in one's appearance and performance and supporting documents are provided. Perhaps if Manlin Chee's client had simply "acted" more stereotypically gay, then she would not have had to fake affidavits by psychologists stating her client's homosexuality. Continuing with the poststructuralist logic of queer theory, then, sexuality is a matter of performance and the opposite engenders an equally disruptive chain of signification. In other words, if one's homosexuality is tested by the court in order to make a credible case for persecution, then one would simply have to remove sexuality from his or her case altogether and focus on the persecution in order to bypass certain questions of credibility. Asylum processes, however, are never quite this simple.

In a completely different scenario, Manuel, a gay man who applied for asylum in the U.S. in 2004 and major participant of this project, was instructed by his attorney and friends to silence his homosexuality and simply offer testimony that reflected persecution was a result of his HIV/AIDS education, awareness, and activism in his home country. Manuel's homosexuality certainly contributed to the persecution he faced, but his political engagement as an HIV/AIDS activist garnered the most credible evidence since much of it was captured in the media and documented through medical reports. It should be noted that Manuel was never told to "act straight" during his asylum process. Manuel has stated in several interviews, however, that asylum agents and officials simply assumed that he was heterosexual because sexuality was not the focal point of his case, as well as stereotypical performances of homosexuality do not always correspond cross-culturally bringing attention to the fact that one never has to prove heterosexuality. While the claimant in the *advocate.com* article was denied asylum due to his lawyer's conspiracy to defraud the government by submitting false documents, Manuel was

successfully granted asylum only months after his hearing. He speculates that his male gender, his occupation as an infectious disease doctor, and denouncing his citizenship from his home country largely influenced his asylum success.[337] While these scenarios do not offer a complete scope of possibilities in asylum cases, they do offer some speculation regarding how binaries of sexuality operate in asylum processes, whether they are visible/invisible or legible/illegible. And, albeit brief, given these cases, one can see how homosexuality collides with heterosexuality and vice-versa in immigration court where silence and speaking operate.

Refugee law and policy continue to be elusive and unequally defined thereby permitting some entry into the U.S. while excluding others. Such inclusionary/exclusionary practices by official discourses have generated multiple discussions and debates regarding the social and cultural processes of immigration. Further, the inclusionary/exclusionary binary has identified how sexuality and gender, in particular, have become culturally significant in understanding transnational processes and legal categories, as well as painting a clearer picture of which bodies matter in nation-building projects as some skills, labor, occupations, and bodies are favored over others. The inclusion or exclusion of LGBTQ+ sexualities, for example, has significantly shaped LGBTQ+ identities as "legitimate" legal categories and the "legitimacy" of such identities has significantly altered immigration policy in the last few years. At the same time, the legitimacy of some identities such as women, lesbians, bisexuals, and transgendered individuals are questioned, and they are often denied entry into the U.S. solidifying further binary distinctions among acceptable and unacceptable sexual and gendered identities.[338] Bisexuality is particularly

[337] Shortly after receiving asylum in Miami, Manuel was offered a director position by the National Institute of Health in Bethesda, MD to work on malaria vaccines for the U.S. Navy. Although Manuel has never explicitly detailed his expedited asylum process, he has indicated in other ways that his occupation certainly contributed to the success of his case and has indicated that his expertise as an infectious disease doctor might have been a bargaining tool.

[338] Luibhéid, Eithne. *Entry Denied: Controlling Sexuality at the Border*. Minneapolis: University of Minnesota Press, 2002.; Lucy H. Halatyn. "Political asylum and Equal Protection: Hypocrisy of United States Protection of

scrutinized since it does not fit neatly into a binary that can be recognized in immigration court.[339] Carol Bohmer and Amy Shuman suggest that lesbians are unfamiliar with their eligibility as asylees, and because of their gendered identity, may find limitations in access. Reluctant to tell anyone of their lesbian identity, women have greater difficulties proving they are lesbian, and providing credible documentation that persecution was directly linked to their lesbian identity rather than their gendered identity.[340]

Considering the legislative history between LGBTQ+ refugees and immigration law, contradictions emerge generating questions of who gets asylum, who does not, and why. On a much grander scale, the inclusion/exclusion binary, arguably, suggests that the U.S. needs refugees in order to make citizenship distinctions and renew itself as the "land of opportunity and land of the free" among other things. Sexuality, however, complicates this binary on multiple levels revealing the legally troubled relationship the U.S. nation and its citizens or immigrants of alternative sexualities have had for far too long.[341]

Gay Men and Lesbians." *Suffolk Transnational Law Review*, 22.1 (1998): 132-161.; Taylor Flynn. "*Trans*forming the Debate: Why We Need to Include Transgendered Rights in the Struggles for Sex and Sexual Orientation Equality." *Columbia Law Review*, 101 (2001): 392-420.; Manuelph Landau. " 'Soft Immutability' and 'Imputed Gay Identity': Recent Developments in Transgender and Sexual-Orientation-Based Asylum Law." *Fordham Urban Law Journal*, 32 (2004-2005): 237-263.; Michael O'Flaherty and John Fisher. "Sexual Orientation, Gender Identity and International Human Rights Law: Contextualizing the Yogyakarta Principles." *Human Rights Law Review*, 8.2 (2008): 207-248.; Jacqueline Bhabha. "Demography and Rights: Women, Children and access to Asylum." *International Journal of Refugee Law*, 16.2 (2004): 227-243.

[339] Sean Rehaag. "Bisexuals Need Not Apply: A Comparative Appraisal of Refugee Law and Policy in Canada, the United States, and Australia." *The International Journal of Human Rights*, 13.2-3 (2009): 415-436.

[340] Carol Bohmer and Amy Shuman. *Rejecting Refugees: Political Asylum in the 21st Century*. New York: Routledge, 2008: 240.

[341] T. David Parish. "Membership in a Particular Social Group Under the *Refugee Act of 1980*: Social Identity and the Legal Concept of the Refugee." *Columbia Law Review*, 92.4 (1992): 923-953.; Suzanne B. Goldberg. "Give Me Liberty or Give Me Death: Political Asylum and the Global Persecution of Lesbians and Gay Men." *Cornell International Law Journal*, 26 (1993): 605-623.; Maryellen Fullerton. "A Comparative Look at Refugee Status Based on Persecution Due to Membership in a Particular Social Group." *Cornell International Law Journal*, 26 (1993): 505-563.; Jin S. Park. "Pink Asylum: Political Asylum Eligibility of Gay Men and Lesbians Under U.S. Immigration Policy." *UCLA Law Review*, 42 (1994-1995): 1115-1156.; Robert C. Leitner. "A Flawed System Exposed: The Immigration Adjudicatory System and Asylum of Sexual Minorities." *University of Miami Law Review*, 58 (2003-2004): 679-700.

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