

Illegal Skin, White Mask:  
A Critical Phenomenology of Irregular Child Migrants and the Maintenance of Whiteness in the  
United States

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## **ABSTRACT**

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In this paper, I reinterpret the experiences and perception of child migrants through the lens of racialization and White Supremacy. I do this by advancing work by Cheryl Harris and Lisa Guenther on the critical phenomenology of “Whiteness as Property” (WaP) and the protection of “White Space.” I build on this foundation by examining the way WaP regulates sociogenic and emotive states in order to protect its accrued resources, resulting in an “economy” of racial identity where ownership produces and is produced by particular societal structures and relationships. I use these concepts in order to understand the framework that willfully misinterprets racialized children. I establish the Child as a sociogenic concept and symbol of national futurity and universalism, and therefore of the futurity and universalism of Whiteness; reiterating and interrogating the inconsistency that many immigration and child activists point to, that there is no such thing as an “illegal” or racialized child. Thus, the irregular child migrants (ICM) either loses the privileges and protections afforded to children or must dawn the White Mask through a performance of victimhood. Through this framework, I undertake an examination of the ICMs as portrayed in the legal process using tools from legal sensorial studies and critical phenomenology, demonstrating the sociogenic shifts that occur for the ICM and how these shifts work to protect WaP.

*The struggle is inner: Chicano, Indio, American Indian, Mojado, Mexicano, immigrant Latino, Anglo in power, working class Anglo, Black, Asian.... Awareness of our situation must come before inner changes, which in turn come before changes in society. Nothing happens in the "real" world unless it first happens in the images in our heads.*

- Gloria Anzaldúa

In 2014, approximately 66,000 unaccompanied irregular child migrants (ICM),<sup>1</sup> arriving from the northern triangle (Guatemala, Venezuela, and Honduras) were apprehended at the southern border of the United States (Migration Policy Institute 2020). This surge overwhelmed US facilities, and child migrants were placed in detention centers and other makeshift holding areas until they could be released to family or deported. In these facilities, many children received improper nutrition and medication, while others experienced physical and sexual abuse, and others died or “went missing” (Cantor 2015). In the ensuing years, the treatment of ICM in the United States garnered international attention and backlash, particularly during the family separation policy instituted by the Trump Administration in 2017. In spite of this backlash and interference by the UN, conditions and rights for both child and adult migrants have disintegrated over the last decade.<sup>2</sup>

I began this project in the Summer of 2017, following the two-year-long barrage of racial epithets and calls to “build a wall” that characterized the Trump presidential campaign and laid a foundation for his administration (Lee 2015). The success of the Trump campaign emboldened the anti-immigration movement and, as Judith Butler (2016) poignantly stated, “emancipated unbridled hatred” toward marginalized communities, and particularly toward racialized migrants. Trump continues to utilize the language of White Supremacy in order to gain support among White Americans and has cast “illegals” and “thugs” as the racialized antagonists of his presidency (Lee 2015). Though there is limited scholarship engaged in migrant studies that adequately addresses racialization, it is immediately apparent that immigration and citizenship

policies are, and have been, a core tool of White Supremacy in the US, which serve to dehumanize and deny rights to racialized migrants (Sáenz and Douglas 2015).

Images of child migrants have frequently been used by immigration activists to reveal the suffering and humanity of all irregular migrants.<sup>3</sup> Often, however, the rhetoric defending these children comes at the price of universalizing their identity as children and obfuscating the factors that lead to their mistreatment. For instance, in scholarship pertaining to migrant children's rights, there is little to no mention of the role that racialization plays in the conferral of legal status and rights.<sup>4</sup> By failing to see the interaction between childhood and racialization, and the process through which children become racialized, activists and scholars are unable to address the unique "collision" point or intersection at which these irregular child migrants find themselves. The suffering of the "racialized child" is rendered invisible under the suffering of universal children. Neutralizing the role of race and racialization in regard to children succeeds only in shifting the borders of Whiteness and legality a few inches, rather than pulling these walls down altogether.

In this paper, I reinterpret the experiences and perception of child migrants through the lens of racialization and White Supremacy. I do this through advancing work by Cheryl Harris and Lisa Guenther (See also Anderson 2015) on the critical phenomenology of "Whiteness as Property" (WaP) and the protection of "White Space." WaP is "the collective investment in state violence" to protect the economic, territorial, and legal privileges of Whiteness, while White Space describes its two dimensions; "enclosure and territorial expansion" (Guenther 2019). I build on this foundation by examining the way WaP regulates sociogenic and emotive states in order to protect its accrued resources, resulting in an "economy" of racial identity where ownership produces and is produced by particular societal structures and relationships. I use

these concepts to understand the framework that willfully misinterprets racialized children. I establish “the Child” as a sociogenic concept and symbol of National futurity and universalism, and therefore of the futurity and universalism of Whiteness; reiterating and interrogating the inconsistency that many immigration and child activists point to, that there is no such thing as an “illegal” or racialized child. Thus, the ICM either loses the privileges and protections afforded to children or must don the White Mask through a performance of victimhood. Through this framework, I undertake an examination of the ICMs as portrayed in the legal process using tools from legal sensorial studies and critical phenomenology, demonstrating the sociogenic shifts that occur for the ICM and how these shifts work to protect WaP.

### *Theoretical Toolbox*

Before continuing, I must establish the critical phenomenological understanding of race and racialization I draw on throughout the paper. Critical phenomenology (a recent movement, beginning in 2013 with the publication of Lisa Guenther’s *Solitary Confinement: Social Death and its Afterlives*, and consolidating in 2018 with the first publication of *Puncta*) emphasizes, contests, and disrupts the “material, historical, and social context that is both prior to the individuation of any given subject and also shaped by the historical sedimentation of perceptual practices and existential styles.... Being-in-the-world is, in Merleau-Ponty’s words, ‘instituted-instituting,’ both passively received or inherited and actively reopened to fresh horizons of possibility” (Guenther 2019). Regardless of whether the people who live within these institutions passively receive them or intend toward them, they are still shaped by and complicit in them. In the globalized neoliberal west, where the burden of racialization and racial violence has been displaced onto individuals rather than institutions, the practice of critical phenomenology—in this case by disrupting modes of perceiving that are produced by and reify the systemic

oppression of non-White people—is uniquely able to address passive racism, or racism so deeply entwined with social and historical institutions that it has been rendered invisible to those who benefit from and reify it.

Frantz Fanon’s work is a clear forerunner and inspiration of current critical phenomenology. Fanon argues that the Black lived experience demands a new phenomenological approach that understands experience through historicizing social, psychological, and physical layers with constant reference to one another. Sylvia Wynter (2001) builds on Fanon’s conception and introduces race as a sociogenic principle as opposed to an ontological or ontic principle. I use “sociogeny” in opposition to ontology as it clearly marks these ideas as social-historic phenomena that masquerade under the notion of ontically fixed (or even fluctuating) principles. Capitalization of the words Black and White, an increasingly prevalent practice, also indicates this: the word references race as a sociogenic, historical construction. By categorizing race in this way, I foreground its lived-reality, while acknowledging it as socially produced; thus race becomes “racialization,” or a process of production and interpretation, rather than an ontic state.

### **I. Race, Legality, and Property**

In this section, I provide a brief historical overview of the history of Latinx racialization in the US. I then expand the argument of Cheryl Harris in “Whiteness as Property” to argue that race regulates access to ontological states and affects through “emotional economies.” In other words, that Whiteness as Property (WaP) regulates not just what is considered “legal property,” but also modes of being-in-the-world. I further examine the emotive states of “niceness” and “victimhood” to argue that these modes-of-being are historically and socially tied to Whiteness and serve to reify WaP.

### *1.1 Historical Considerations: Western Expansion, Chicanos, and “Becoming Brown”*

Before moving further into WaP, which primarily concerns the racialization of African Americans, it is necessary to outline a brief history of racialization for Latinx people in the United States. Although many Latinx and specifically Chicano revolutionaries borrow from Black Critical Race Theory and Black revolutionary strategies in order to bolster their movements, racialization functions differently and appears slightly less “fixed” for Latinx peoples than for African Americans.<sup>5</sup> Many Latinx peoples living in the United States, particularly Cubans and Argentineans, may consider themselves to be White and may pass as White. In contrast, White Americans frequently apply a homogenous lens to this diverse group – for instance, although the majority of child migrants come from the Northern Triangle, they are primarily viewed as being Mexican. Therefore, when we discuss the racialization of these ethnicities by White people, as opposed to colorism (Glenn 2009) or national/linguistic prejudice, it is primarily through the racialization of Mexicans.<sup>6</sup>

The homogenization and racialization of Latinx peoples in the United States began after the annexation of the American southwest and the discovery of gold in California, effectively destroying previously held social hierarchies in the region (Haney-López 2004, 57). We encounter the racial homogenization and calcification of Latinx peoples as a distinct non-White racial group as a mode of territorial expansion, similar to the way Indigenous peoples were racialized and subjugated in order to allow for western expansion. However, Latinx peoples presented a unique danger to the racial hierarchy of the United States: race was, at this time, thought of primarily in terms of regional descent (African, Asian, European, etc.), but Mexicans were largely of mixed descent – European, Indigenous, and Black (Ibid). At the outset, Mexicans

symbolized the instability of race and the possibility of transgressive racial interaction and movement.

While Mexicans were perceived as socially Brown, they remained legally White up until the mid-20<sup>th</sup> century when “Hispanic” became an ethnic category. Many Latinx peoples actively fought (and still fight) to protect their “White” status. Although this legal “Whiteness” may appear to give Latinx peoples better access to resources, by maintaining their pseudo-whiteness, the state invisibly underserved communities of Latinx peoples as they were not a defined “racial group.” Chicanos were the first civil rights group to identify Mexicans as racially non-White (as in the case of the East-LA 13). Although Mexicans are only one nationality of many that I discuss in this paper, the example of the Chicanos serves as a microcosm of (perhaps non-intuitive) theoretical and practical ideas I touch on. The Chicanos demonstrate that the malleability of Whiteness is not an instability or weakness but is rather its strength — its shifting borders enable its survival and continued presence, and thus that of a racial hierarchy. Furthermore, while the Chicano fight for a separate Mexican race has, at times, been framed as a sophomoric rebellion against the White establishment, the rejection of Whiteness is rather a rejection of the power to be allowed to hurt others in ignorance.<sup>7</sup> Whiteness does not simply allow one to be free from oppression; it also contains the right to exploit and oppress others (whether this is implicit or explicit).

### *1.2 Whiteness as Property and Proxy-Whiteness*

In “Whiteness as Property,” Cheryl Harris maps a history of the United States that establishes the transition of Whiteness from color to race, and status to property. This is key in understanding the role of racialization in the US, where, as Fanon (2004) states, “Two centuries ago, a former European colony took into its head to catch up with Europe. It has been so successful that the

United States of America has become a master where the flaws, sickness, and inhumanity of Europe have reached frightening proportions” (236-237). Although slavery is no longer a legal practice and the citizenship and personhood of non-White peoples has been established (at least on a surface level), this collective investment in Whiteness as Property explains the unique forms of racial violence that have underwritten American history.

By “property” Harris (1993) refers to the set of legal rights, rights of identification, and social privileges afforded to Whiteness as it came into being as a legal status (1725). Harris offers several expansive interpretations of “property” that are useful in fleshing out this understanding of race. Property has never been limited to the rights one has over physical things and should rather be understood as the relationships (or potential relationships) one has with objects, other people, and the world (Ibid). WaP can only be understood as existing within social contexts and attached to certain expectations—property becomes a mode through which the law restructures experience and individual orientations in the social world—this stands in stark contrast to the seeming naturalization of both race and property rights. As property, Whiteness has certain functions including rights of disposition, or inalienability; right to use or enjoyment; reputation and status property; and the absolute right to exclude (Ibid, 1733-1737). In sum, Harris’s concept of Whiteness as Property designates a set of rights that accrue to Whiteness itself, as a property integral to Whiteness, within the legal and historical system she describes.

Harris notes that WaP develops within and through the institution of slavery and the seizure of land from Indigenous peoples. Though Harris spends a significant portion of her essay on this first topic, the second offers a foundation through which to build understandings of land ownership, citizenship, and migration. Harris notes that the land rights of Indigenous peoples were consistently mis-recognized, not only because of their cultural otherness, but also because

of their modes of ownership – the land was not “marked” by their labor in the same way European-Americans marked their land. Here, Harris falls briefly into a homogenization of Indigenous peoples, who often did produce crops and clear areas for farming—however this infrastructure and labor was rendered invisible to the White legal system, despite early settlers appropriating Indigenous farming techniques in order to cultivate the land. As Harris notes, “courts established Whiteness as a prerequisite to the exercise of enforceable property rights. Not all first possession or labor gave rise to property rights; rather, the rules of first possession and labor as a basis for property rights were qualified by race” (Ibid, 1722). Though the first function of Whiteness was to establish a distinction between persons and property, the second was to intrinsically link Whiteness to the ability to possess land in an expanding nation. This sets up American expansion into an empty “frontier” that can only be possessed and maintained through the proxy possession of Whiteness.

Whiteness affords those who possess it a series of additional privileges and protections. As Harris notes, “Becoming White increases the possibility of controlling critical aspects of one's life rather than being the object of others' domination” (Ibid, 1713). Whiteness itself cannot be separated from the White person and its privileges will never “run out.” While this appears to run counter to many early understandings of property as necessarily alienable, there are several modern examples of non-alienable property such as law or medical degrees, government licenses, or welfare states (Guenther 2019). Despite being “inalienable,” some non-White people appear to be able to affect a proxy-Whiteness. Forms of “passing” are common in all nations structured upon White Supremacy, despite the psychological harms caused by doing so; this phenomenon points at once to the terrific privileges granted by Whiteness, and its movability when under scrutiny. However, while some People of Color (PoC) are able to “pass,” their

access to White privilege only occurs by association with and superior performance of Whiteness, which can be brought into question at any time or rendered “unperformable.”

### *1.3 Emotional Economies of Whiteness: Niceness and Victimhood*

In her essay, Guenther further links WaP to Fanon’s Epidermal-Racial Schema wherein properties and rights that are attached to Whiteness are naturalized and de-historicized. WaP presents “Its ‘*I want,*’ ‘*I can,*’ and ‘*I ought to be able to*’—as a fluid, natural body schema that dovetails fluidly with the White world....the racialization of Whites as owners of land and other property, as extractors of wealth from the bodies of others, and as excluders or selective includers of the right to claim Whiteness as property” (Guenther 2019). By mapping the Epidermal-Racial Schema of WaP, Guenther reveals the invisible center of racialization, which is essential to understanding and explaining the entwinement of White supremacy and border maintenance of White Space.<sup>8</sup>

Although she doesn’t expand on this further, it is implicit throughout Guenther’s paper that the Epidermal-Racial Schema of Whiteness also includes an “I feel,” or entitlement to a set of emotions and emotional expression surrounding the acquisition of bodies, extraction of wealth, and exclusion. Guenther discusses this in terms of gentrification: White gentrifiers are entitled to feelings of excitement, safety, and “niceness” – a certain moral superiority to their suburban forebears in that they are purportedly willing to interact with and “improve” traditionally Black and Brown communities. Similarly, White people are entitled to sets of emotional ranges that are not accessible to PoC – for many PoC it seems that any emotional display fuels racial stereotypes and makes them vulnerable to further violence from White people, most immediately, in Guenther’s scenario, police. I would thus like to propose an emotional economy tied to WaP.

These emotional economies recall Sarah Ahmed's work: she argues that emotions and emotional characteristics accumulate over time within and through specific groups, but may appear to be a-historical, individuated, or spontaneous (2014). Within these economies, "emotions may involve 'being moved' for some precisely by fixing others as 'having' certain characteristics. The circulation of objects of emotion involves the transformation of others into objects of feeling" (Ibid, 11). I will focus, for the moment, on the seemingly unmoving center of this relationship, around which racialization orbits, but will later return to the way in which Latinx peoples are "fixed" with certain characteristics. In particular, I focus on "niceness" and "victimhood." While the latter is something experienced generally by White people, American "niceness" is more unique to modern American settler-colonialism and imperialism.

In discussing the self-perceived national character of the United States, niceness is foundational. As Carrie Braman (2017) notes in her cultural history of American niceness, niceness encompasses the child-likeness of the American spirit (5). Niceness here refers to a certain ability to facilitate social relationships, but without the self-discipline or manners of "civility," typically associated with the British. Braman maps niceness onto the key emotional tones of the Declaration of Independence, which distinguishes itself from the "excitability" of enslaved and Indigenous peoples, and the cold anger and cruelty of the British King (Braman 2017). We see Whiteness and niceness begin to intertwine. This is furthered by understandings of American settler-colonialism and later imperialism. While the British, as Ahmed (2014) notes at the beginning of her book, frame themselves as cold and unaffected/unaffected, the Americans frame themselves within an unaffected and impenetrable niceness and amiability. While the "undeserving" refugee threatens the British national character, the deported and caged child threatens the American national character. When this "niceness" is disrupted – the United

States' actions are revealed as inhumane, the suffering of Black People in America comes to the fore, or images of children in cages reach the media – the White Epidermal-Racial Schema is briefly shaken. However, often in these cases, Whiteness retreats within itself, reverting to its mode of “victimhood” until it can once again reclaim its “niceness.” This is perhaps most immediately evident in the recent contractions of racial justice and the collective witnessing of Black experience in the United States. Robin DiAngelo (2011) notes that when confronted with the experiences of the racial other and the violent reality of racialization (which DiAngelo terms “racial stress”), White people retreat into “White Fragility” which manifests as “the outward display of emotions such as anger, fear, and guilt, and behaviors such as argumentation, silence, and leaving the stress-inducing situation” (57). Through the performance of certain kinds of victimhood, particularly “White Fragility,” White people are able to re-center their experience and reassert the racial hierarchy (see also Accapedi 2007 and Bonilla-Silva 2006, 2018).

Through understanding “niceness” as a justification for the expansion of property and “victimhood” as a retreat from the consequences of White-supremacy, the emotional framework that protects the White body-schema from the horror of Whiteness begins to reveal itself. Thus, by foregrounding the role of emotional states to the Epidermal-Racial Schema and WaP, it becomes evident that the White Mask, or the performance of Whiteness, also includes aligning oneself with this kind of performative victimhood in order to appear on the horizon of the White world and justify inclusion in White Space.

## **II. The Right to Childhood and White Fragility**

In this section, I will parallel the critical study of race's role in delegating rights and legality with the emergence of the current American understanding of children, offering a description of the sociogenic category of the Child's relationship to the performance of Whiteness and the

longevity of WaP. I contend that an “Illegal Child” represents a contradiction to the minds of most Americans in that “Illegal” and “Child” are mutually exclusive categories. The burden of racialization frequently renders the child invisible, however, in the immigration debate, the signifier “child” can come to eclipse racialized identity in certain contexts. This liminal position allows for the performance of emotional scripts of the White Child by the ICM.

### *2.1 The Child and the Latino Threat Narrative*

The Child is an embedded archetype and symbol within the American cultural and political fabric; it is considered pre-social, innocent, and capable of infinite change (and is therefore worthy of forgiveness). The Child comes to represent the futurity, possibility, and economic investments of the US and is aligned with the project of American “niceness” and the preservation of WaP. As Erica Burman (2015) states, “In particular, children figure as prototypical malleable material for the nation – whether in terms of prosperity or public order” (269). Just as children rely on their parents, the Child demands the protection and paternalistic intervention of the state. When the child is under threat, the state is given permission to act in extremes, to protect the Child and ensure the state’s own longevity (Edelman 2007). Thus, it is also evident that the child has a particular capacity for victimhood or potential victimhood.

Fanon frequently plays on the discordance within the image of the Child and its relationship to Whiteness and settler-colonialism, though the role of children in Fanon has received little analysis (Burman 2015). It is the boy on the train who causes the collapse of Fanon’s body-schema of the Black man by calling upon the symbolic-racial order when he says to his mother, “look a negro!” (2008, 79). Fanon thereby spoils the image of the Child by revealing its lack of racial innocence and ignorance and the way that the Child too is a sociogenic production (vs. some sort of ontic reality). Through this, in understanding the Child

as a symbol of settler-colonial nations and of Whiteness itself, Fanon disturbs the pretense of the innocence of the Child and the ontic reality of Whiteness, in effect emphasizing how these are two sides of one sociogenic production. Additionally, he portrays the Child, and through it this pretense of pre-social reality, as a tool through which racialization can be enacted. As Burman (2015) states, “it is in the name of the child ... as the signifier of both deserving victimhood and site for the penetration of transnational capital – that imperialism is waged” (78).

The image of the Child becomes a “political trump card” – one cannot oppose “fighting for *the* children” (Ropp 2019, 469, emphasis added). I emphasize “the” here as it indicates a kind of universal belonging. In a way, this means children are uniquely endowed with a cosmopolitical citizenship. Yet this appears to be exactly what some conservatives seek to destabilize, many anti-immigration protesters carrying signs with the sentiment of “They aren’t our children” (Ibid). This tension points to an interesting sociogenic effect: the problem is not “our” children versus “the” children, but rather with who can be the Child, when and within what contexts. Even though some Black and Brown children can appear as the Child to varying degrees (contingent upon their convincing performance of Whiteness), their racialized and Child identities cannot be acknowledged at the same time—a racialized Child is, in this sense, impossible.

Notions of the Child stand in stark opposition to racial archetypes, in this case, what Leo Chavez (2013) refers to as the “Latino Threat Narrative,” developed in the modern era of immigration anxiety in the United States that began in the 1980s (coinciding, incidentally, with a greater concern over children). Chavez condenses the Latino threat narrative to the following key parts: reproductive threat, unwillingness to learn English, unwillingness to integrate into society, unchangeability or immutability (not subject to history or social forces), and desire to reconquer

the US. To this list I add a tendency toward criminality, as exemplified in rhetoric surrounding the 2016 election that framed Latinx immigrants (particularly Mexicans) as “rapists and thieves” (Lee 2015). There are obviously a number of tensions between the Latino Threat narrative and the Child. The Latino Threat narrative makes two key assumptions – Latino/a’s are culturally and historically static and criminal. This stands in opposition to the Child, a collective embodied investment in the future that is figured as inherently innocent and capable of redemption.

It is not that the Child is always good, indeed a necessary aspect of the Child is their propensity to make mistakes. The Child may be hedonistic or mischievous, but this says nothing of its “actual” ontic self – when the Child makes a mistake it is because they are *learning to be good*, but when the immigrant makes a mistake it is because *they are bad*. The Child is not caught up with sticky characteristics, indeed their ontic self appears to be blank, its only attribute potential.

## *2.2 Three Approaches to Children of Color*

What can we then make of the reality of Latinx children? There are a few possible answers to this question: first, that Latinx children disappear into a racialized mass with little room for personhood; second, that Latinx children are not seen as children, but rather “miniature adults;” and third, that some Latinx children take on a “White Mask” until their inevitable Brownness is discovered.

In her book, *In the Wake*, Christina Sharpe draws attention to Black children and mothers in a way that has rarely occurred in scholarship. She illuminates how meaning slides around words like “child” within the overburdened signifier of Blackness. Sharpe (2016) states, “Black children are not seen as children and the corral of ‘urban youth’ holds them outside of the category of the child, they are offered more trauma by the state and state actors” (61). Here, Sharpe is directly

invoking the exclusionary nature of the Child and the future that it represents: there are no Black children, only “urban youths” with a bleak and criminal future. Similarly, Latinx children are transformed into “locusts,” a “plague,” and other designations that have no room for personhood, let alone the freedom and rights of childhood (Luiselli 2017). Sharpe’s critique also points to a secondary feature: the presumed maturity or “adulthood” within the connotation of “youths” as opposed to “children.”

The concept of “Adultification” of Black and Brown children has come to national attention in recent years, particularly after the murders of Tamir Rice and other Black children by police officers. Adultification refers to the way that Children of Color (CoC) are perceived as more adult than their White peers and are deprived of the rights and freedoms of childhood. While the concept of the developmental child has resulted in the expansion of children’s rights in the last several decades, this extension of rights and the perception of children has not included CoC (Epstein and Blake 2017). Studies involving the Adultification of African American children conclude that they are perceived to be more independent, know more about adult topics, and need less nurturing and support (Ibid). We can map a similar mode of Adultification onto Latinx children – Latino boys are perceived as more dangerous, while Latina girls are perceived as hypersexual (Chavez 2013). Both are seen to be more culpable and less capable of growth than White children.

The final perception of Latinx children, and of CoC in general, is that they are not Brown, but are rather “becoming White,” and come to bear the White Mask. This is, perhaps, the most insidious perception of the CoC discussed thus far, as it does not readily or easily bear its intentions and aims. This phenomenon occurs specifically when the characteristics of the Child, and therefore of a particular Whiteness, come to eclipse the brownness of a CoC. Like the Black man in Fanon’s

conception must over-perform his Whiteness with impossible perfection and precision, the CoC must portray the Child's innocence and purity to the extreme. While the perception that CoC have more "adult-knowledge" than their White counterparts is a byproduct of racialization, the experiences of CoC are diverse and divergent from the experiences of their White counterparts.

Bearing the White Mask does not simply mean being trapped within a strict emotional range; it also demands a destruction of culture and language in favor of assimilation. Children of the 1.5 generation<sup>9</sup> must be "re-educated" in the United States, often being held back several grades and frequently being denied access to ELL resources or courses in Spanish (Luiselli 2017). Of course, not all children can bear the White Mask as well or as frequently or carry it with them into adulthood. Those who more easily pass, have better mastery of English, and who come from wealthier backgrounds are able to bear the mask easier than others. Just as the Californios were dispatched into either the racialized mass of Mexicanos or dissolved into Whiteness (Haney-López 2004), so too are children entering the US. They can be children, or "like children" insofar as they grow toward Whiteness and become complicit in it. Bearing the White Mask is, in other words, an investment in WaP: by performing Whiteness one seeks to benefit from the protections it offers. However, just as ICM may find temporary relief in the United States, any such benefits that WaP may offer only provides temporary protection from legal systems that are built on ongoing racial violence and segregation.

### *2.3 Dreamers and the White Mask*

In order to exemplify the way that the White Mask functions, it is beneficial to look at the Dreamers, who represent members of the 1.5 generation who have successfully settled in America illegally, and have become entangled in the US both culturally and legally. The DREAM act<sup>10</sup> does little to protect the long-term future interests of this vulnerable group and,

while no permanent solution was reached under the Obama Administration, Obama frequently cited the Dreamers as a kind of “model immigrant.” In his 2011 state of the Union address, Obama stated, “There are hundreds of thousands of students excelling in our schools who are not American citizens. Some are the children of undocumented workers, who had nothing to do with the actions of their parents... Let’s stop expelling talented, responsible young people who could be staffing our research labs or starting a new business, who could be further enriching this nation” (Chavez 2013, 23). While this quote reflects Obama’s commitment to the immigrant cause, it also reveals his commitment to a certain idea of immigrant. First, Obama does not nullify the blameworthiness of those who are the “real illegal immigrants”—the parents of the 1.5 generation—nor does he acknowledge the structural harms experienced by immigrants that might have caused them to migrate illegally, or that illegal immigrants (as well as prisoners) are the invisible spine of the American economy.

Instead, Obama highlights the potential of their children. Notably, however, he is only speaking of certain members of the 1.5 generation – those that are “talented, responsible,” who could be “staffing our research labs or starting a new business.” The value of immigrant children is placed on their productivity and utility; both entrepreneurs and researchers symbolize a certain version of White national futurity – one of the Capitalist continuances of the United States and the other of its intellectual identity as a world leader. However, the parents of these immigrants are framed as un-productive and their labor is rendered as invisible.<sup>11</sup> Essentially, these Latinx children and young adults are being coopted (willingly or not) into Whiteness and a legacy of WaP. In this way they are allowed to occasionally don the “White Mask,” gaining some privileges not afforded to their families or communities. These benefits are tangential and fragile.

In the end, Dreamers are just a dream, a fleeting illusion of what true citizenship, legality, and rights could look like.

The Dreamers are not unique in this experience of donning the White Mask of “the Child;” this is a frequent occurrence for many ICM (and many Black and Brown children in the United States), as their investment in White Space and WaP results only in temporary protection and legal status.

As I have shown so far, the Child and The Illegal Immigrant are relatively mutually exclusive categories. While the Child is innocent, the Immigrant is duplicitous; While the Child deserves forgiveness and love, the Immigrant absconds with care that they do not deserve; while the Child is the future owner of territory, the Immigrant must be evicted from it. And yet, images of children in cages still shake the national character of the US, members of both sides of the immigration debate find current conditions for children abhorrent (Cantor 2015). This is because the Child and The Illegal Immigrant trigger two opposing emotional scripts and threaten to shake away the filaments of American Niceness – niceness, in its brazen unpolished and natural glory signifying of the Child itself. How can the United States turn away children – its very embodiment, while sealing the leakage of its national borders?

### **III. The Incoherent/Unyielding Child**

In this section, I undertake a phenomenological analysis of appeals for relief by ICM within the United States. The relevant court documents cannot be released to researchers because they involve minors and Immigration Court has banned recording equipment, so I will be using descriptions of intake questionnaires and recreations of migration hearings as described by Valeria Luiselli and Linda Freedman.

The necessity of bringing critical phenomenology and legal studies together has already been demonstrated by Gayle Salamon in her book, *The Life and Death of Latisha King*, in which phenomenological analysis becomes an essential tool for understanding both individual and systemic interactions and injustices beyond the legal language used and the legal decisions rendered by judges. By using court testimony in a phenomenological analysis, Salamon is able to comment not only on the particular and primary event of violence, but the way in which that violence is understood and the mechanisms that perpetuate it, even in the court. In the last several years, critical phenomenology has come to prominence in philosophy, and much of it has come to focus on and critique the legal system and the sociogenic principles that reinforce it and are reinforced by it, as well as its violent effects. Concurrently, legal studies developed a sensorial sub-discipline. Sensorial legal studies focuses on both the apparatus of sense in testimony, evidence, and the court room, and in law as a sense-making activity (Howes 2019). Though the similarities in these fields are evident, there has been very limited traceable interaction between these subdisciplines outside of sensorial studies departments (which are already few and far between). I will use a combination of these disciplines to argue that the statements and portrayal of these children (often through translators with coached statements and narratives) are only successful when the child is able to perform White Fragility and, through this, demonstrate a need for the paternalistic intervention of the state on their behalf. In this way, the state continues to confer and affirm Whiteness and, subsequently, legal status. This further supports my claim that we cannot obfuscate the role of race in border politics in relation to children.

### *3.1 Performing White Victimhood*

Critical socio-legal theorists Dawn Moore and Rashmee Singh have undertaken a project studying the use of artefacts in the prosecution of interpersonal violence. Moore and Singh highlight the disharmony between a victim and the court-produced image of Victim, creating both truth effects and “emotive responses that claim a degree of contestable universality which saturates their consumption,” or instigating an emotional script.<sup>12</sup> Through the process of data collection, a data-double of the victim is created – an image of the victim as Victim. Unlike the real victim, the data-double does not tell contradictory stories, does not withhold its wounds, is not angry, is not uncooperative – the image of the Victim obscures the actual victim and becomes a docile non-agent, ripe for the intervention of a paternalistic state. Moore and Singh note that the dissonance between the victim and the image of Victim is not merely a gendered one; it is also racialized. The performance of White “female” fragility is necessary in the creation of a compelling emotional script in order to trigger a sympathetic emotional response, because paternalistic intervention relies on the assumption of a White gatekeeper/protector against a racialized other. Though donning the White Mask may allow migrant children to achieve refugee status in the United States through triggering the correct emotional script, they become coopted into the project of US settler-colonialism as they are weaponized against their racialized family and community.

Unlike proceedings for interpersonal violence and domestic abuse, immigration and deportation hearings do not primarily rely on pictures or visual evidence. Both proceedings do, however, develop a compelling image of the Victim. In deportation hearings, particularly for those involving children, this revolves around compelling narrative creation. And in a similar way, the image of “Child-Victim” eclipses the living child in court. The majority of these children do not know English well enough for lawyers to build a proficient case alone,

necessitating the use of translators. While the images of domestic abuse victims serve to filter and concretize the “data-double,” the necessity of translation serves to filter the child into the Child.<sup>13</sup> The importance of the filter and presentation of the narrative/data-double of the child appears then to be key in the success of the appeal.

### *3.2 A Child in 40 Questions*

In her book, *Tell Me How It Ends*, Valeria Luiselli outlines her experience working as a translator for a non-profit that defends child migrants in deportation hearings. As part of her role, she asks a series of forty questions developed to help build a defense and translates the responses into English. The majority of the children she works with are in the United States to escape extreme gang violence in Latin America. In order to achieve Special Immigrant Juvenile (SIJ) status, a child must be impeded from reunification with at least one of their parents because of abuse, abandonment, or neglect, and must further demonstrate that returning to their home country is not in their best interest (as determined by the court). Luiselli (2017) stipulates that there are “correct” answers to the questionnaire: “An answer is “correct” if it strengthens the child's case and provides a potential avenue of relief” (61). Although Luiselli, as a translator, claims to render the child’s words directly, she frequently guides the children toward particular answers and/or categorizes their experiences into certain sub-groups (prostitution, sexual abuse, gang violence, etc.) in order to improve their chances of having their case taken by a lawyer. Essentially, Luiselli works to establish the victimhood of these children.

The analogy between trials for inter-personal violence and deportation hearings is clear: the trauma or potential trauma must render itself visible on either the physical or legal body. Many of the questions on the questionnaire are fishing for answers that are imperative for building a legal case. Questions oriented around school and work seek to discover whether the

child was forced to do hard labor or was not allowed to attend school; others are more direct, such as, “Were you punished if you did something wrong?,” “How often were you punished?” and “Did anything bad happen to you on your journey to the United States?” (Luiselli 2017, 54, 64, 65). While Luiselli states that translators cannot answer these questions on behalf of children, in particularly frustrating cases Luiselli rephrases or frames the questions in order to obtain the kind of answers lawyers are looking for when deciding to take the case or not.

Luiselli compares the court system and “screening” as viewing the child as a roll of film, “a term that is as cynical as it is appropriate: the child a reel of footage, the translator-interpreter an obsolete apparatus used to channel that footage, the legal system a screen, itself too worn out, too filthy and tattered to allow any clarity, any attention to detail” (11). For migrants, there is no clear beginning or end to their migration, only a constant liminality. As the “Immigrants’ Prayer” states, “To go is to die a little, to arrive is never to arrive” (Ibid, 98) Many of the children Luiselli screens do not know the answers to the questions Luiselli asks—they do not know when they crossed the border, when they left, where they entered the United States, where their parents live. Some are not even able to answer the first question to the screening: “Why did you come to the United States?”

The experiences of the migrant children as expressed through their answers resist the trauma-narrative that is demanded of their cases in court. Their experiences also resist the narratives of children and childhood, particularly that of the teleology of the Child – their lives are disrupted and pieced together through the loss of friends and family, gang violence, systemic rape, and other abuses that are part of their reality. These are experiences children may be reticent to talk about in court, either from shame, trauma, or misunderstanding. While this trauma is necessary in order to be granted relief, the specific modes of expressing this trauma are

limited. Furthermore, it must be specific forms of trauma and manifest in particular ways (on the body or legally). The extensive lengths to which these children must go in order to justify their immigration status (or need of status) is not unique among PoC, who often must go to greater lengths to have their pain or emotions acknowledged. Through the process of proving their trauma, however, these children are able to enter into a state of “victimhood” and be “rescued” by the United States.

This is but one example of the dissonance— one that is non-linear and racialized — between the lived-experience of migrant children and who they must present themselves as in the court room to be granted a path to citizenship. This narrative myth-making for the court functions to preserve overarching ideologies touched on in this paper and that Luiselli highlights in her book — the United States does not acknowledge the way it systematically underserves and criminalizes the Latinx and migrant communities, exposing them to the same dangers experienced in their own country (Luiselli 2017, Rendón 2018). These are the islands of non-White Space that exist within the frontier of the United States. This matrix of state violence contradicts the second criteria that Luiselli outlines for the “correct” answer: there must be a clear potential avenue for relief. In other words, it is in the interest of the child not to reveal their mistreatment once they have entered the United States despite its frequent inconsistency with their experience.

Furthermore, ICMs are often forced to “out” illegal family and community members. All children in the United States must give the name, address, and immigration status of their sponsor, and are asked to provide the immigration statuses of other family members. “The immigration status of family members is almost always undocumented. This, of course, means presenting themselves in court in the company of a sponsor to expose other members of their

family to a system that they have been dodging, sometimes for decades. The guilt weighs on some children noticeably” (Luiselli 2017, 49) Those children that apply for the N-visa, which grants residency status and a fast-track to citizenship to those who have suffered great harm within the United States, must further comply completely with the police, implicitly rewarding those who are able to provide substantial information in order to incarcerate other individuals. This usually involves exposing many undocumented people, sometimes family, to the government, and still operates within the pitfalls of our current system for prosecuting those accused of inter-personal violence. Essentially, in order to become a citizen, these children are forced to betray their own families and communities, further rendering them docile agents of the state.

In doing so, the state is able to fulfill a paternalistic role for these children – to “rescue” them, if they prove themselves worthy of “rescuing.” The questions asked of these children in court reflect a series of dual fears held by the state about the other – as immigration questionnaires often do. However, while the green-card questionnaire contains anxieties over communists and polygamists, (Luiselli 2016, 10) the questionnaire for child migrants seeks to distinguish the child from the “brown other,” i.e. the gang member, the rapist, the lazy Mexican. It seeks to uncover the Child from the violence imposed on them from their Brownness, to rescue them, and to raise them towards a proxy Whiteness they will never be able to fully embody.

### *3.3 – Data-Doubles: Uncovering the Migrant Child as the Child*

Despite the repression of sensorial data related to child migrants, a handful of recordings and photos have made it out to the public, along with some narrative accounts, such a Luiselli’s, and a video-recreation of child migrant hearings. These materials have sparked international outrage, particularly regarding the family separation policy. While these materials have garnered rights

for child migrants, much of the basis of their emotive pull relies on the image of the Child and effaces larger issues faced by migrants. Indeed, despite some changes to allow for family reunification, there has been little positive shift in migrant rights in the United States in the last decade.

Luiselli and other immigration advocates perform critical work in rendering visible the mechanisms of the state and the experiences of child migrants. Through her continued work as a translator and writer, Luiselli has revealed the migrant child and cultivated support in the American public, particularly the White liberal public. A case in point: it is through Luiselli that I first encountered the experiences of these migrant children. Through exploring her own experiences as a Mexican immigrant and her work tying the current immigration crisis to the US's history of intervention in Latin America, Luiselli offers an emotive depiction of ICM. Nevertheless, her account relies on the notion of "the Child" in order to trigger sympathetic emotional scripts from her readership while ignoring the larger impacts of race on the Adultification and dehumanization of migrant children – particularly those that she does not address, those who are angered by their circumstances in the United States, those who were unable to avoid induction into gangs, those who were not able to live up to "the Child." *Tell Me How it Ends* is a compelling piece of representational activism, but succumbs to its own limitation – Brownness is still too overburdened a signifier to render a non-White child onto the White horizon, and thus race must be covered over with the White Mask of the Child, like a sheet may render visible the transparent ghost underneath.

Although Luiselli begins to address race through her hypothetical question, "if these were White children," she stops here, leading her readers to the question of race without entwining it with the text. As I have already shown, the experiences of CoC are intimately entangled with

race and this cannot be discredited in the retelling of their experiences. Luiselli thus does not merely serve to translate these children to the court, but also translates and reveals them to her White readership. As she states in regard to the decision to cross the border, “Children do what their stomachs tell them to do .... they have an instinct for survival perhaps, that allows them to endure almost anything just to make it to the other side of horror.” Luiselli draws upon the image of the Child here implicitly, both its universalism and its exceptionalism, as seen through her notes on the child’s apparent “pre-social” qualities. Luiselli speaks as if migrant adults do not bear the same or greater harms, as if they too are not willing to bear the horror of crossing for the unknown horror of arrival. She erases the real reason these children immigrate – the desire of a concerned parent or other family member who pays for their crossing and eventual immigration hearings and are looking for a better life or reunification with a child they consider their own.

“Unaccompanied: Alone in America” is a short documentary by Linda Freedman that depicts a few scenes from deportation hearings for child migrants who have been separated from their families. Freedman (2018) calls this video a “reenactment” as opposed to a “dramatization” of court proceedings. Like Luiselli, Freedman claims that she transcribes the experiences of these children without fail, or angle; she claims to have erased her gaze. However, the video inevitably falls within the genre of “poverty porn” – a sad orchestral track plays as nervous Latinx children, beginning with a teenager and ending with a five year old girl, file into the court room, many of them finding it difficult to peek over the desk behind which they sit. There is very little talking in the video, nor any real depiction of court proceedings. Some atmospheric noise creeps in, the hollow echoes of the courtroom, serving to further make the child appear alone and small. The judge, who appears visibly upset, asks each of the children a few preliminary questions, the children offer a yes or no answer, their voices small and diminished as compared to the closely-

mic-ed judge. Across from the child sits the representative for the US government, the camera occasionally panning over to show him sifting through a book, or looking into the camera, eyebrows raised in impatience. The children, by contrast, never look into the camera, their gazes waver, darting between the judge, the translator, and down at the floor.

Although many of these same details are present in immigration court, by emphasizing them in the video, Freedman is able to elicit what she perceives as the “correct” emotional script from her audience, but in doing so she has created a data-double of the “child-migrant” that is forever trapped within the enactment and reenactment of victimhood – docility, smallness, aloneness, and passive. She uses the White judge to model this correct emotional response and foils him with the impatient and callous White prosecutor, who does not even look at the children throughout the video. Thus, Freedman does not only deny the agency and subjecthood of the children; she makes the dangerous implication that it is the US government that is the sole villain, while the idea of justice and the American values it upholds have the possibility of prevailing, that American niceness could prevail and, moreover, would like to save the Child. As I demonstrated in the first section of this paper, the US judicial system and US values and national character have done more to further White supremacy than any administration ever has. It thus becomes evident that the video intends not to rupture White Space or the leaky border, but rather renegotiate the borders of Whiteness to include and care for these children who are utterly “Alone” as declared by the title of the film.

On the film’s website, Freedman (2018) introduces her first encounter with stories of child migrants and states her shock that this was happening “in my own country.” Freedman goes on to quote Hilary Clinton, “*There is no such thing as other people’s children.*” This appears to be a call to “common sense” – of course all children matter. As Salomon (2018) states,

“Common sense and shock thus work in concert, either for the purpose of establishing and enforcing norms or with the aim of challenging them.” Yet, calling back to the common sense of the Child frames this courtroom as an aberration of the American ideals rather than its inevitable consequence. These are *not* “our” children; they belong to families and communities of color, who reside both in the US and in Latin America. As CoC, they will face many of the same challenges that they faced in their home countries within the United States as well – persecution, police violence, gang violence, under-funded education systems, and poverty. However, despite the continued oppression ICM’s face, the fact that they made it to the United States, that someone payed for their transport and prayed for the betterment of their future proves that these children are loved and cared for by their racialized families and communities. These children may arrive to the United States unaccompanied, but they are not alone.

Casting ICM’s as the Child and Victim in the courtroom (and in images of the courtroom) places a White Mask upon the child. This process, though offering temporary protection for some children, does not work to undo the function of the current immigration system – to protect WaP and White Space. Rather, this process of whitening ICM’s, beyond the existential harms experienced by CoC as outlined in Fanon’s work, supports the current system by concealing its racism. Under the guise of protecting these children, greater harm can be carried out against their families and communities, as they are forced to report undocumented relatives or caregivers. Furthermore, these children, though they come to perform Whiteness or are portrayed as performing Whiteness, are not given access to WaP, as their precarious foothold in the United States can be destroyed, depending on the quality of this performance, ensuring that even if the United States loses some of its demographic Whiteness in terms of literal numbers, it continues to maintain White cultural and legal supremacy by defining who counts as citizens – who can

vote and whose vote matters. By forcing and ensuring the continuation of this performance of Whiteness and rewarding those PoC who are able to effectively perform it, the legal system is able to quell dissent and further protect and disguise its protection of WaP.

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<sup>1</sup> These children are typically referred to as Unaccompanied Alien Children (UAC). However, I will refer to them as “unaccompanied” or “irregular.” “Irregular” defines those who move outside regulatory norms of migration.

<sup>2</sup> For example, the family separation policy, which the UN declared illegal and was publicly disavowed by the US, though reports of the family separation occurred up until October of 2019 (Narea 2019).

<sup>3</sup> For example, the RAICES “About” video, the Asylum Advocacy Project homepage, and the 2017 84 Lumber Super Bowl commercial.

<sup>4</sup> See *The Oxford Handbook of Refugee and Forced Migration Studies* (2016); the work of Mai Nagai (2004), Alex Sager (2016) and Joseph Carens (1987, 2013) in immigration studies; and Karl Hanson's (2015), Olga Nieuwenhuys' (2015), and David Archard's (2015) work in the study of children's rights.

<sup>5</sup> A similar relationship could be defined between the Black Martiniquais and the Black Algerians in Fanon's (2014) *Black Skins White Masks*. Though in Fanon's case, this is particularly due to the departmentalization of Martinique and thus their citizenship status – Martiniquais (primarily the Creole middle classes), unlike Black Algerian, are able to don the White Mask better than Algerians as seen in the placement of Martiniquais and Algerians in the French army. The

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White Mask also necessitates that the Martiniquais become distanced from Black Algerians and implicated in their racialization.

<sup>6</sup> This is not to erase the racial and ethnic hierarchies that exist within Latinx and Hispanic culture, of which there are many. See Dijk 2009.

<sup>7</sup> Fanon claims that it is “the aim of the Black man to become White man to become human.” Indeed, there are many instances of PoC expressing their interest in becoming White, Latinx peoples call this process “*Blanqueamiento*.” This occurs due to the interpellation of PoC into White ideology.

<sup>8</sup> I interpret race and racialization as “border-concepts,” an understanding introduced by Robert Bernasconi (2012) in his paper, “Crossed Lines in the Racialization Process: Race as a Border Concept.”

<sup>9</sup> The 1.5 generation is used to describe migrants who arrived in their host country as children and young teens. They generally integrate culturally into the host country but maintain cultural and linguistic ties to their country of origin.

<sup>10</sup> Dreamers refer to children of undocumented immigrants who qualify for Deferred Action for Childhood Arrivals (DACA), a two-year visa that was meant to be renewable, though its renewability has been brought under question several times during the current administration.

<sup>11</sup> The labor of immigrants is rendered invisible, just as the labor of indigenous peoples as explored in WaP.

<sup>12</sup> In the terms of Sarah Ahmed (2014), emotional scripts offer codified and culturally normative modes of “being moved” by another (117).

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<sup>13</sup> It should be noted that while only 1 in 10 children that arrive in court without a lawyer are given permission to remain in the United States, 6 in 10 with legal representation are allowed to remain (Luiselli 2017).