

**Legal Injuries: Deportability and U.S. Immigration Policy in the Lives of
TransLatina Immigrants**

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Dedication

Para Bamby Salcedo, milagro y orgullo de la comunidad Transmigrante.

Abstract

Legal Injuries: Deportability and U.S. Immigration Policy in the Lives of Transgender Latina Immigrants examines the impact of immigration legislation and structural inequality in the lives of Transgender Latina Immigrants in the U.S. TransLatinas are male-assigned-at-birth immigrants from Latin America who identify as women. Many TransLatinas report having experienced numerous forms of violence in their natal country because of their gender identity. Thus, the majority of TransLatinas in this study came to the U.S. in search of a safe place to enact their gender autonomy and to thrive in other aspects of their lives. However, in the U.S., most TransLatinas face social, economic, and legal barriers that restrict their mobility and sense of self. Through engaged ethnography and legal analysis, this project unpacks and makes visible the ways in which TransLatinas embody, internalize, contest, and mitigate the administrative power that U.S. immigration policy, social alienation, and the constant threat of deportability have on their daily existence.

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INTRODUCTION

Legal Injuries: Deportability and U.S. Immigration Policy in the Lives of TransLatina Immigrants

Background and Overview

Since the rise of neoliberalism in the 1980s, many migration studies scholars have emphasized labor as a critical site of analysis. Some of the most generative texts use methods that combine ethnographic research and legal analysis to study the role of globalization in constructing and sustaining various social vulnerabilities in working-class migrant workers. Texts such as *Working the Boundaries* by Nicholas De Genova, *Globalization and Its Discontents* by Saskia Sassen, and *Doméstica* by Pierrette Hondagneu-Sotelo exemplify the rigorous migrant labor analysis I seek to pursue in my research.¹ My dissertation draws from these texts as it seeks to expand the fields of Migration, Labor, and Transgender Studies.

In his ethnographic work with Mexican factory workers in Chicago, De Genova developed the analytically useful terms of “illegality” and “deportability”. De Genova asserts that “illegality” and “deportability” are legal processes that enable the perpetual economic marginalization of migrants. Through deportability, (the susceptibility for deportation) immigrant bodies and their labor are deemed tractable, punishable, and completely dependent upon state

¹ Nicholas De Genova, *Working the Boundaries: Race Space and "Illegality" in Mexican Chicago* (Durham: Duke University Press, 2005); Saskia Sassen, *Globalization and Its Discontents: Essays on the New Mobility of People and Money* (New York: The New Press, 1998); Pierrette Hondagneu-Sotelo, *Doméstica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence* (Berkeley: University of California Press, 2007).

regulation. In this manner, De Genova establishes that “deportation is not simply a means for the exclusion of undesirable foreigners but also a crucial means for internal social control”.² Deportability, is a site of vulnerability for migrant workers who lack the proper documentation to work in the mainstream U.S. economy. And, in this manner, he argues, migrant labor, “because it is deportable, becomes eminently disposable.”³

Purpose

I make use of “deportability” and “illegality” to explain some of the systemic and embodied vulnerabilities that Transgender Latina immigrants (referred to TransLatinas hereinafter) experience in their daily lives. In my research, the term TransLatina is used to refer to male-assigned-at-birth immigrants from Latin America who identify as women and/or transwomen. Many of them report suffering various forms of violence and persecution in their home countries on the basis of gender identity. Because their gender identity “misaligns” with their anatomical sex, and because U.S. government-issued identifications do not recognize transgender as a proper gender identity, TransLatinas often remain undocumented. Their life chances are greatly affected by this lack of documentation. Yet, migration, labor, and gender studies scholars have rarely examined what occurs at the intersections of labor, transgender identity, and migration. Through the use of a national survey with TransLatinas, a collection of their testimonios on labor and beauty, and a legal analysis of U.S.

² De Genova, *Working the Boundaries*, 215.

³ De Genova, *Working the Boundaries*, 216.

immigration and economic systems, this dissertation explores: (1) the reasons behind TransLatina migration, (2) their social and economic standing in today's U.S. economy, and (3) the various types of resistance strategies they engage in through their everyday lives in the U.S. What I seek to illustrate throughout my discussion and analysis of TransLatina lives in the U.S. is an intricate portrait of a small segment of the U.S. transgender community who have left their home country in search of gender self-determination and economic stability. One may call their migration a gendered search of the American Dream, a realization and expression of one's authentic self and a chance to use one's talents to secure a livable life. Is the American Dream designed only for those immigrants whose labor is neatly interlinked with their normative gender identity? As a scholar of Trans migrant labor I am interested in this question. In the transnational popular imaginary, the U.S. has often been stereotyped as a place of unlimited freedom and wealth, a wonderful destination for anyone seeking to self-define and to prosper. Because of this popular view, one may think that once TransLatinas arrive on U.S. soil, their search for gender self-determination and prosperity would be over. However, as the evidence that I present in this study suggests, their search is far from over once in the U.S. The search, I argue, only deepens and turns into a daily struggle.

In a nation that increasingly focuses its attention (and budget) towards the criminalization and incarceration of its working-class migrants, and, in a nation where working-class migrants are often excluded from institutions of higher

learning and upward mobility, TransLatinas struggle to find freedom and economic prosperity. In the U.S., they find a place that greets them with policing, surveillance, and immigration detention centers. They are met with incarceration mechanisms that apprehend their minds and bodies and places them in settings that are psychologically, physically, and economically restrictive. Yet, TransLatinas are no passive recipients of U.S. immigration law. In the U.S., many of them have crafted lives that contest gender and economic oppression, lives that maneuver various mechanisms of social control in order to honor their gender identities and the desire to make a better life than the one they imagined possible in the land the left behind. Also, despite their struggles in the U.S., ninety-nine percent of the participants in this study stated that they would not want to back to their county of birth. This research has shown me the social and psychological twists and turns of a group of TransLatinas who desire to live in the U.S. and who continue to struggle for gender self-determination and economic stability. This research shows a brief snap shot of their dreams, struggles, and accomplishments. It does so by providing a space to make their voices more audible.

This dissertation centers Transgender Latina immigrants in the U.S. I dig deeply into their lives to unearth many of the unknown details about how their bodies respond to labor and immigration policies in the U.S. The facts I gather are palpable, each answer given to my survey throbs with the hope that things will change for the better. Each individual interview I gathered carries the hope

TransLatina humanity will one day be fully recognized instead of criminalized. The information I collected in this dissertation is priceless because it was entrusted to me with the highest of hopes even at a time when the U.S. economic crisis seemed to have exacerbated overt gender oppression and xenophobia on a national level.⁴ The value of this information is so precious that it merits an explanation as to how and why I came to it. In a sense, my research demands that I too give something of substance, something that is as utterly truthful as the answers that were given to me in my survey. In gratitude for what my research participants have given me, I provide a personal story.

Positionality: Bodies Collide

This personal narrative about migration, identity-formation, and illness explains how a gender-conforming (or cisgender) immigrant like myself became involved in transgender immigrant rights. I share this story not only to explain how I came to my study, but also to acknowledge the unequal power dynamics that develop between researcher and research subjects. The researcher privileged with academic credentials and inquiry materials, inevitably exerts power over those who surrender their personal information. Thus, before analyzing and publicizing details about the lives of the transgender women who contributed to my dissertation, I share this coming of age story, which, incidentally, is also the story of my arrival in the U.S. and the leading motive driving this research.

⁴ See for example how the immigration “bed mandate” has affected Trans and gender non-conforming immigrants in detention centers across the U.S.

Bodies collide. Or better yet, *certain* bodies collide with one another as a result of socioeconomic forces. My dissertation topic found me in 1990 in the waiting room of a public clinic in South Central Los Angeles, where my pre-pubescent, brown, short, and skinny body collided with the bodies of transgender Latina immigrants who had an HIV-positive diagnosis⁵. This colliding was a community-making process made possible by the Tuberculosis virus found in my small immigrant body. At the age of twelve, I came to the U.S. to reunite with my mother, a young woman in her thirties who had been laboring in the U.S. since the early 1980s. A month after my arrival, the school nurse sent me to a public clinic to receive medication for Tuberculosis.

In Mexico, where I was born, it is customary for medical practitioners to give children a vaccine containing just enough of the Tuberculosis virus (also known as “live virus”), for the body to build defenses against it. Thus, whether or not one has Tuberculosis, the Mantoux skin screening exam, used to test for Tuberculosis in the U.S. will always test positive for the virus. I tested positive. I spoke very little English and Los Angeles, California was frightening. Everyone and everything in the U.S. was neatly detached from everything and everyone. Each person was a free-floating entity, moving individually and independently from the rest of humanity. It seems to me that community and interdependence

⁵ In this research, I use the term “Transgender women” or “Trans women” to refer to people who self-identify as such. Transgender woman in this study refers to a person who was assigned male at birth and identifies as a woman. Latina immigrant refers to a woman born in Mexico or Latin America now residing in the U.S. All the participants of my study identify themselves as Transgender Latina Immigrants. Throughout this work, I used the term TransLatinas to speak about transgender Latina Immigrants. I capitalize TransLatina because the participants in this study indicated that their gender, migrant, ethnic, and cultural markers as Transgender, Latina and Immigrants were of equal significance for them and they chose not to separate them.

were too costly to maintain in this city where every single person was already pre-occupied with her or his individual problem(s). And the city, like the economy, do not permit chit chatting and mingling. I'm twelve and I'm new in the U.S. I very much need chit chatting and mingling because this is the only way I know how to learn to make a life in the U.S.

The Tuberculosis virus that had once been injected into my body, gives me the opportunity of a lifetime. It is because of this "live" virus that I am sent to an HIV clinic for people with low income and I form community in Los Angeles. In the waiting room of this clinic I learn to make meaning about my new environment and the role I am supposed to play in U.S. society. Here is where I find the chatting and mingling that I desperately want to make sense of my world.

And, besides, everything a girl needs to know about her new developing body and her new country, she can learn here, I say to myself. I visit the clinic for a period of six months and while I wait for my medication, I absorb as much as I can from the peers I have found in my adopted country. Most of my peers are transgender immigrant women. We are a community and as I talk with them in the waiting room, I see myself in them. I see my body colliding with theirs. Our conversations usually revolve around sex, immigration status, and illness management.

This is no polite and measured dialogue, this is in-your-face advice about how to stay alive and out of jail. Yes, we are different than the rest of the city, and its individualistic concerns. We want and need each other to survive in order to

feel that life here is possible. We need to know that illness is not a punishment for leaving our families in Mexico and Central America. Our bodies collide to create one community. We are a community composed of unapologetically feminine Spanish-speaking immigrants. And, together, we wait for medication while trying to avoid early death. There is nothing anyone can say to me to let me know that I am not part of this community. This is my reality and my initiation into life in the U.S. This is my immigrant story. And, because of my Catholic upbringing and my understanding of guilt at the age of twelve, I wonder if being in this clinic in such proximity to death is punishment for something. I think of possible sins that I have committed that would warrant this 'punishment'. All I can think of is my status as a new immigrant and I wonder if migrating is a sin.

Only with time, did I realize that I did not have HIV, that migrating was not a "sin," and that my employment opportunities have yet to be determined. There was a difference my twelve-year-old mind did not fully grasp; while we are all working-class Latina immigrants, I was a cisgender kid with a false diagnosis waiting to return to school, and they were young adults struggling with the health and economic problems created by a society which refuses to recognize the humanity of transgender people and immigrants. Nevertheless, in this clinic we formed part of one community and, at this young age, I think to myself; "If their chances for living a happy and healthy life in this country are slim, so are mine." This was my reality at the age of twelve, a reality based on physical proximity and affinity towards the pleasures of embodying Latina femininity. We breathe

the same air and our bodies collide at the intersection of race, class, national origin, and language.

After six months of regular visits to the clinic, I returned to my daily life as a kid in middle school. But a part of me has never left that clinic or the women I met there. In my adult life, I have worked as an HIV-prevention counselor and I have returned to higher education in order to understand the life chances that transgender Latina immigrants have in U.S. society. It has been twenty-five years since I met the first community that I joined in the U.S. In my life as an academic, I return to this community because they are an intricate part of my identity as an immigrant in the U.S. In that clinic, twenty-five years ago, an intimacy was forged not through pretty words but out of harsh social conditions. I study these social conditions, many of which I have identified as law-inflicted injuries, to render their/our lives visible, recognizable, and therefore livable.

Anti-immigrant propositions such as Prop 187 informed me, at the age of sixteen, that as a young Mexican girl and an immigrant, my presence was not welcomed in the U.S. and that I had nothing to contribute to this nation. But even with its various forms of sexist xenophobia, I have made the U.S. my home and this scholarship is my contribution. I do this work with the hope that my research findings help to create labor and migration policies that honor and respect the life and humanity of TransLatinas. TransLatinas are women who are currently being structurally punished for having crossed gender and geographical borders. And while each participant in the survey has her own individual and unique account of

her crossings, they share uncanny similarities in their relationship to structures that regulate social mobility and health.

The reason for this is that their humanity is constantly in question.

Transgender historian Susan Stryker, describes discrimination against transgender people in the following manner,

Because most people have difficulty recognizing the humanity of another person if they cannot recognize that person's gender, the gender-changing person can evoke in others a primordial fear of monstrosity, or loss of humanness. That gut-level fear can manifest itself as hatred, outrage, panic, or disgust, which may then translate into physical or emotional violence directed against the person who is perceived as not-quite human."⁶

A transgender identity is often misunderstood and feared to the point of violence and the "not-quite human" quality is once again complicated and made even more "monstrous" when the trans person is an immigrant without proper documentation to work in the U.S. When terms such as "illegal alien" are used in national television, it normalizes the dehumanization of people who have migrated for personal and economic reasons. Similarly, when transgender people are ridiculed and bullied as "trannies" and "she-males" they are also dehumanized. These various forms of verbal attacks based on misogyny are gendered microaggressions that have direct consequences on the types of lives that transgender immigrants are "allowed" to have. This means that transphobic and anti-immigrant words, and sentiments translate into various forms of structural violence sustained by systemic and institutional inequalities.

⁶ Susan Stryker, *Transgender History* (Berkeley: Seal Press, 2008), 6.

Significance

As I will discuss in Chapter 1, Latin American migration scholarship has mainly focused on working-class labor migration. And, because most labor opportunities for working migrants often function within a highly gender-segregated system where the lives of migrants who are nannies, maids, construction workers, factory workers, dish-washers, (and to a lesser extent, farm workers) are studied and understood in neat and discreet gender categories of male and female, few studies tell the stories of migrants whose gender identities deviate from the binary gender system. This study seeks to open up conversations about labor, migration, and gender narratives that center TransLatinas. In order to engage in such as task, I enlisted and was fortunate to receive the help of Bamby Salcedo and the TransLatina Coalition. In the next section, I offer a brief historical context that facilitated my collaboration with the TransLatina Coalition.

In 2006 we, as a nation, witnessed a historical moment in the contemporary immigrant-rights movement. Millions of marchers took to the streets across the U.S. The mass of marchers was composed of U.S. citizens and immigrants, religious leaders, workers, and students, people of all genders, sexualities and age groups. The marches included veterans, people with disabilities and young children in strollers. Some people waved U.S. flags and others waved the flags of their native countries. Some people carried posters that cited Chicana writer, Gloria Analdúa, “I did not cross the border, the border

crossed me.” And others, carried posters that read, “Immigration reform now.” What these marchers had in common was a desire to overturn the Sensenbrenner Bill. Named after its sponsor, Wisconsin Republican Jim Sensenbrenner, the bill passed by the House of Representatives in Dec of 2005. This bill would have made the mere status of being an undocumented immigrant a felony subject to imprisonment as well as deportation from the U.S. In addition, the bill would impose sanctions on persons who provided humanitarian assistance to undocumented immigrants.⁷

The bill did not pass the senate. And, immigrant-rights groups felt a sense of relief and accomplishment. However successful the marches were, they also instigated a wave of anti-immigrant sentiment. This sentiment crystallized in real anti-immigrant violence sanctioned by the state with Victoria Arellano as one of its first victims. In the summer of 2007, only a year after the immigrant-rights marches, U.S. Immigration and Custom Enforcement Officers (ICE) officers detained a 23-year old Mexican immigrant named Victoria Arrellano. Arellano, who came to U.S. as a twelve-year old, was a transgender person living with HIV.

A transgender person is someone whose gender identity defies the sex she or he was assigned at birth. Although Arellano was assigned male at birth, she identified as female and lived her life as a woman. According to the International Bill of Gender Rights, (drafted in Texas in 1994,) every person has

⁷ Jose Gonzalez, *Harvest of Empire: A History of Latinos in America* (New York: Penguin Group, 2011).

the right to gender self-determination. However, immigration officers misunderstood Arellano's identity as a young transgender immigrant. They lacked the personal understanding and institutional training to grant her full humane treatment while in detention. Disregarding Arellano's gender self-determination, immigration officers incarcerated her in an all-male cell and refused her medical treatment for her HIV-positive status. Only after her cellmates demanded that she be taken to a hospital was Arellano granted any medical treatment. Days after her arrest, Arellano died shackled to a hospital bed.⁸

Arellano had been a patient of the Los Angeles Gay and Lesbian Center, a state of the art AIDS clinic. After Arellano's death, Lorri L. Jean, the Chief executive of the center was interviewed by the *Los Angeles Times* where she stated, "Given today's medications, people with HIV at the stage that Victoria was at do not decline that quick. And, I have no doubt in my mind that Victoria died because she was denied the medication she needed to stay alive."⁹

The tragic death of Victoria Arellano was particularly difficult for queer/immigrants. Perhaps because queer students had been at the forefront of the immigrant-rights marches, or perhaps because we had been blinded by the moment of hope that the marches provided. At the time of Victoria Arellano's death, I was working on my Master of Arts in Chicano Studies at Cal State University Los Angeles, and I asked myself: How is it possible that Victoria

⁸ Los Angeles Times, "A Lethal Limbo: Lack of Healthcare Turn Federal Detention into A Death Sentence for Some Immigrants." June 1, 2008 Sandra Hernandez.

⁹ *Los Angeles Times*, "A Lethal Limbo" (2008).

Arellano, could have died at the hands of immigration officials in this particular time when immigrant-right voices are rising? Did the “mainstream” immigrant-right leaders care about TransLatinas? And, If given the chance to speak to academics, politicians, service providers, and policy makers, what would TransLatinas say about their lives? In order to follow up with this question, I contacted a very important figure in the Transgender and Immigrant Rights Movement.

During the course of my previous employment at an HIV clinic in 2003, I met a well-known TransLatina activist named Bamby Salcedo. I had followed her career as an advocate for queer and transgender youth and I was inspired by her commitment and dedication. In 2009, I approached her to see how we could collaborate on a research project. She was now the president of the TransLatin@ Coalition, a grassroots organization dedicated to advocating for the rights of TransLatinas/os in the U.S. So the timing was perfect. I said, “Bamby, I’d like to collect some oral histories from TransLatinas and juxtapose them with current anti-immigrant discourses in the media, the economy, and the law. What do you think? Salcedo smiled and said, “No, mi amor, what we need are numbers. We need to let everyone know that we are here and that our needs are material. Nobody counts us or what we have to say, not the mainstream queer movement, not the immigrant movement, and certainly, not the U.S. Census.” Salcedo made a great point and I agreed with her. After this conversation we formed the TransVisible Team.

Community-Based-Participatory Research: Forming the TransVisible Team

The TransVisible Team was composed of all the members of the TransLatin@ Coalition, my life partner and trans ally, Darlene Calderon, and me. We decided to use a community-based-participatory (CBPR) research approach for our study. Nina B. Wallerstein and Bonnie Duran, identify community-based participatory research (CBPR) as a “an alternative research paradigm, which integrates education and social action to improve health and reduce health disparities.” CBPR focuses on “strong relationships between academic and community partners, as well as “co-learning, mutual benefit, and practices that incorporate community theories and participation.”¹⁰ What CBPR meant in everyday practice was that I answered all questions made by members of the TransVisible Team.

The Team voted for Salcedo to be my co-investigator during the Internal Review Board (IRB) process and all decisions regarding the surveys, and their final presentation in the TransVisible Report were made collectively.

This process, although time-consuming was ideal and rewarding. In a later conversation with Salcedo about our approach to the study, and I asked her if she would use this research method again. Salcedo said,

I think that CBPR would be the only research model that I would use because I believe in inclusion. I believe that the people who are being researched should form part of the process throughout and not just for a community to be used and only help the researcher on what the researcher wants, it is a mutual benefit. The community being researched needs to understand how they are going to benefit and how the

¹⁰ Wallerstein, N. & Duran, B. (2006). Using Community Based-Participatory Research to Address health Disparities. *Health Promotion Practice*, 7(3), 312-323.

researcher is also going to use the information that will be collected. In my opinion, at least when it comes to trans women, CBPR is the only model that I believe will be inclusive for our community to be part of the whole.¹¹

The Making of the TransVisible Report:

Members of the TransLatina Coalition had been discussing ways to advocate for TransLatinas in the U.S. years before I came in contact with them. In their everyday interactions as proud TransLatina activists they had engaged in direct action, protests, and other forms of advocacy including education and HIV prevention and management. And, when I came to know the coalition they were ready to begin a collective documentation of community needs. As TransLatinas, they lived, survived, navigated and resisted many forms of inequalities. Thus, the information that we would obtain through our survey was not to produce something they didn't know already, but instead, to make visible what they knew too well; that structural inequalities are killing them and most people are apathetic to their suffering because systemic transmysogyny and racism are normalized.

Moreover, members of the TransLatina Coalition wanted to hear from other TransLatinas and ask them about what most mattered to them. In preparation for the official study, the TransVisible Team conducted pilot interviews to learn about pressing issues in the lives of other TransLatinas. Based on the difficulties and social barriers reported in pilot interviews, the TransVisible Team identified five key areas of concern: (1) Access to U.S.

¹¹ Bamby Salcedo, e-mail message to Karla Padrón, March 15, 2015.

identification documents, (2) access to education, (3) access to employment, (4) access to healthcare services, and, (5) experiences with and responses to interpersonal and structural violence. I then applied for and received IRB approval with Bamby Salcedo as my Co-investigator. Our survey was composed of 92 questions that were framed along a spectrum of multiple-choice and open-ended options. The TransLatina Coalition gathered 101 surveys. Keeping in mind that Salcedo had advised us that TransLatinas needed numbers to document their existence and their needs, we created the TransVisible report, a 56-page document with text and charts providing not only quantitative evidence of the needs of the community but also qualitative accounts of the context and meaning behind these needs.¹²

The TransVisible Report is now collectively owned and used by members of the TransVisible Team. On November 2013, the TransVisible Team launched the report to an audience of LGBT social service professionals and academics at the UCLA Labor Center. It is our hope that the information from the report can be used in creative and expansive ways to help guide anyone working with and for TransLatinas.

Since the launching the report, I have focused on writing this dissertation and using some of its data to make claims about the social conditions of TransLatinas in knowledge production settings, the U.S. labor force, and resistance spaces.

¹² A copy of the report can be found at www.translatinacoalition.org.

Dissertation Research Questions:

Drawing from the TransVisible report, my own ethnographic research during the last eight years, and legal and economic analysis of current social conditions in the lives of TransLatinas, this project seeks to answer the following questions: (1) Why do TransLatinas migrate? (2) What do they have to say about their migration to the U.S. and their current social conditions in this country? (3) How do they navigate and resist systemic oppression? And, finally, (4) What can we do in academia to foster spaces that prolong and sustain rather than shorten and suspend TransLatina lives and life stories.¹³ Having collected data using the Community-Based-Participatory Research approach confirmed the notion that questions related to TransLatinas necessitated frameworks that are community-based and intersectional.

Frameworks: Women of Color Feminisms and Critical Race Theory

In this study, I use Women of Color feminisms and Critical Race Theory (CRT), because they provide tools to learn and make social change possible in interconnected ways, ways that seek to unite broken parts of ourselves and the systems that shape our lives. Labor and economic injustice affects us all because we are all implicated in the U.S. economy and its policies. But more importantly, we are interconnected even when we think and act as individuals.

¹³ According to a recent study by the National Center for Transgender Equality (NCTE) and The National Gay and Lesbian Task Force, “Latino/a Transgender people often live in extreme poverty with 28% reporting a household income of less than \$10,000 a year.” The same study found that 47% of Transgender Latina/o respondents have attempted suicide.

Dr. Martin Luther King Jr. once wrote, “Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all of us indirectly.”¹⁴ King had a deep understanding of the ways our social and political lives are fused with the social and political lives of others. Guiding this study, are the principles of interconnectedness and mutuality.

By using the term “interconnectedness” I do not mean that all parts of U.S. migration and labor policy fit neatly together but that even when its segments seem incongruent and often times harmful to working-class immigrants, they hinge on each other to create the current political terrain, a terrain we disproportionately share in an era of globalization. This terrain is then a space of mutuality because we are in it together; even as we enact varying degrees of power in relation to migration and the labor market, we, cannot escape the expansive power of the global economy. This means that the access or denial of our employment is a decision based on transnational rules of supply and demand. But it also means that race, gender, ability, sexual identity, and class play a significant role in the denial or extension of economic opportunities.

The global economy is the mutual place linking our livelihoods in ways many of us have yet to fully acknowledge. True recognition of interconnectedness and mutuality make no room for alienation, irresponsible overconsumption of resources, and overall apathy to human suffering.

Acknowledging our place within an interconnected work is a framework that

¹⁴ "Letter from a Birmingham Jail" April 16, 1963.

allows us to own up to our role in a system of social inequalities and to actively seek and enact models of just distribution of life chances.

Following a principle of interconnectedness and mutuality, this research sets up a dialogue between historically situated and hierarchically-organized sites of 1) knowledge production (such as the U.S. academy), 2) labor (U.S. economic marginalization of working-class migrants), and 3) belonging (as in the bodies that ‘properly’ belong and are rightfully allowed to claim access to gender-segregated bathrooms, makeup, and femininity as self-authoring practices.)

This project draws from CRT to illustrate how the seemingly neutral process of law making is in fact rooted in a system that regulates and punishes those who will not or cannot conform to Eurocentric, middle-class, gender-conforming notions of identity.¹⁵ This approach allows me to engage with and expand knowledge produced within Critical Race Theory. As I locate the gendered, classed, and racialized biases of immigration employment law, I draw from Kimberlé Crenshaw’s notion of intersectionality. Kimberlé Crenshaw’s article “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color” is a foundational text guiding the theoretical approach to this dissertation. Crenshaw’s method to explore intersecting marginal positions of women of color, surpasses traditional legal boundaries in a U.S. system which operate within discrete categories of race and gender and not their junction.

¹⁵ Here, I am also in conversation with Dean Spade, a transgender rights legal scholar who follows Critical Race Theory in his analysis of poverty among queer people in the US. *Normal Life* (2011).

Crenshaw's argument is that violence against women of color frequently is the result of intersecting "patterns of racism and sexism"¹⁶.

Chapter Outline:

In Chapter 1, "Writing TransLatinas into Migration Studies," I argue that three main tropes have been used to examine Latin American migration into the U.S. These tropes, far from being neutral, have shaped the field of migration studies by making intellectual room for the discussion of migrants whose bodies (or perception of their bodies) either fit or defy particular notions of gendered migration labor. I argue that TransLatina migration studies comes into being through the door that this queer and feminist trope has opened. Yet, because knowledge production is a political subject that merits scrutiny and parity, this chapter does not offer an easy solution into the making of TransLatina migration studies.

Instead, in Chapter 2, I argue that the current social standing of trans migrants as well as their exclusion from academic settings, work as structural and epistemic borders that prevent their physical and intellectual movement as well as the movement of those who are racialized and gendered in a similar fashion. And, I suggest that three of Anzaldúan methods and frameworks, autohistoria, nepantlera politics, and mestiza consciousness facilitate the development of TransMigrant studies.

¹⁶ Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," *Stanford Law Review* 43, no. 6 (July 1991): 1241-1299.

In Chapter 3, I discuss the processes by which certain migrant bodies are rendered economically vulnerable while others (in this case Cuba refugees arriving in the 1960s), are welcomed into the nation. This chapter argues that Economic Deportability limits the social economic mobility of certain subjects who were inscribed as “aliens before they crossed” and this immobility is sustained through legally-imposed circumstances that are bound together to form a vicious cycle of poverty, untreated illnesses, desperation and hopelessness.

Chapter 4 explores femininity and beautification through the application of makeup as sites of resilience and resistance. Using excerpts from interviews with TransLatinas who use makeup on a daily basis, this chapter examines how for this group of women, makeup application signals aliveness, agency, and resistance. Here, I argue that through the application of makeup, some TransLatinas acquire agency by making their own faces, their own identities. This self-construction is a daily demonstration of their authentic gender identity and, in a racist, transphobic, and anti-immigrant society that would like to see them dead, creating oneself and demonstrating aliveness are acts of resilience and resistance. What is more, being alive and demonstrating aliveness through the making of one’s face is indicative of self authorship as a contestation of biologically determinist ideologies that dictate who is and is not allowed to be feminine and enjoy femininity.

Arguments for Recognition, Visibility, and Voice

Chicana feminist theorist, Cherríe Moraga reminds us that, “a movement doesn’t happen in a book, but it doesn’t happen without books either.”¹⁷ In order to elicit social change to improve the living conditions of TransLatinas in the U.S., I have joined the TransLatina Coalition, to “write TransLatinas into history” (as Emma Pérez does with Chicanas in *The Decolonial Imaginary*). Writing TransLatinas into history means that their lives are important and worthy of documentation, investigation and analysis. I do this writing with their voice and perspective in every aspect of this effort. This task would also bring visibility to a community that has been marginalized.

In *Feminist Inquiry, From Political Conviction to Methodological Innovation*, Mary Hawkesworth writes, “By making power dynamics visible—probing silences, absences, and distortions in dominant paradigms—feminist inquiry challenges established explanatory accounts and identifies new questions for research.”¹⁸ In alignment with Hawkesworth’s account of the project of feminist research, this dissertation seeks to “probe at the absences, silences, and distortions” that current immigration laws enact on the bodies of gender non-conforming Latina immigrants.

¹⁷ Cherríe L. Moraga, *Loving in the War Years, Lo que nunca pasó por sus labios* (Cambridge: South End Press, 1983).

¹⁸ Mary E. Hawkesworth, *Feminist Inquiry: From Political Conviction to Methodological Innovation* (New Brunswick: Rutgers University Press, 2008), 7.

CHAPTER 1:

Writing TransLatinas into Migration Studies

One of the main goals of working with the TransLatina Coalition was to create a bridge of knowledge produced among the members of the TransLatina community and migration, gender, and social justice scholars. To that effect, this chapter is fourfold as it: (1) discusses three tropes within Mexican/Latino migration scholarship in order to contextualize TransLatina migration scholarship today, (2) argues that migration scholarship has stretched, evolved, and expanded to analyze not only labor migration from a male perspective, but also through a feminist and/or queer analytical lens that more comprehensively examines the interlocking systems of oppressions on the basis of class, gender, and sexuality, (3) posits that Latin@ migration studies has been largely centered around gender-conforming (cisgender) migrants and, thus, uses data from the TransVisible report to begin to close the gap between what we know about cisgender migration and migration from Trans and gender non-conforming people and, lastly, (4) draws from Patricia Hills Collins's notion of the "interlocking system of oppression"¹⁹ to critically examine TransLatina reasons for migrating and their implications on U.S. asylum law.

Three Tropes in Latino Migration Studies: Genealogies and Outcomes

Latin American migration scholarship has often focused on the U.S.-Mexico border as a heavily gendered geopolitical project. Three main tropes emerge out

¹⁹ Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 2000).

of this project. In what follows, I discuss the genealogy and interconnection of each trope. Each trope is followed by a critique which in itself creates yet another trope. Although knowledge production is never quite this linear, I find this design to be a useful path in tracing the movements and maneuvers within migration studies. And, I do this to situate TransLatina migration studies within the genealogy of this existing body of work.

One way to speak of the ways in which migrants in the U.S. are classed and gendered is to analyze the discourse of historical events that have secured and promoted U.S. expansionism. The reason for this, I theorize, is that the rationale used to secure and promote U.S. imperialism do not *only* work to make land and labor theft seem natural and desirable, but also to create frameworks that normalize the suffering and marginalization of people who are positioned outside or against the parameters of an imperialist agenda. In other words, the ideological framework used to comfortably steal land and labor bleeds over to the bodies whose land and labor are stolen. And, in doing so, these bodies are marked as others/outsidiers/aliens or whatever term is used at the time these bodies are being robbed of resources. The derogatory terms used to identify and mark these bodies/territories may be time-specific but the marginalization of the dispossessed is as timeless as greed. In the nineteenth century, Manifest Destiny provided the ideological soundness to steal land from North American Indigenous groups including Mexicans. Yet, Manifest Destiny also contributed a rationale for devaluing people and traditions that were outside a white Protestant

framework and this rationale continues to have a direct impact on people of color, immigrants, the working-poor and anyone who identifies with femininity.

Historian Catherine Denial speaks of the classed, racialized, and gendered aspects of Manifest Destiny in the following manner:

It is important to remember that, as originally conceived, Manifest Destiny was an unabashedly prejudiced idea. It rested upon the sidelining or eradication (both real-world and fictional) of American Indian peoples; there was little place for African Americans (free or enslaved) within the trope; Asian and Hispanic immigrants did not figure in the ideal America it conjured. Catholics were generally ignored; women were deemed unimportant. The peoples who were meant to conquer the continent were white, Protestant, and overwhelmingly male, with an unquenchable thirst for free enterprise.²⁰

Manifest Destiny reaffirmed white patriarchy as the ultimate power structure and its legacy lingers in contemporary U.S. society. Goods and services continue to be allocated along the well-established hierarchy of race, class, gender, sexuality, ability, and immigration status. Understanding the power of Manifest Destiny and its “God-given right to conquer and expand in the Americas” is a key component in gaining historical insight into the geopolitical conditions that affect migrants in the U.S. today. When discussing the conditions affecting Latina/o migrants specifically, understanding the power dynamics established during the U.S.-annexation of the Mexican Southwest in 1848 and the breach of the Treaty of Guadalupe Hidalgo, thereafter, is a good start.

Multiple monographs in Chicana/o studies, regardless of their academic pursuit, begin their work by speaking about the breach of the Treaty of

²⁰ Catherine Denial. “Teaching History.org, Home of the National History Education Clearinghouse.” Manifest Destiny: Creating an American Identity. Accessed February 22, 2015. <http://teachinghistory.org/history-content/ask-a-historian/25502>.

Guadalupe Hidalgo.²¹ The U.S. annexation of half of the Mexican territory in 1848 the “Mexican War.” Beatriz J. Rizk, in *The State of the Latino Theater in the U.S.*, links this war and the more recent “English Only Movements” of the 1990s. Rizk states, “In the ninth article of the treaty [of Guadalupe Hidalgo] the United States promised to respect the customs, the language and the religion of the conquered people.”²² The breach of the treaty is evident in the criminalization of Spanish language, the alienation of Mexican culture and its people. As of today, U.S. law continues to disregard this agreement and it is in this manner that mexicanas/os who cross the border are criminalized. The conflict created by the loss of land and the exploitation and criminalization of mexicanos, has captured the attention of migration scholars and it is here where the first trope in Mexican migration scholarship emerges.

First Trope: A Mother’s Loss

In the first trope, the border is theorized as an economically wounded female losing her male child to U.S. imperialist greed. Here, the border is gendered through a discourse of sexual violence that feminizes the loss of land and masculinizes the migrant. For example, in *Occupied America*, Rodolfo Acuña writes, “Mexico, badly beaten with *her* [emphasis mine] government in a state of

²¹ Rodolfo Acuña, *Occupied America: A History of Chicanos* (New York: Pearson Longman, 2004); Francisco Balderrama and Raymond Rodriguez, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque: University of New Mexico Press, 2006); Vicki L. Ruiz, *From Out of the Shadows: Mexican Women in Twentieth-Century America* (New York: Oxford University Press, 1998).

²² Beatriz J. Rizk, “*The State of the Latino Theater in the U.S.*,” in *The State of Latino Theater in the United States: Hybridity, Transculturation and Identity*, ed. Luis A. Ramos-García (New York: Routledge, 2002), 10.

turmoil, had no choice but to agree to the U.S. proposals.²³ Similarly, in *Racial Fault Lines*, when speaking of U.S. expansionism, Tomás Almaguer writes about the “American commercial *penetration* [emphasis mine] of supposedly backward areas.”²⁴ While in a *Century of Chicano History* Gilbert González and Raúl Fernandez point out that “The ability of U.S.-based corporations to *have their way in weaker countries* [emphasis mine] such as Mexico...empowers them to provide for an overall improvement in working-class conditions in the United States.”²⁵

Using a Marxist determinist lens, scholars such as Acuña, Almaguer, Gonzalez and Fernandez historicize the Mexican land as an economically battered female whose male children will now be forced to leave her bosom and search for sustenance in the U.S.²⁶ Thus, in this trope, the migrant is discursively constructed as a powerless male orphan/worker. In *Becoming Mexican American*, George Sánchez notes that U.S. migration policy has been labor policy. At the turn of the Eighteen Century this labor policy solicited the work of Mexican migrant men to work in the railroads.²⁷

The separation of mothers and sons at the hands of the U.S. railroad economy is best expressed in the corrido “El Deportado” [The Deportee].

²³ Acuña, *Occupied America*, 56.

²⁴ Tomas Almaguer, *Racial Fault Lines: The Historical Origins of White Supremacy in California* (Berkeley: University of California Press, 1994), 32.

²⁵ Gonzalez, Gilbert G., and Raul A. Fernandez. *A Century of Chicano History: Empire, Nations, and Migration* (New York: Routledge, 2003), 124.

²⁶ Acuña, *Occupied America*, 56; Almaguer, *Racial Fault Lines*, 32. Gonzalez, Gilbert G., and Raul A. Fernandez. *A Century of Chicano History*, 124.

²⁷ George J. Sanchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900-1945* (Oxford: Oxford University Press, 1993).

Recorded in 1930, by Los Hermanos Bañuelos, the song narrates a young man's departure to work on the railroad. The young man is ultimately deported but not before mourning the separation from his mother. In the second stanza of the corrido, we hear the mournful singing, "It must have been about ten at night the train began to whistle. I heard my mother say, 'there comes that ungrateful train that is going to take my son.'" To the mother's words the son replies, "Goodbye my beloved mother, give me your blessing." And, "Run, run little train let's leave the station. I don't want to see my mother cry for her beloved son, for the son of the heart."²⁸ In *Migrant Imaginaries, Latino Cultural Politics in The U.S.-Mexico Borderlands*, Alicia Schmidt Camacho (whose translation I have used) identifies this corrido as a song that chronicles "a sojourn of long itinerary loss."²⁹

While Mexicanos and Chicanos signaled to the breaking of a mother-son bond to explain the significant grief involved in the separation of one's mother land, U.S. racist discourse appropriated this language to minimize the contributions that Mexicanos made to the economic development of the nation. The racial project engendered within U.S. migration ideology is best expressed when Sánchez cites F.W. Berkshire, a supervising immigration inspector in El Paso in 1909, saying "the Mexican peon is *childlike* [emphasis mine] and travels with a party from the same locality as himself."³⁰ Migration historians such as Acuña, Almaguer, González and Fernandez enunciate the making of the current

²⁸ Alicia Schmidt Camacho, *Migrant Imaginaries: Latino Cultural Politics in the U.S.-Mexico Borderlands* (New York: New York University Press, 2008).

²⁹ Schmidt-Camacho, *Migrant Imaginaries*, 33.

³⁰ Sánchez, *Becoming Mexican-American*, 53.

U.S.-Mexico border as an economic wound inflicted by “The strong male, Uncle Sam, and the ‘*weak female Mexico* [emphasis mine]”³¹ This feminized wound is understood as the catalyst for the development and maintenance of U.S. empire and this trope continues to shape migration studies today. Thus, the male migrant as an economic enterprise remains a key subject of study within this framework. Works by Ruben G. Rumbaut, Alejandro Portes, Nicholas De Genova, Luis Alberto Urrea focus most of their attention on the labor performed by Mexican males who cross the Mexico-U.S. border.³²

The first trope is overwhelmingly understood and recorded as the ways in which U.S. imperialist greed breaks the mother-son bond. In these narratives, Mother is understood as a poorly beaten Mexican woman/land whose body has lost the ability to nourish and protect her son. In this trope pain and loss are feminized. Within this trope, women, as Schmidt Camacho points out, are rendered, “economically dependent on male labor.”³³ The prevalence of this trope is understood within the “push-pull” effect which claims that third world, “economically battered” countries “push” (as in the birthing process) their immigrants, while first nations, with their booming economies “pull” the immigrants/laborers into the U.S.³⁴ And, although Mexican migration scholars have successfully shown the impact that annexation of Mexican land by the U.S.

³¹ Gonzalez, Gilbert G., and Raul A. Fernandez. *A Century of Chicano History*, 81.

³² Ruben Rumbaut and Alejandro Portes *Immigrant America: A Portrait* (University of California Press, 2006); DeGenova, *Working the Boundaries*; Luis Alberto Urrea, *Across the Wire: Life and Hard Times on the Mexican Border* (New York: Anchor Books, 1993). Luis Alberto Urrea, *The Devil's Highway* (New York: Back Bay Books, 2004).

³³ Schmidt Camacho, *Migrant Imaginaries*, 37.

³⁴ Gonzalez, and Fernandez. *A Century of Chicano History*, 33.

has had on labor and migration, this trope is only one of many directions one could take while examining the border and its residents and crossers. The narrative of the male migrant leaving his beloved mother is insufficient when documenting the lives of female and gender non-conforming migrants, more specifically, this trope obscures the stories of migrants whose familial identities defy heteropatriarchy. Also, relying solely on Marxist and masculinity discourse, this trope fails to incorporate the complex identities of migrants. Relying on the work of Gloria Anzaldúa and Avery Gordon³⁵, I discuss the second and third trope in migration studies to more critically engage gender, wounding, and personhood within migration studies.

The loss of Mexican land to U.S. territory is an undeniable fact. This social and economic loss marks the current conditions in which Mexican nationals in the U.S. are labeled “illegal” and “alien.” Documenting this alienation through masculinist terms, scholars in the first trope ignored the agency embedded in using the female body and experience to narrate the social and economic wounds of the border.

One of the problems with using a Marxist analysis of the condition of Mexicans in the United States is that by attributing racialization, and marginalization to a seemingly uncontrollable force such as capitalism, or imperialism, these scholars are limiting our ability to see people as active

³⁵ Gloria Anzaldúa, *Borderlands La Frontera: The New Mestiza* (San Francisco: Aunt Lute Books, 1999); Gloria Anzaldúa, *The Gloria Anzaldúa Reader* (Durham: Duke University Press, 2009); Avery, Gordon, *Ghostly Matters Haunting and the Sociological Imagination*. New University of Minnesota Press ed. Minneapolis: University of Minnesota Press, 2008.

participants in history. If mexicanas/os and Chicanas/os are a byproduct of the above mentioned economic forces, then they are reduced to an object, a silenced victim of economic forces and specifically of the U.S. imperialist greed. This reductive reading of migrants robs people of agency and “complex personhood.” In *Ghostly Matters*, Avery Gordon states the following about complex personhood,

It has always baffled me why those most interested in understanding and changing the barbaric domination that characterizes our modernity often—not always—withhold from the very people they are most concerned with the right to complex personhood...complex personhood means that people suffer graciously and selfishly too, get stuck in the symptoms of their troubles and also transform themselves. Complex personhood means that even those we call ‘Other’ are never ever that.³⁶

Migration scholarship critiquing the first trope in migrant narratives has indeed contributed to a more complex understanding of the Mexico-U.S. border and its migrants. Thus, the second trope within migration studies develops as a critique of the one-dimensional male migrant discussed within the first trope.

Second Trope: La Herida Abierta

Perhaps the most compelling work about the U.S. –Mexico border has been that of Gloria Anzaldúa in her 1987 monograph, *Borderlands/La Frontera The New Mestiza*. Anzaldúa’s theorization of the “borderlands” and its inhabitants, “los atravezados, the queer” allows for a rich understanding of the material, social, and psychological lives of migrants. What’s more, Anzaldúa troubles the notion of gender identity along the border and she does this through a strategic shifting of languages. Anzaldúa writes, “ The U.S.-Mexican border es una herida

³⁶ Gordon, *Ghostly Matters*, 4.

abierta where the Third World grates against the first and bleeds. And before a scab forms it hemorrhages again, the lifeblood of two worlds merging to form a third country—a border culture.”³⁷ Una herida abierta has been interpreted as an open wound. However, those of us who speak Spanish know that “una herida abierta” also means a woman who is both open and wounded. Anzaldúa’s border is a birth canal giving birth the “The new mestiza.” Here, la mestiza is born in complexity and ambiguity. She embodies multiple races, commitments, and desires.

La herida abierta, or the female body whose open wound creates a new culture, is a border narrative where female pain is constituted through agency. Anzaldúa’s writing contests and surpasses the argument that Mexican writer, Octavio Paz made in 1961. Paz became one of Mexico’s most famous intellectuals in 1990 when he received the Nobel Prize for Literature for his book the *Labyrinth of Solitude*. In this world-recognized monograph, Paz writes that the Mexican (referring to men only) is a lonely being because he refuses to open up and have someone “penetrate his intimacy.” For Paz, openness is a sign of weakness, the female sex, he understands as weak. Paz claims, “Women are inferior beings because in submitting, they open themselves up, their inferiority is constituted and resides in their sex, their submissiveness which is a wound that never heals.” Thus, Paz reasons that when a Mexican man confides in a friend, he risks scorn, for disclosing sentiments is opening up, like a woman and

³⁷ Anzaldúa, *Borderlands*, 25.

assuming victimhood. Paz sees the Mexican woman as “la chingada” or the “fucked one.”³⁸

In his analysis, Mexican woman is generalized and reduced to a rape victim by the Spanish conqueror. The son born of this rape is the mestizo, and he, ashamed of his mother, suffers greatly as he attempts to move away from everything that reminds him of his Indian mother and her “wound”. In this context, the Mexican becomes a lonely being because he can never “open up” to another.³⁹

A key departure in the theorizing between Paz and Anzaldúa is their conceptualization of openness and pain. Unlike Paz, Anzaldúa sees possibility in openness and pain. Thus, “la herida abierta” is a site that bleeds and hurts, but also one that creates and gives life. This bleeding and opening is both literal and symbolic.

Paz sees Mexican identity building from fear of openness and vulnerability, a fear of the Indian feminine. Anzaldúa on the other hand, sees Chicana culture as one identifying with the mother. She writes, “La cultura Chicana identifies with the mother (Indian) rather than the father (Spanish).⁴⁰ These opposing views have significantly impacted the theorization of Mexican identity and the U.S.-Mexico border. Within migration studies, Anzaldúa’s writing has gained more credibility, especially because of the possibilities she sees in openness.

³⁸ Octavio Paz, *The Labyrinth of Solitude: Life and Thought of Mexico* (New York: Grove Press, 1961), 30.

³⁹ Paz, *The Labyrinth of Solitude*, 34.

⁴⁰ Anzaldúa, *Borderlands*, 52.

From this openness, stories are born. These stories or “autohistorias” represent counternarratives that defy rigidity, confinement, and solitude. The open wound, then, is a source of creativity and expression. To tell one’s story requires a type of openness and vulnerability that can be painful. In a masculinist framework, this physical and emotional openness is worthy of scorn. However, Anzaldúa has developed a framework authorizing the epistemic validity of the open feelings of mexicanas/os.

Thus, in the second trope of migration studies, women and feelings become central to knowledge production. Interestingly, this new trope releases the possessiveness of the mother/land metaphor mobilized within the first trope. In this female-centered, affective realm, notions of territory become more fluid, evoking a transnational approach to migration studies. Patricia Sánchez, in “Adopting Transnationalism Theory and Discourse: Making Space for a Transnational Chicana,”⁴¹ follows the work of scholars such as Linda Bash, Nina Glick Schiller and Christina Szanton Blanc when stating, “Transnationalism unbinds binationalism, through a more complex understanding of the global, cultural, and political processes.”⁴² A transnational approach “deterritorializes” the study of the border.⁴³

⁴¹ Patricia, Sánchez. "Adopting Transnationalism Theory and Discourse: Making Space for a Transnational Chicana." *Discourse: Studies in the Cultural Politics of Education*: 375-81.

⁴² Nina Glick Schiller, Linda Basch, and Cristina Szanton Blanc, "From Immigrant to Transmigrant: Theorizing Transnational Migration," *Anthropological Quarterly*: 68 (1995): 1. 376.

⁴³ Schiller, "From Immigrant to Transmigrant: Theorizing Transnational Migration," *Anthropological Quarterly*: 68 (1995): 1. 376.

This, in turn, helps to uncover that which is otherwise rendered invisible—the complex personhoods of migrants and their families. The feelings of migrants have often been omitted from scholarship in migration studies. However, in recent years scholars have taken up theories and concepts that were obscured by the early works of economically driven scholars. For example, in her essay "Building Communities of Sentiment: Remittances and Emotions among Maya Migrants," anthropologist Bianet Castellanos writes,

I suggest that, like money, information and social capital, sentiments—feelings that can bind us together or tear us apart—are a resource that migrants and their families use to cope with border crossings and displacements that result from the realignments of local political economies under neoliberal projects.⁴⁴

Through her analysis of the sharing of emotions among Maya migrants, Castellanos disrupts the notion that money alone sustains communities. Exploring sentiments among migrants grants people agency and complexity in a way that cannot occur when and if they are only seen as economic entities. Additionally, through ethnography, we are able to more intimately grasp the complex negotiations that occur among migrants, for example the mother-daughter relationships in this Maya community and the significance of maintaining this bond through visiting and caretaking. Another example of the ways in which feminist ethnography may be able to illuminate otherwise omitted intimacies around economy, is provided by Ruth Behar in *Translated Woman*. Behar states,

⁴⁴ Bianet Castellanos "Building Communities of Sentiment: Remittances and Emotions Among Maya Migrants" *Chicana/Latina Studies* 1.8 (2009) 36-37.

Money has a metaphysical value as a way of showing that there is a bond between women from one generation to the next, a bond that exists outside, and in spite of, paternal control. When her daughter threatens to break this bond, Esperanza felt that she has to beat Gabriela so she wouldn't forget that she, like Esperanza herself, was born of the inscription of pain on her mother's body.⁴⁵

Making women's embodied experiences central to migration studies, scholars such as Castellanos, Behar and Alicia Schmidt Camacho, engender and sustain a nuanced approach to migration studies.⁴⁶ Exploring feelings of "convivencia" or "nostalgia" within this trope does not preclude the analysis of migrant labor, however. Works such as *Cannery Women, Cannery Lives, Mexican Women Unionization and the California Food Processing Industry*, written by Vicky L. Ruiz and published in 1987, continue to inform the research of other labor scholars.⁴⁷ More recently, Pierrette Hondagneu-Sotelo's monograph, *Doméstica: Immigrant Workers Caring and Cleaning in the Shadow of Affluence*, enriched migration scholarship by providing a comprehensive sociological study that included interviews with Latina domestic workers, their bosses, and a critique of current conditions affecting their labor.⁴⁸ Feminist migration scholarship has "written Chicanas [and other Latinas] into history."⁴⁹ The second trope within migration studies has developed analyses where political economy

⁴⁵ Behar, Ruth. *Translated Woman: Crossing the Border with Esperanza's Story*. (Boston: Beacon Press, 1993), 293.

⁴⁶ Castellanos "Building Communities of Sentiment"; Behar, *Translated Woman*; Schmidt Camacho, *Migrant Imaginaries*.

⁴⁷ Vicki L. Ruiz, *From Out of the Shadows: Mexican Women in Twentieth-Century America* (New York: Oxford University Press, 1998).

⁴⁸ Pierrette Hondagneu-Sotelo, *Gendered Transitions, Mexican Experience of Immigration* (Berkeley: University of California Press, 1994).

⁴⁹ Emma Perez, *The Decolonial Imaginary: Writing Chicanas into History* (Bloomington: Indiana University Press, 1999).

and transnational feminism collaborate in a manner that allows for utterances about the intricacies of gender, labor and migration.

Works within this trope however, have often neglected to see outside of heteronormativity and the gender binary. Contesting the migrant as male laborer trope has resulted on scholarship about women. Yet this contestation still occurs within a problematic context because it traps us in a binary gender system where the only lives accounted for are those clearly (and academically) marked as male or female actively participating in heterosexual relationships. From this critique emerges the last trope that I encounter in migration studies. In order to discuss the queering of migrants, I turn to Anzaldúa's work once again. Although, Anzaldúa writes from her brown female body, her theorizing challenges essentialist notions of gender.

Identifying as a "mita y mita," or half and half. Anzaldúa defies the gender binary system and its medical modes when she asserts, "halfs and halves are suffering from a confusion of sexual identity, or even a form of confusion of gender. We are suffering from an absolute despot duality that says we are to be only one or the other."⁵⁰ It is here, where Anzaldúa's work enables a theorization of a queer subjectivity of color. From the border as a "constant state in transition" emerges "los atrevesados, the squint-eyed, the perverse, the queer, the mongrel, the mulato (sic), the half dead" and those who go 'through' the confines of the normal."⁵¹

⁵⁰ Anzaldúa, *Borderlands*, 41.

⁵¹ Anzaldúa, *Borderlands*, 25.

Third Trope: Los Atravesados, Queering Migrants

In “Sexuality, Migration and the Shifting Line Between Legal and Illegal Status” Eithne Luibhéid, extends the research of “los atravesados” as she critiques white heteronormative conceptualizations of the family, and what this means for migrants. Luibhéid states: “Asian and [Latin American immigrants] were “reconfigured by law as having families that were neither intelligible nor desirable, part because they were deemed to lack the proper heterosexual couple as foundation.”⁵² “The narrative of immigrant America denies histories of slavery, genocide and annexation as critical to the making of the U.S. nation-state. But it also erases another historical process that is equally formative of the nation-state and the citizenry: the construction of literally millions of people as undocumented (or “illegal” immigrants who live, love and labor within the territory of the United States.”⁵³

Eithne Luibhéid’s focus is to analyze the nation-state’s construction of legality and illegality in relation to Eurocentric and heteronormative concepts of kinship. Luibhéid considers ways in which sexuality may provide material and discursive contestations of “illegality.” Luibhéid makes several interventions to dispel the myth of fixed legal categories between legality and “illegality.” First, she aligns herself with Joseph Nevin, Mae Ngai, Nicolas De Genova, Jonathan Inda, in order to reconsider the historization of migration to the U.S. These

⁵² Eithne Luibhéid, “Sexuality, Migration and the Shifting Line Between Legal and Illegal Status,” in *Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings*, ed. Eithne Luibhéid and Lionel Cantu Jr. (Minneapolis: University of Minnesota Press, 2005), 296.

⁵³ Luibhéid, *Queer Migrations*, 290.

scholars have produced work that challenges the construction of the “illegal alien” as an individual whose purpose in life is to terrorize the nation and extract its goods. Situating migration narratives along the lines of processes of capitalism, neoliberal imperialism, and genocide, Luibhéid critically contextualizes various immigrant narratives and lived realities. To point to the rigidity of the state, Luibhéid writes, “anyone who cannot show that she or he fits within one of these preference categories has little likelihood of becoming a legal immigrant, no matter how hardworking, otherwise law-abiding, or decent she or he is.”⁵⁴

As Luibhéid challenges heteropatriarchal configurations of legality, she warns against focusing solely on same-sex desire in order to reconfigure possibilities for legality. In conversation with Michael Foucault and Elizabeth Povinelli, Luibhéid considers the dangers of centering the homosexual couple as a legal category for accessing U.S. citizenship. Notions of the “good homosexual” resonate with yet another hegemonic device to control sexualities, desires, and non-middle class existence. Luibhéid articulates: “In other words, falling in love is normatively understood to produce autonomous, self-governing subjects who are no longer constrained by caste, class, or other modes of social inscription, and who therefore conform to the model valorized by Western neoliberal “democracy.”⁵⁵ Thus, Luibhéid calls for a comprehensive study/approach to immigration law and discourse. The intersections of race, class, gender must be

⁵⁴ Luibhéid, *Queer Migrations*, 291.

⁵⁵ Luibhéid, *Queer Migrations*, 299.

engaged because ignoring these multiple forms of exclusion, risks benefiting the most privileged same-sex couples.⁵⁶

In 1991, Michael Warner coined the term “heteronormativity” to refer to the dominant gender system, which naturalizes the relationship between anatomy, sexuality and gender identity.⁵⁷ This system, which grants extensive privileges to gender-conforming subjects, has been sustained within migration studies. On the other hand, disciplines dedicated to the study of gender and sexuality, (feminist, queer, and transgender studies) have prioritized inquiry related to the social, legal, and economic status of those who defy the heteropatriarchal ways of living. In this manner, the academic study of LGBT rights originally prioritized the concerns of white, U.S.-born gay and lesbian subjects. *Edited by Eithne Luibhéid and Lionel Cantú, Queer Migrations, Sexuality, U.S. Citizenship and Border Crossings*, signals a new direction in migration studies.⁵⁸ In this direction, interdisciplinary approaches as used to create a framework where sexualities studies and migration studies engage in order to center the experience of migrants of color. Examining multiple immigration policies and their effects on those rendered non-normative, this text serves to enunciate sites of neocolonial violence, while opening the door for further research about the cultural, legal, and historical “place” of queer migrants. It is through this door that I come to add my contribution to migration status by presenting data that I gathered with and about TransLatinas in the U.S.

⁵⁶ Luibhéid, *Queer Migrations*, 298.

⁵⁷ Michael Warner, “Introduction: Fear of a Queer Planet,” *Social Text* 9, no. 29 (1993): 3-17.

⁵⁸ Luibhéid, *Queer Migrations*.

Why do TransLatinas Migrate?

TransLatina Immigrants are rarely asked about their migration stories. Most immigration policy makers, employers, and social service providers ignore the reasons that propel Trans people to migrate to the U.S. Ignorance regarding their migration stories is dangerous because it creates a culture where fear and hatred of Trans immigrants is justified at the individual and structural level. This form of ignorance promotes a society where cisgender people, and U.S. citizens in particular, learn to feel superior and more entitled to life than immigrants and gender non-conforming people of color. In turn, Trans immigrants are often denied opportunities that are regularly extended to cisgender people and are often enduring multiple forms of interpersonal and institutional transphobia, transmisogyny, and racism. Their recurrent media portrayal as undocumented workers without agency, and/or criminal deceivers, has had significant consequences in the everyday lives of TransLatina Immigrants. According to the answers provided in this report, most TransLatina Immigrants are exposed to multiple forms of racial and gendered microaggressions.⁵⁹

Ironically, most of them have made the U.S. their home because they were running away from violence in their native countries. The TransVisible Team wanted to know the reasons behind the migration of TransLatinas. When

⁵⁹ In 1974, Chester Pierce coined the term Racial Microaggressions to refer to the 'subtle, stunning, and often traumatic, and non-verbal exchanges which are 'put downs'. Since then, Critical Race Theory (CRT) Scholars such as Kimberlé Crenshaw, Patricia Williams, Daniel Solórzano, Tara Yosso, and Sylvia Hurtado, among others, have expanded the term to include class, gender, ability, and sexuality, significant sites of analysis to study the myriad ways in which social inequalities and the status quo are sustained through daily insults and nonverbal 'put downs' against members of minoritized communities. As a result of these microaggressions, members of minoritized communities feel a 'diminished sense of confidence'.

asked why they migrated, survey participants were able to choose between all, none, or one of the following choices: A) I came to reunite with my family members, B) I came in search of better economic opportunities, C) I came because I was running away from violence. Participants also had an option to write down another reason for migrating or to expand on their answers. One participant shared: “I came because my uncle said he would kill me for being Trans.”⁶⁰ Sixty-one percent (61%) of respondents said they were both running away from violence *and* in search of better economic opportunities. Twenty-three (23%) of TransLatinas said running away from violence was their main reason for leaving their country and only two (2%) stated searching for better economic opportunities (figure 1-1).⁶¹ Although meta-narrative understandings of Latin American migration patterns often offer narratives of economic need as a primary and/or most prominent reason for coming to the U.S., this report shows that, for TransLatinas, the search for economic opportunities and the need to escape violence were not to be separated as reasons for migrating. For most of the participants, it is important to convey the “interlocking systems of oppressions” that informed their decision to migrate. In *Black Feminist Thought*, Patricia Hills Collins writes:

Additive models of oppression are firmly rooted in the either/or dichotomous thinking of Eurocentric, masculinist thought. One must be either Black or white in such thought systems--persons of ambiguous

⁶⁰ Karla Padrón and Bamby Salcedo, *TransVisible: Transgender Latina Immigrants in U.S. Society*, Los Angeles: The TransLatina Coalition, 2013.

<http://www.chicano.ucla.edu/files/news/transvisiblereport.pdf>

⁶¹ Padrón, *TransVisible*, 10.

racial and ethnic identity constantly battle with questions such as "what are you, anyway?" This emphasis on quantification and categorization occurs in conjunction with the belief that either/or categories must be ranked. The search for certainty of this sort requires that one side of a dichotomy be privileged while its other is denigrated. Privilege becomes defined in relation to its other. Replacing additive models of oppression with interlocking ones creates possibilities for new paradigms. The significance of seeing race, class, and gender as interlocking systems of oppression is that such an approach fosters a paradigmatic shift of thinking inclusively about other oppressions, such as age, sexual orientation, religion, and ethnicity. Race, class, and gender represent the three systems of oppression that most heavily affect African-American women. But these systems and the economic, political, and ideological conditions that support them may not be the most fundamental oppressions, and they certainly affect many more groups than Black women. Other people of color, Jews, the poor white women, and gays and lesbians have all had similar ideological justifications offered for their subordination. All categories of humans labeled Others have been equated to one another, to animals, and to nature.⁶²

Borrowing from Collins's theorization of the interlocking systems of oppression, I posit that most TransLatinas in this report think of their migration stories through a lens of an interlocking systems of oppressions (i.e. racial, economic, and gender violence) and by doing so create a new paradigm for looking at social and legal configurations of refugees and the stateless. Currently, U.S. refugee immigration law states that a refugee is someone who has a "well-founded fear of persecution on the basis of: race, religion, nationality, political opinion membership in a particular social group."⁶³ There are a few challenges that potential asylum seekers face when asked to seek "legal" U.S.

⁶² Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 2000).

⁶³ U.S. Department of Homeland Security, *Refugee, Asylum, and International Operations Directorate (RAIO) Officer Training: Guidance for Adjudicating Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Refugee and Asylum Claims Training Module*, by U.S. Department of Homeland Security (Washington, DC: U.S Citizenship and Immigration Services, 2011), 12.

residency through this method. One of the challenges is that petitioners must prove their persecution through testimonies and historical records. For petitioners fleeing a war or armed conflict that is well documented in the media, the burden of proof is not as difficult as it is for those who are fleeing their home country because of persecution on the basis of gender identity.

Another challenge is that economic violence or persecution is not one of official categories for which a person can seek asylum. Although the U.S. Citizenship and Immigration Services (U.S.C.I.S.) Employee Manual asserts that immigration judges have discretionary power over asylum decisions and that economic violence could be taken into consideration, exclusion from participating in the mainstream economy is not an official category for asylum. It is important to note that immigration officers who have regulatory power to determine the seriousness of economic violence also operate within a larger U.S. society that often sees Latinos as an economic threat to the nation.⁶⁴

CHAPTER 2

Sylvia Rivera and Gloria Anzaldúa—Risking the Personal and Laying the Groundwork for TransLatin@ Migration Studies

In 2011, The National Center for Transgender Equality, (NCTE), published a report on the overall socioeconomic status of Transgender people in the U.S. According to this report,

⁶⁴ Leo R. Chavez, *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*. (Stanford: Stanford University Press: 2008); Pegues Juliana and Tatiana Ormaza, “Under the Table” (2008).

Latino/a transgender people often live in extreme poverty with 28% reporting a household income of less than \$10,000/year. The poverty rate of TransLatin@s is nearly double the poverty rate for transgender people of all races (15%), over five times the general Latino/a population rate (5%), and seven times the general U.S. population rate (4%).⁶⁵

Poverty, transphobia and persistent anti-immigrant sentiments are socially condoned and structurally supported conditions that often paralyze Trans people of color and immigrants.⁶⁶ These socially condoned conditions, sustained through a hierarchical system that devalues queer immigrants of color, often result in a constant state of hunger, hopelessness, homelessness, fear, addiction, and an overall inability to dream, pursue, and, or, construct a brighter future.⁶⁷ Poverty, transphobia and xenophobia represent various forms of structural violence⁶⁸ that entrap people in a system where social, physical, and psychic mobility becomes nearly impossible. The suffering accumulated in the body and mind as a result of these social injustices, corresponds with a high suicide-attempt rate among TransLatin@s. According to the NCTE, 47% of TransLatin@ respondents reported having attempted suicide.⁶⁹

⁶⁵ The National Center for Transgender Equality. *Injustice at Every Turn: A Look at Latina/o Respondents in the National Transgender* Report, 2011.

⁶⁶ Mogul, Joey L., Andrea J Ritchie and Kay Whitlock. *Queer (In)Justice The Criminalization of LGBT People in the United States*. (Boston: Beacon Press, 2011); Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of the Law* (Brooklyn: South End Press, 2011); Lisa Lowe, *Immigrant Acts: On Asian American Cultural Politics* (Durham: Duke University Press, 1996); Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012).

⁶⁷ I thank Edén Torres for helping think through the lack of mobility and vision for the future that psychosocial and economic oppression have on trans-migrant people.

⁶⁸ I follow Paul Farmer's definition of Structural Violence as "the embodiment of macro forces that result in distinct patterns of social suffering." Paul Farmer, *Pathologies of Power: Health, Human Rights, and the New War On the Poor* (Berkeley: University of California Press, 2005), 42.

⁶⁹ The National Center for Transgender Equality, *Injustice at Every Turn*.

But, whose job is it to address (and change) the social and economic conditions impacting TransLatin@s? And, how do we account for the fact that TransLatin@s reporting these high suicide-attempts are living in a country commonly known as “the land of opportunity” and a “nation of immigrants”? Because these concerns deal with nation-building and social welfare, I believe that it is the job of public officials, policy-makers, social service providers, (including welfare administrators, shelter employees, and food bank volunteers) along with economic justice seekers, transgender and immigrant-rights advocate-scholars, as well as the larger society to pay attention and rectify the social conditions affecting trans people of color in the U.S. As a cisgender,⁷⁰ queer immigrant, and public intellectual writing within academia, I am hailing this institution and its workers to carefully and constructively address the effects that poverty, transphobia and anti-immigrant/anti-Latin@ racism have on the lives of TransLatin@s.

For those of us in academia, the statistics published by the NCTE, allow us to recognize the structural and interpersonal violence that transgender Latin@s face on a daily basis. They also elicit an imperative to listen to the needs of members of this community and to support and build spaces where trans migrants tell their stories and have access to self-actualizing and community-building opportunities--opportunities such as education, safe, adequate, and

⁷⁰ Cisgender refers to having a gender identity that is socially recognized as valid and in alignment with one's sex assigned at birth, in other words, a non-trans identity.

affordable health-care, and housing, secure and well-paid employment, and a life with dignity.

Let us operate from the promising speculation that by creating and supporting individual and structural practices that grant social and economic stability to trans migrants, we will be crafting a society where gender autonomy and migrant mobility matter. In this society, trans and gender non-conforming people of color would find more joy in living than in taking their lives. Creating and sustaining this society would allow young trans people to have *live* role models in their everyday life. Creating and sustaining a society that respects transgender people of color would mean many things, among them, would be fostering spaces, structures, and individual behaviors that protect the right to gender autonomy and free transnational movement.

In the United States, specifically, I am concerned with trans people of color and Latin@s in particular, because regardless of their citizenship status, people in these communities are often read and treated as unwelcomed and criminal. Most regrettably, “Illegal alien” is still the standard term commonly used to describe anyone who is or appears to be an immigrant of color.⁷¹ If academics want to create and support TransLatin@ migrant justice, we could begin with the small and humble step to support TransLatin@ Migration Studies. This field is yet to fully emerge and take as much intellectual and physical space as other

⁷¹ This sentiment, unfortunately, also expands to the university, where thinkers of color rarely hold positions of power, and when they do, they are tokenized.

academic fields.⁷² However, the need to address the concerns of Trans people from Latin America merits space, support, and recognition. But there are barriers to accomplish this type of epistemic and social justice endeavor.

This chapter addresses three key barriers in the ethical development of TransLatin@ Migration Studies. In the first part of this chapter, I argue that the current social standing of Trans migrants as well as their exclusion from academic settings, work as structural and epistemic borders that prevent their physical, and intellectual movement. In the second part of this chapter, I suggest that three Anzaldúan methods and frameworks--autohistoria, nepantlera politics, and mestiza consciousness--facilitate the development of TransMigrant studies. And the development of this nascent academic field is intimately linked to physical and intellectual autonomy of Trans migrants. Looking at the lived activism of Marsha P. Johnson, Sylvia Rivera, and Gloria Anzaldúa, I argue that autohistoria, mestiza consciousness and nepantlera politics have proven successful outside the academy, and they represent the theoretical foundation we need for the development and maintenance of TransLatin@ Migration scholarship. Anzaldúa's legacy is one that offers a promise to undo various sources of immobility within and outside academia.

The Academy as an Imitation of Life: Two Barriers in Developing an Ethical Approach to TransLatin@ Migrant Studies

⁷² Certainly the work of Lionel Cantú Jr, Eithne Luibhéid and all the contributors to the *Queer Migrations, Sexuality, U.S. Citizenship*, anthology, have advanced the field of Queer Migration Studies and Trans Migrant Studies in particular.

The first barrier to the ethical development of TransLatin@ Migrant Studies is the social marginalization of Trans migrants and people of color. This type of marginalization operates mainly through massive criminalization and incarceration of Trans immigrants.⁷³ The massive criminalization and incarceration of Trans people, is a form of social injustice in and of itself. Prison abolitionists such as Juanita Diaz-Cotto, Ruth Gilmore, Michelle Alexander, and Dean Spade, (among others) are addressing the seriousness of this matter through education and mobilization within these communities.⁷⁴ Through their work, they are advancing the rights of Trans people of color and immigrants. Yet, there is another type of injustice that results from the massive incarceration and criminalization of Trans migrants. This is the lack of representation of Trans migrants in academic settings. Jails, prisons, and immigration detention centers, often hold the bodies that possess the most knowledge about Transgender justice and migration studies. In other words, no one knows more about Trans migrant issues than Trans migrants themselves. Critical Transgender scholars, and Talia M. Bettcher in particular, speak of this self-knowledge as having first-person authority over their narratives.⁷⁵

⁷³ Mogul, *Queer Injustice*; Spade, *Normal Life*; Cacho, *Social Death*.

⁷⁴ Juanita Diaz-Cotto, *Chicana Lives and Criminal Justice: Voices From El Barrio* (Austin: University of Texas Press 2006); Ruth Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press. 2007 . Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012).

⁷⁵ Talia Mae Bettcher, "Trans Identities and First Person Authority" In *You've Changed: Sex Reassignment and Personal Identity*, edited by Laurie Shrage, 98-120. Oxford: Oxford University Press, 2009.

In the U.S., nearly one in sixteen Transgender adults has been incarcerated at one point in their lives.⁷⁶ Combining a high incarceration rate with the fact that most university admission applications require that applicants answer questions regarding criminal records, creates a structural barrier that prevents the entrance of Trans people into institutions of higher learning. Thus, we are missing out on the varied forms of knowledge they would contribute to academia. With respect to issues of Transgender justice, another barrier that emerges is that the most academics making decisions about university acceptance do not see Trans lived experience as a valid source of knowledge. Thus, we have almost no access academic studies that are created for and by Trans people of color and Transmigrants. These barriers provide a formula for how we in academia lose the ability to hear Trans migrant narratives.

And, these are the narratives that have the power to raise consciousness and promote our participation in Trans migrant social justice. In *Normal Life*, Dean Spade reminds us that, “Transformative change can only arise through mass mobilization led by populations most directly impacted by the harmful systems that distribute vulnerability and security.”⁷⁷

Because most Transpeople of color suffer the consequences of an educational and legal system that has failed them, many of them have been pushed out of higher education before they even begin. Therefore, very few of them are in the academy. Their exclusion from this knowledge-production site is

⁷⁶ NCTE, *Injustice at Every Turn*, 163.

⁷⁷ Spade, *Normal Life*, 28.

harmful to Transpeople who want to pursue higher education but have been discriminated and discouraged to occupy space within academia. This exclusion also hurts their employment opportunities and economic mobility. In addition, the academic exclusion of Transmigrant scholars affects all scholar activists who would like to advocate for Transmigrant rights and with whom collaborative and creative work might be done.

Thus, the second barrier to the development of TransMigrant Studies is something I call academic border making. This border making occurs through compulsory compartmentalization. The academy keeps a tight control over its disciplinary borders; each field has its canonized authors and authorized language. Every intellectual inquiry is to be entered into a framework where it responds to the specific demands and history of the discipline's higher-ups. As TransLatin@ migrant bodies are increasingly incarcerated, academic inquiries about these bodies become highly scrutinized and under attack. In some instances entire disciplines dealing with inquiries pertaining to marginalized bodies are criminalized. For example, disciplines that support and practice inquiries about a history of racial oppression, economic marginalization, and land dispossession, such as the study of Chicanas/os in the U.S. are sometimes accused of having "divisive politics" and are thus, banned. An example of this is the banning of Mexican American Studies in Arizona.⁷⁸

⁷⁸ Biggers, Jeff. Interview by Amy Goodman. Democracy Now!, http://www.democracynow.org/2012/9/24/as_anti_immigrant_papers_law_takes. September 24, 2012.

Additionally, the compulsory compartmentalization of academic inquiries functions as a tool that ranks, regulates, and tracks bodies of knowledge. Operating from this tradition, the university has systematically devalued the knowledge production that would advance the rights of Transgender individuals, as well as that of migrants and other folks of color. Jacqui M. Alexander, states that this is part of the corporate university and it follows the same neoliberal agenda that supports the prison industrial complex.⁷⁹

The defunding and devaluing of disciplines that focus on the lives of marginalized communities is a form of epistemic violence and it parallels and correlates with the structural violence that Trans migrants experience on a daily basis. In other words, the exclusion of people of color and Trans people in academia is in direct relationship to their criminalization and the devaluing of their labor in U.S. society. The structural marginalizing power that affects brown, immigrant bodies in the global labor force follows the same logic of the intellectual marginalization that affects brown, working class bodies in the academy. While the first one relies on a militarized border and several, privately owned immigration detention centers, the second one benefits from academic racism and its epistemic border maintenance.

In *Massacre of the Dreamers*, Ana Castillo speaks to the effects of this border maintenance when she states, “very, very, very, few dark women from poor of working class backgrounds who have taken up the pen have ever been

⁷⁹ M. Jacqui Alexander, *Pedagogies of Crossing: Meditations on Feminism, Sexual Politics, Memory, and the Sacred* (Durham: Duke University Press, 2005), 265.

published to date.”⁸⁰ Castillo emphasizes skin color and class to give name to institutionalized racism within the academic setting. Castillo’s enunciation of the systematic exclusion of “dark women from working class backgrounds” epitomizes Anzaldúa’s approach to use her body to call attention to systemic, individual, and interpersonal oppression. This practice is risky not only because discussing the particulars of one’s body makes one feel utterly naked and vulnerable, but also because discussing the body’s entanglement with race, class, and gender has been deemed “crude”, “essentialist” and “anti-intellectual” by mainstream academics who are threatened by the truth telling of non normative bodies.⁸¹ Risking the criticism from well-established academics, some scholars of color, continue to situate their skin and its color at the center of discussions of marginality. In ‘Quare’ Studies, or Almost Everything I Know About Queer Studies I Learned from My Grandmother,” E. Patrick Johnson makes a case for the rationale behind the deployment of identity politics. He notes: “Because transgender people, lesbians, gays, and bisexuals of color often ground their theorizing in a politics of identity, they frequently fall prey to accusations of essentialism or anti-intellectualism. Galvanizing around identity, however, is not always an unintentional “essentialist” move. Many times it is an intentional strategic choice.”⁸²

⁸⁰ Ana Castillo, *Massacre of the Dreamers, Essays on Xicanisma* (New York: Penguin Books, 1995), 4.

⁸¹ Alexander, *Pedagogies of Crossing*; Edén E. Torres, *Chicana Without Apology: The New Chicana Cultural Studies* (New York: Routledge, 2003).

⁸² E. Patrick Johnson, “‘Quare’ Studies, or (Almost) Everything I Know About Queer Studies I Learned from My Grandmother,” in *Black Queer Studies: A Critical Anthology*, ed. E. Patrick Johnson and Mae G. Henderson (Durham: Duke University Press, 2005), 128.

These accusations of essentialism and anti-intellectualism are epistemic borders erected by those who fear the intellectual development and advancement of members of marginalized groups. These epistemic borders work to paralyze and discourage many academics of color from speaking from the flesh. Because most people of color in academia are first-generation college students, they feel inclined to observe the rules of the academy in order to secured some type of success or at least to prevent being “deported”. Thus, as stories from and about one’s body are highly discouraged, queers of color in academia, and Trans people in particular, have almost no space to discuss and critique physical violence and, or, the pleasures of enacting one’s gender identity. In essence, “anti-intellectual” and “essentialist” are labels to shame and silence people of color in academia.

By using terms such as “anti-intellectual” against those who speak from the body, mainstream academics undermine the knowledge production of those who have experienced the most violence. What is threatening about speaking from the body is that the story emanating from this body cannot be proven wrong; it has its own truth. Interestingly enough, this is also true for gender identity. One’s gender identity is not based on a category assigned to us by the doctor who first saw our genitals or by the person on the street who thinks they know our gender identity. Like the story of our embodied experiences, gender identity belongs to each individual. And, like the story of our body, it cannot be lived or defined by another person. Thus, it cannot be validated or nullified by anyone

other than the individual. This is the truth about gender autonomy. For those who benefit the most from a rigid heteropatriarchal system, gender and body autonomy threatens the very foundation of their power—the essentialist notion that white, cisgender, heterosexual, middle-class people are superior and more deserving than any “Other.” This threat (fabricated within a system of internalized superiority) is the reason they create epistemic borders that silence and, or, devalue trans narratives.

For heteropatriarchy to continue to exist, there must be those who benefit enough from it to make sure it remains as the status quo. Thus, institutions, and individuals supporting these institutions, work collaboratively to control the meaning and ranking of race, class, gender identity, ability, and sexuality of bodies within a nation. In this sense, everyone is hailed into a caste system that ranks bodies in relation to their proximity to or departure from, white, middle-class, able-bodied, heterosexual embodiment, affinities, and desires. And, as such, we live in a society where no one is truly free to enact her right to body and gender autonomy and tell stories from this location. As I stated earlier, this type of control is mostly practiced through a shaming process where those who do not want to be labeled “anti-intellectual”, “essentialist” “troublemakers” or “persona-non-grata”, remain silent.

Fortunately, there are those people who know how to surpass the fear of shame. These courageous people are the ones who risk their reputation to make room for other forms of narratives and varying genders to emerge and be seen.

In the second part of this chapter, I discuss how Sylvia Rivera and Gloria E. Anzaldúa defied these shaming practices and allowed some of us to imagine and carry out Trans migrant justice endeavors. These endeavors seek to name, address, and undo transphobic and xenophobic violence. What tools do we have at the community and university level to end violence against Trans and immigrant communities? I see the writings of Gloria Anzaldúa and the lived activism of Sylvia Rivera as guiding principles in the development and sustainment of TransLatina Migration Studies.

Sinverguezas in Action: Sylvia Rivera and Gloria Anzaldúa Forging a Path for Trans Migrant Justice.

It is likely that two of the most influential women in the development of Trans Migrant Studies, never met, although they were contemporaries. Transgender activist, Sylvia Rivera was born on July 2, 1951 in New York City. At a very young age, she became aware of her gender identity. Her grandmother, and guardian, disapproved of her Transgender identity and kicked her out of the home. Rivera was a homeless sex worker at the age of eleven.⁸³ It was on the streets that she met one of her best friends and mentor, Marsha P. Johnson—a black Trans woman who knew how to take care of the queer youth in her neighborhood (figure 1-2). Together, they advocated for the rights of Trans youth of color and poor people in general. Their passionate, consistent, and effective advocacy for poor queers of color, was informed by their own experiences and expertise, their theory of the flesh.

⁸³ Martin Duberman, *Stonewall* (New York: Penguin Group, 1994).

Queer Chicana writer and teacher, Gloria Anzaldúa, was born on September 26th, 1942 (almost nine years before Rivera), in the Rio Grande Valley of South Texas. Throughout her life, Anzaldúa advocated for the dignity of marginalized others, the ones whom in *Borderland-La Frontera*, (1999), she would call the queer or los *atravesados*. Anzaldúa's writings and teachings were largely informed by the poverty and harsh working conditions that she and her family endured as a result of the U.S. annexation of the Mexican Southwest.

Yet, despite the outstanding contributions these women made to their communities, they were shunned within sectors of these same communities. The way they spoke back at this shunning is the beginning of an anti-shaming practice that is the foundation of Trans Migrant Studies. They spoke up and by doing so, created a historical, material, and intellectual space for those who want to voice (and change) the social conditions of Trans migrants in the U.S. Their activism has left us a legacy that loosens the tight control that academia has had on Trans and queer bodies of color and their stories—the stories we must tell to address state violence and self-hate.

Their actions, whether written or verbal, surpassed and triumphed white, heteronormative, homonormative, middle-class shaming. And, this is the basis for their legacy in the development of Trans Migrant Studies. One of the first steps Rivera and Anzaldúa took to shift the power dynamics of gender conformity was establishing their authority over their own gender identity, an identity that defied class, race, ability and gender normativity. Sylvia Rivera enacted this

authority over gender identity and authorship when she made a statement to defend her right to gender autonomy and a dignified life in 1973. After a public speech where Jean O’Leary, (then president of the Gay Activists Alliance, GAA), referred to Sylvia as a “man” and someone who was irrational, causing a ruckus and being part of a group of “men” who dressed as women for “entertainment and profit” Sylvia responded:

The transgender community was silenced because of a radical lesbian named Jean O’Leary, who felt that the transgender community was offensive to women because we liked to wear makeup and we liked to wear miniskirts. Excuse me! It goes with the business that we’re in at the time! Because people fail to realize that -not trying to get off the story - everybody thinks that we want to be out on them street corners. No we do not. We don’t want to be out there sucking dick and getting fucked in the ass. But that’s the only alternative that we have to survive because the laws do not give us the right to go and get a job the way we feel comfortable. I do not want to go to work looking like a man when I know I am not a man.⁸⁴

In 1973, when Rivera made this public remark, she had not been in conversation with Anzaldúa, yet she practiced what Anzaldúa would later call Autohistoria and autohistoria-teoría. Speaking from the body, enacting our sense of self and integrity, means embracing the fact that we have the right to author ourselves based on our innermost sense of self and of our community history. Anzaldúa’s practice of autohistoria allows us to continue on this path while circumventing the epistemic borders set within dominant discourses about who has the right to be, to speak, and to make history.

⁸⁴ Gosset, Reina. “Jean O’Leary In Rare Form!” *The Spirit Was...* <http://tumblr.co/ZYm-5wc2t5Pk>. (2013).

As a working-class queer Chicana in academia, Anzaldúa challenged dominant notions of the intellectual. She knew that mainstream feminism made no room for her and she used her personal experiences to forge a path of knowledge production. Her practice of autohistoria serves multiple purposes in the world of the marginalized. Not only is she able to tell her story as she sees it, but she also naturalizes this process so as to grant access to other silenced people to do the same. This is of particular significance for Transgender women of color.

Many cisgender academics use their power to exclude, silence or diminish Transgender women of color and their narratives.⁸⁵ Transgender women are often prevented from accessing mainstream feminist space. This exclusion is violent, hurtful, and unethical. And, if there is anything of value to learn from this academic cissexism, is that Transgender Latina knowledge production must be constructed through a different path, one that allows for self-definition.

Recognizing the legacy that Anzaldúa has left us in the realm of self-definition, Edén Torres writes,

I faced Gloria not knowing where to begin. Alone with my legend, I was eager to set aside my natural cynicism and my insecurities to engage with this Xicana who had taken her own wounds and turned them into literary and philosophical fire--this Queer, female savior *sacrificing her privacy [emphasis mine]* to show us a new way to burn through life with the ferocious freedom of self-definition.⁸⁶

⁸⁵ Viviane Namaste, *Invisible lives: The Erasure of Transsexual and Transgender People* (Chicago: University of Chicago Press, 2000).

⁸⁶ Torres, Chicana *Without Apology*, 35.

Autohistoria can be seen as a path for communicating gender self-determination as a racialized and classed individual who is also part of a larger and complex community. Being able to piece together the fragments of one's narrative and communicate one's story could be the beginning of a healing process, one that could possibly prevent suicide and self-hate as well as mitigate or resist state violence.

Autohistoria can also be explained within the context of epistemic authority. In her essay, "Trans Identities and First-Person Authority," Talia M. Bettcher distinguishes between metaphysical and existential identity in order to explain first person authority. Bettcher argues that an existential identity approach best exemplifies first person authority or epistemic authority over one's gender. Bettcher notes that metaphysical identity asks, "What am I?" While existential self-identity asks, "Who am I?" The question of *what* am I? may render one invisible or misrepresented because to answer "What is a woman?" is to fall prey to a system of gender binaries and denial of personhood. A metaphysical engagement with identity risks invalidation. However, if one answers the existential question of "who am I"? One is speaking about "what one stands for and what matters most in one's life. In this sense the Transgender person obtains epistemic authority through existential self-identity because their statements inform who they are according to what matters to them and not according to a grammar of medical and legal binary systems. Within existential self-identity, "One's understanding of what is important is fundamental to one's

reasons for acting and so one's existential self identity is the anchor of the narrative." And, "gender presentation does not represent anything at all. Rather, its significance is to be understood within the context of the person's reasons for acting and more specifically, their understanding of who they are."⁸⁷

In this sense, when Sylvia Rivera, discloses how her gender identity intersects with class and race, marking her as an outsider to the legal means of employment, she enacts her autohistoria and first-person authority. She lets us know that what matters to her are gender self-determination and respect towards her social and economic wellbeing. Through her autohistoria, Rivera names the structural violence that she is exposed on a daily basis and how this violence manifests itself in the type of work she has to perform (sex work) in order to survive a world of transphobic, racist, and middle-class decision makers whose exclusionary discourses impact the life expectancy of TransLatinas.

According to Martin Dubberman, author of *Stonewall*, "the angry denunciation of Sylvia by Jean O'Leary, for 'parody of womanhood' was "typical of how the movement [mostly composed of cisgender white women] responded to her." And, he notes, "Later at the 1973 Gay Pride Rally, O'Leary would attempt to keep Sylvia from speaking, and the angry public confrontation that resulted would lead Sylvia, as an aftermath, to attempt suicide and drop out of the movement."⁸⁸

⁸⁷ Bettcher, "Trans Identities and First Person Authority" In *You've Changed: Sex Reassignment and Personal Identity*, edited by Laurie Shrage, 98-120. Oxford: Oxford University Press, 2009.

⁸⁸ Dubber, *Stonewall*, 236.

Sylvia's suicide attempt failed and, with time, she continued speaking out for trans youth of color, the poor, and the homeless. Speaking from her embodied lived experience as someone who had endured homelessness and hunger, and addressing an intersectional approach to social justice, one that took gender identity, race, class and put them at the center of the liberation movements of the 1970s, Sylvia Rivera's legacy is indicative of the work of a *nepantlera*.

As said by AnaLouise Keaton in *The Anzaldúa Reader*, *nepantlera* is,

A term coined by Anzaldúa to describe a unique type of mediator, one who 'facilitate[s] passages between worlds' ('Un)natural bridges'). *Nepantleras* live within and among multiple worlds and, often through painful negotiations, develop what Anzaldúa describes as a 'perspective from the cracks.': They use these transformed perspectives to invent holistic, relational theories and tactics enabling them to reconceive or in other ways transform the various worlds in which they exist.⁸⁹

Sylvia Rivera lived within a painful world of negotiating feminist spaces to earn the right to fight for gender and socioeconomic justice. She fought to belong in a movement meant to fight oppression. She was fighting to fight and this is how she developed her perspective from the cracks. One key aspect of developing a *nepantlera* identity, is not only that one experiences and lives through painful negotiations, but that one exposes the wounds of these painful negotiations for the social good of the community. Both Anzaldúa and several Trans theorists have used this approach. In an interview with AnaLouise Keating, Anzaldúa stated, "My resistance to gender and race injustices stemmed from my

⁸⁹ Keating, AnaLouise. *The Gloria Anzaldúa Reader*. (Durham: Duke University Press, 2009), 322.

physical differences, from the early bleeding and my early growth spur (I reached my adult height when I was twelve, but I weighted only eighty pounds). I was extremely shy and vulnerable, and it all stemmed from the fact that people saw me as “flawed.”⁹⁰

Similarly, Susan Stryker and Stephen Whittle, write the following in the Foreword of the *Transgender Studies Reader*,

Trans theorists, who have been able to authenticate the actual spheres of pain within trans lives, in conjunction with critiquing existing commentary, have enabled the coherent voices of trans people to be heard throughout the academy. This task was not without risk. The willingness of trans academics and theorists to give up their hard-fought-for privacy in their new gender role has undoubtedly cost the pioneers in the field. However, it has been through this articulation of the imposition of gendering on us by others that the position of suffering of those with trans identities has been heard.⁹¹

Disclosing body narratives in order to work towards social justice is complex because one is not always at peace with surrendering one’s privacy and exposing the elements of our lives that make us vulnerable. I find that Anzaldúa’s notion of Mestiza Consciousness helps us cope and “become tolerant” of one’s contradictions.

It takes a certain amount of humility to accept that no one can fully apprehend another person’s identity. No matter how many labels we come up with, a person’s identity defies and overflows the limits of the labels. As, Toni

⁹⁰ Keating, AnaLouise. *The Gloria Anzaldúa Reader*. (Durham: Duke University Press, 2009).130.

⁹¹ Stryker, Susan. “(DE)Subjugated Knowledges: An Introduction to Transgender Studies.” *The Transgender Studies Reader*, edited by Susan Stryker & Stephen Whittle, 1-17. (New York: Routledge, 2006).

Morrison says in *Beloved*, “Definitions belong to the definers, and not the defined.”⁹² It is violent and oppressive to adhere to this incessant need to apprehend and label everything and everyone into neat compartments. But rather than judging it so harshly, Anzaldúa gave us Mestiza Consciousness. To cope with this inability to contain another person’s definition of herself, Anzaldúa’s theorizing of Mestiza Consciousness taught us to learn to live with the overflowing and unruly aspects of our identities, to have a “tolerance for ambiguity.”⁹³

Her first lesson in Mestiza Consciousness applies to oneself. She learns to cope with her own ambiguities only to later learn to appreciate and welcome the ambiguities of others. Beyond tolerating her own ambiguities, Anzaldúa’s work teaches us how accepting our own “shadows” leads to non-violence and non-fragmentation. In the *Gloria Anzaldúa Reader* she notes,

People will have different ways of projecting their shadows onto others. So my whole thing with spirituality has been this experience with this other alien in the body, the spirit, the writing, and the sexuality. When I was young I was one with the trees, the land, and my mother; there weren’t any borders.⁹⁴

Later in this interview, she states, “When I tried to separate myself from other people, I separated myself from myself. I got so split so divided from myself

⁹² Toni Morrison, *Beloved* (New York: Penguin Books, 2000), 190.

⁹³ Anzaldúa, *Borderlands*.

⁹⁴ Keating, *The Gloria Anzaldúa Reader*, 88.

that I came close to dying. At times the separation has been so extreme that the link almost snapped.”⁹⁵

In these two passages, Anzaldúa’s notion of wholeness with the universe marks a practical way to construct an integrative and non-violent path for our bodies and those of other living organisms. Her lesson is that if we embrace our otherness, we don’t have to make borders of any kind. This is because we won’t project our shadows onto anyone, we are our shadows, and our aliens, and our others. There is no other outside ourselves because we are our other and we are one with everyone and everything else. In this formula there is no room for fragmentation, and everything is interconnected. There is also no room for the “clear gendered divides” that so many of us have clung to in order to create “safe spaces”. These gendered divides have used perceived genital status and chromosomal make-up as the main criteria for separating “dangerous and oppressive male-bodied people” from “peaceful and progressive-thinking female bodied feminists.”⁹⁶

Following this (ill)logic statement, is adhering to notions of oppositional sexism. Julia Serrano defines oppositional sexism as “the belief that female and male are rigid, mutually exclusive categories, each possessing a unique and non-overlapping set of attributes, aptitudes, abilities, and desires. Oppositional sexism attempts to punish or dismiss those of us who fall outside of gender and sexual

⁹⁵ Keating, *The Gloria Anzaldúa Reader*, 89.

⁹⁶ In the last ten years, I have attended feminist-centered academic conferences where these phrases are used in order to exclude Trans women and/or shame cisgender allies who want to open up feminist spaces to Trans women.

norms because our existence threatens the idea that women and men are 'opposite' sexes."⁹⁷

Every so often, I speculate that as cisgender people living in economically vulnerable times, we sometimes *think* that all we have is the power that comes from being part of a dominant majority. Conforming to gender norms gives us social capital and when that is all the capital at our disposal, we become possessive of it. We can trade this capital for goods, services and economic opportunities. Thus we cling to it. In *Chicana Without Apology*, Edén Torres identifies this type of behavior as a response to internalized dominance. We also cling to other arbitrary symbols of power such as being read as able-bodied, middle-class, tall, slender, etcetera. But these beliefs about gendered borders, which lead to oppressive cisgender behaviors, are what keep us fragmented as individuals, and as community members. And, this fragmentation is used against us in the compulsory ranking of identities that takes place within institutions that distribute life chances.

This fragmentation is the point of crisis. Anzaldúa understood this perfectly well when said, "nothing is separate."⁹⁸ If nothing is separate, but we agree to the terms of a society that is obsessed with separation and ranking through the establishment of geographical, gendered, racial, ableist borders, we are constantly experiencing chaos, confusion, and a permanent sense of dislocation.

⁹⁷ Serano, Julia. *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity*. (Berkeley: Seal Press, 2007).

⁹⁸ Keating, *The Gloria Anzaldúa Reader*, 106.

I see this sense of dislocation as an outcome of various types of deportability. Gender-based deportability sends Trans and other non-conforming people out of their mental and embodied sense of self while upholding a gender regime that unfairly (albeit distinctly and hierarchically)⁹⁹ rewards cisgender folks.

The ways in which cisgender privilege materializes is expansive (and expensive). They materialize in everyday violence committed against Trans people. They also materialize in everyday institutional exclusion, which contribute to maintaining isolation, illness, unemployment, and poverty in the lives of Trans people. In pointing out the similarities in approach between Anzaldúa's work and that of Transgender theorists and advocates, I have sought to trace a genealogy of commonality that can be the beginning of a bridge-building community that would be empowered to change the current structures that continue to limit the lives of Transgender people of color.

There will be no room in academia for Trans migrant and the knowledge they produce until we address and eradicate the rigid borders set around gender identity, race, immigration status, and epistemology. This chapter pounds on the walls that have been erected to limit the physical and intellectual mobility of Trans people of color in academia. But the pounding of these walls began a long time ago. Transgender Latina activist Sylvia Rivera and queer Chicana writer Gloria Anzaldúa put their embodied narratives on the line, and made themselves

⁹⁹ It is important to note that not all cisgender people benefit equally from living in a cis-centric society. Socially constructed and imposed hierarchies based on gender, class, race, ability, and citizenship status still operate in this critique cissexism.

vulnerable in order to protest hegemonic shaming practices and dismantle the multiple boundaries that limit their mobility.¹⁰⁰

Although Rivera's and Anzaldúa's activism can easily be understood as the beginning of Trans migrant justice, their work has been undermined, misunderstood, or minimized within academia.¹⁰¹ When the work of these two activists has been discussed, it has been within the confines of discrete academic categories which label and separate trans studies from queer Chicana migration scholarship. Even when their discursive and intellectual moves fell under a similar politic, one of Trans migrant justice, the historicizing of their work has been kept apart by epistemic borders in the disciplines. I have sought to undo this arbitrary separation by forging a discussion about the contributions that these activists have made for the advancement of trans migrant justice. It is my hope that with this chapter, I have forged a necessary space to address the social and economic marginalization of TransLatin@s in the U.S. In the next chapter, I further examine economic marginalization in the lives of TransLatinas by calling attention to a concept I am calling Economic Deportability.

CHAPTER 3

Economic Deportability in the Lives of TransLatinas

This chapter explores Economic Deportability in the lives of TransLatinas. I examine Economic Deportability as a set of socially and legally imposed injuries

¹⁰⁰ Dubberman, *Stonewall*; Torres, *Chicana Without Apology*, 35.

¹⁰¹ Norma Alarcón, "Chicana Feminism: In the Tracks of 'the' Native Woman," *Cultural Studies* 4, issue 3 (1990), 248-256.

that are bound together to form a vicious cycle of undesired consequences. In enunciating the ways in which TransLatina are excluded from the labor force, I also expose the material consequences of this exclusion. Economically Deportable subjects and migrant workers are the foundation of first-world prosperity. Since the capitalistic and white supremacist state fulfills its economic and political needs through economically deportable migrating subjects, the creation and maintenance of these subjects is of utmost importance.

Defining Economic Deportability

Economic Deportability is a legally imposed racial and gendered project¹⁰² that permanently ties black/brown/trans/queer migrant bodies to criminality, poverty, and illness, thus marking them as necessary but undesirable first-world subjects. Often, Economically Deportable subjects are migrants running away from physical and economic violence in their home country. Therefore, many of them are members of marginalized, impoverished, disabled, and persecuted members of any given society even before they are hailed within a first-world legal discourse that furthers their alienation in their new country of residence.

In *The Devil's Highway*, Luis Alberto Urrea chronicles the tragic history of the Yuma 14/Wellton 26, a group of Indigenous Mexican men who crossed the Mexico-U.S border through the Arizona desert in search of a better life. 14 of the 26 men died while crossing. Of these men, Urrea said, "They were aliens even

¹⁰² I borrow the term racial project from the work of Michael Omi and Howard Winant, in *Racial Formations in the United States from the 1960s to the 1990s*. (New York: Routledge, 1994), 53-76.

before they crossed the line.”¹⁰³ In my analysis of deportability and the bodies it affects in the U.S., I echo Urrea’s point of view: prior to being hailed within a U.S. legal system that marked them as Economically Deportable, these were subjects, that were “aliens before they crossed the line.” Their second-class status was crafted in their home countries through internal oppressive cultures (*culturas que traicionan*, as Anzaldúa called them), and reinforced with the low-wage jobs or unemployment crafted through globalization. In the U.S., their “alien before they crossed” status is then furthered solidified within the context of an active immigration system that sees them as aliens to be locked up and/or deported.

As I explained in Chapter 2, this is particularly important when considering the basis for qualifying for refugee asylum in the U.S. Current U.S. immigration law states that a person being persecuted on the basis of race, nationality, religion, political opinion, or belonging to a particular social group (such as gays, lesbians, transgender people) may qualify for asylum. One of the main problems with this policy is that it does not consider the fact that those persecuted are *not* only running away from physical violence but also from economic violence. U.S. asylum law does not concretely make room for an economic refugee. In fact, our current immigration policies specifically exclude economically vulnerable people from migrating legally. Denied entry into the mainstream economy in the home country does not prove persecution. Additionally, it is necessary that petitioners for refugee asylum can prove that they are capable of supporting themselves in the U.S. However, as many respondents of the TransVisible Study report,

¹⁰³ Luis Alberto Urrea, *The Devil's Highway* (New York: Back Bay Books, 2004).

economic vulnerability and fear of physical violence cannot be discreetly separated because they are intimately linked. The TransVisible participants were likely to make statements such as: “In my country, I was abused at home, school, and while on the street, I needed to leave to save myself.” As well, as: “I also left because I needed to improve my economic situation.”¹⁰⁴

It is not difficult to imagine that people who are “alien before they crossed” would be not only physically assaulted but also systematically rejected from the institutions that provide social and economic mobility. Yet, U.S. asylum policy strategically makes ample room for protecting those who could be rendered “political refugees”. Political refugees are understood as skilled individuals who could allow the U.S. to prosper while those running away from economic vulnerability are always already rendered as undesirable, their “alien” status follows them across borders. In other words, their social and economic marginality makes an insidiously smooth transition from the third to the first world. Their alien status is transnational and persistent.

Economic Deportability is created and maintained to support the nation’s political and economic needs. In the first world, these needs are in alignment with securing the health, financial wealth, and social value of white, middle-class, homo and hetero normative consumers. For these normative bodies to flourish and consume goods and services, non-normative bodies of color must fall into a social category that permanently reinforces their illness, poverty, and social devaluation.

¹⁰⁴ Padrón, *TransVisible*.

In order to paint these structural inequalities with a brush of “common-sense” and “business as usual”, the legal system and the media write the scripts that permanently attach queer and non-queer bodies of color to criminality. For most of all of our lives, these scripts become all we know about how to lead our lives. They tell us how far we can go, how much we are allowed to ask of the institutions around us, and, most importantly, how to make sense of life and inequality. In other words, if our script says we are “illegal” then, we know that our chances of accessing health care, owning a home, and having secure employment are very slim.

Through new computerized technologies in the Department of Motor Vehicles, Homeland Security, and local city police, our scripts travel faithfully next to our name, age, height, weight, eye color, and the gender we were assigned at birth. Economically Deportable subjects cannot simply reinvent themselves legally and socially because their legal and social identities are chained to the script written by current immigration laws (i.e. they have been legally and socially defined as alien).

Using the legal system and benefiting from dehumanizing images disseminated through popular culture, the state creates and sustains economically deportable subjects.¹⁰⁵ There are at least five key factors that make and sustain an Economically Deportable Subject. The state, (1) begins with a

¹⁰⁵ Nicholas De Genova, *Working the Boundaries: Race Space and "Illegality" in Mexican Chicago* (Durham: Duke University Press, 2005); Saskia Sassen, *Globalization and It's Discontents: Essays on the New Mobility of People and Money* (New York: The New Press, 1998); Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004).

person or population in desperate need of physical and economic survival, (2) makes them an explicit or implicit promise of prosperity, (3) creates legal documents that track the person or people as “illegal”, “criminal” and/or “amoral”¹⁰⁶, (4) through a discourse of illegality, criminality and immorality, relegates the person or people to low-wage, undesirable, and dangerous work, and, (5) in most cases, fails to deliver on its promise of prosperity by reproducing and/or exacerbating the desperate condition from which this person or people originated. This process creates a cycle of desperation, poverty, and illness. Deportable Subjects are found across all eras of U.S. labor history because U.S. wealth is made on their backs.

A Brief Historical Background of Economically Deportable Subjects

TransLatinas, however, are not the first (an unfortunately will not be the last) group of Economically Deportable subjects in the U.S. In the following section, I provide a brief history of Braceros and Cuban Refugees as examples of Profitable Refugees, or Economically Deportable subjects. These examples help to contextualize the classed, racialized, and gendered dynamics that shape the economic lives of TransLatinas in the U.S. today.

The Bracero Program

The Bracero program (1942 to 1967) clearly illuminates the way in which U.S. immigration policy imported and crafted deportable male bodies from Mexico in order to meet the U.S. economic demands that came about due to

¹⁰⁶ Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002).

labor shortages caused by the onset of World War II. Braceros were experienced farm workers who left their hometowns in search of better economic opportunities in the U.S.¹⁰⁷ The illusion of better pay and greater opportunities were promulgated in the written provisions of the Bracero program contract, in it, Braceros were guaranteed, “free sanitary housing, medical treatment, bathing facilities, transportation, wages equal to those of American farm workers, and a contract written in Spanish.”¹⁰⁸ However, as potential Braceros were inspected, many who did not make the “cut”, migrated without the “protection” of the legal Bracero stipulations. Because all Mexican farm workers were racialized in the same manner, they were treated as “wet backs” and offered no legal protection against labor violations. Those who passed the inspection were fingerprinted, and given an “Alien Laborer Permit.” In addition, upon entering the U.S., these “alien laborers” were met by U.S. Department of Agriculture personnel who promptly and thoroughly sprayed their half-naked bodies with dichlorodiphenyltrichloroethane or DDT.¹⁰⁹ The process of Braceros being sprayed with DDT constitutes a form of hazing. According to the Oxford Dictionary, “hazing is the imposition of strenuous, often humiliating, tasks as part

¹⁰⁷ George J. Sanchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900-1945* (Oxford: Oxford University Press, 1993); Juan Gonzalez, *Harvest of Empire: A History of Latinos in America* (New York: Penguin Group, 2011); Nicholas Walter, et. al., “Masculinity and undocumented labor migration: injured latino day laborers in San Francisco,” *Social Science and Medicine* 59, issue 6 (2004): 1159–1168.

¹⁰⁸ Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the I.N.S.* (New York: Routledge, 1992); Ronald Mize and Alicia Swords, *Consuming Mexican Labor: From the Bracero Program to NAFTA* (Toronto: University of Toronto Press, 2011).

¹⁰⁹ DDT is a pesticide known to cause various types of cancers and reproductive conditions. DDT was banned from the U.S in 1972.

of a program of rigorous physical training and initiation.”¹¹⁰

Since only insects considered pests are sprayed with pesticides, it is obvious that this practice was meant to humiliate and diminished the Braceros' sense of self. This type of hazing was meant to kill any racial and ethnic pride they might have brought with them across the border while simultaneously protect the perceived health and purity of Anglos. Being treated as “dirty Mexicans” or pests to be sprayed with insecticide solidified the racialization of Mexicanos/as, Chicanos/as, (and later other working class Latino groups) as alien others to keep away from whites. In order to protect whites from the perceived threat of the “dirty Mexican”, restaurants and other public establishments along the Southwest proudly and unapologetically posted “No Dogs, Negroes, Or Mexicans” at their entrance.

The legal and political work that U.S. institutions did in order to create and maintain the economically deportable Bracero ensured that these Mexican farm workers had little or no upward social and economic mobility. Thus, many remained in poverty or returned to Mexico empty-handed. The psychological wounds inflicted on those who remained in the U.S. are difficult to quantify. However, scholars such as Gloria Anzaldúa, Edén Torres, Francisco Balderrama, Cherríe Moraga, among others have discussed the ways in which anti-Mexican racism was not strictly reserved for the adult males working as

¹¹⁰ *Oxford English Dictionary*. 2nd ed. 20 vols. Oxford, Oxford University Press, 1989.

Braceros.¹¹¹

Anti-Mexican racism spilled over to every level of U.S. society, affecting children who were punished for speaking Spanish at school or ridiculed for eating Mexican food for lunch.¹¹² This type of widespread racism created internal social and economic borders within the U.S. These borders supported an apartheid system that limited the physical, social, economic, and psychological mobility of Mexican Americans. These social and economic borders delineated where Mexicans and Mexican Americans could live, work, eat, study and what kinds of dreams they could aspire to fulfill. The Bracero Program was not the first (nor the last) attempt to create an apartheid system between whites and Mexicans. It, in fact, rested on a long history of conquest and colonization as well as European concepts of economic stratification.

But its official existence from 1942 to 1964 as a federally supported program was instrumental to the collective understanding that in the U.S. social imaginary Mexicans and Mexican Americans were aliens to be despised, feared, and made to work without advancement. Additionally, its official standing as a federally supported program reified the concept of importing and deporting working bodies (arms/brazos) depending on the needs of capital. The term Bracero derives from the Spanish word “brazos” or arms. Braceros were expected to work the agricultural fields with their arms and nothing else. In

¹¹¹ Anzaldúa, *Borderlands*, Torres, *Chicana Without Apology*; Balderrama, *Decade of Betrayal*; Moraga, *Loving in the War Years*.

¹¹² Torres, *Chicana Without Apology*; Balderrama, *Decade of Betrayal*; Sanchez, *Becoming Mexican-American*.

essence, they came here as working body parts not as full human beings.

In studying the effects of the Bracero Program, we see the insidious ways in which in the U.S. Economic Deportability is imposed on bodies of color to extract labor and devalue their lives while simultaneously supporting a life of leisure and over-appreciation for white, middle-class bodies. The sinister tenacity of Economic Deportability is the basis for U.S. history and it identifies our collective and individual success in relation to our embodiment or proximity to whiteness, heteronormativity, gender-normativity, and adherence to middle class values.¹¹³

Cubans Proximity and Departure from White, Middle Class Identities

No other group illuminates the proximity and departure from white normativity as a sign of success more than those who belong to the Cuban migration to the U.S. Unlike the Braceros who entered the country as “alien workers” the first wave of Cuban immigrants to the U.S. were warmly received within the social and legal systems. Migration sociologist Alejandro Portes wrote: “Few Immigrant groups have commenced their economic adaptation to American life from a position of such relative advantage.”¹¹⁴ Juan Gonzalez, in *Harvest of Empire* substantiates this observation in his discussion of the benefits of the 1966 Cuban Adjustment Act, “The U.S. government provided a shelf full of

¹¹³ Sarah Ahmed, *Queer Phenomenology: Orientations, Objects, Others* (Durham: Duke University Press, 2006).

¹¹⁴ Alejandro Portes and Robert L. Bach, *Latin Journey: Cuban and Mexican Immigrants in the United States* (Berkeley: University of California Press, 1985); Rafael Ocasio, *A Gay Cuban Activist in Exile: Reinaldo Arenas* (Gainesville: University Press Florida, 2007); Robert M. Levine and Moisés Asís, *Cuban Miami* (New Brunswick: Rutgers University Press, 2000).

government assistance programs under the 1966 Cuban Adjustment Act, programs that Mexicans, Puerto Ricans, and other Latinos never received. The refugees became instantly eligible for public assistance, Medicaid, food stamps, free English courses, scholarships, and low interest college loans. They could secure immediate business credit and start-up loans. The state of Florida went even further—it provided direct cash allotments for Cuban families. Dade County opened civil service lists to noncitizens. The University of Miami Medical School even started special programs to help Cubans meet licensing requirements.”¹¹⁵

The 1966 Cuban Adjustment Act was a legal manifestation of the warm welcoming the U.S. would grant a white, highly skilled, group of Cubans who were running away from their native island after Fidel Castro, a communist leader took office. As Gonzalez points out, “At a time when only 4 percent of Cubans on the island had reached the twelfth grade, more than 36 percent of the refugees had college degrees, or a least some college education.”¹¹⁶ Their anti-communist belief system, combined with their whiteness and high-skilled training made this cohort of Cuban immigrants a most welcoming group.

The Cubans in this group were not “aliens” but rather “refugees” to be helped. They were to be incorporated within a system of middle-class capitalist life style. Gonzalez speaks of this economically and politically generous incorporation when he writes, “By 1962, the CIA station at the University of Miami was the biggest in the world next to the agency’s Virginia headquarters. The

¹¹⁵ Gonzalez, *Harvest*, 108.

¹¹⁶ Gonzalez, *Harvest*, 109.

agency had so many Cubans on payroll that it became one of Miami's largest employers. Those CIA paychecks provided many of the exiles a standard of living far beyond the imagination of any immigrants before them."¹¹⁷

The Mariel Boat Lift of 1980

The Cold War propagated a fear of Communism that propelled the socially and economically advantageous welcoming of the first wave of Cubans to the U.S. during the 1960s and 70s. However, by the 1980's the fear of Communism had somewhat faded into the background and when a group of mostly black, impoverished, and unskilled Cubanos began arriving in Miami, Florida, their treatment was vastly different than the treatment their white and skilled compatriots had received two decades earlier. The 125,000 Cubans who arrived in Florida between April and October of 1980 were called Marielitos because they came from Mariel, Cuba after a desperate and frustrated Cuban bus driver rammed his bus full of asylum-seeking passengers into the Peruvian embassy in Cuba on April 11, 1980.¹¹⁸ Within a few hours of this incident, "10,000 more Cubans had entered the embassy grounds also demanding asylum."¹¹⁹ This event led to an 11-day stressful negotiation period that ended when Fidel Castro made an announcement that anyone who wanted to leave the island could do so.

However, Latino Studies scholars Juan Gonzalez, Robert M. Levine, and Moisés Asís, explain that Castro's decision to open the floodgates was "less a

¹¹⁷ Gonzalez, *Harvest*, 111.

¹¹⁸ Robert M. Levine and Moisés Asís, *Cuban Miami* (New Brunswick: Rutgers University Press, 2000), 46.

¹¹⁹ Robert M. Levine and Moisés Asís, *Cuban Miami* (New Brunswick: Rutgers University Press, 2000).

humanitarian than a calculated act.”¹²⁰ This is because among those released to emigrate from Cuba were a group of newly freed inmates and patients from mental health institutions. “In his 1980 May Day speech, Castro reviled the Marielitos as ‘the scum of the country—antisocials, homosexuals, drug addicts, and gamblers who are welcome to leave Cuba if any country would have them.”¹²¹

Marielitos: The Cuban Deportable Subjects

Like the Braceros, Marielitos, too, were “alien before they crossed the [water] line”. Their undesirable status followed them in various aspects of their social and economic lives in the U.S. and they too became deportable subjects. Like the Braceros that were screened and sprayed upon crossing the Mexico-U.S. border. According to Juan Gonzalez,

Marielitos passed through a seven-stage screening process to see who would be released to join relatives and who would be detained. Racial attitudes combined with economic fears—the sight of so many new refugees entering the country at a time of high unemployment angered many Americans. The anger grew when the refugees, frustrated with the cold treatment they were receiving, mounted noisy protests at several detention centers.¹²²

As Marielitos were framed within a system of scrutiny and suspicion once in the U.S., their social and legal identities began to take shape. These identities informed the types of social mobility they could access. Three years after their arrival, a Cuban-born social worker, the head of a City of Miami agency, was

¹²⁰ Robert M. Levine and Moisés Asís, *Cuban Miami* (New Brunswick: Rutgers University Press, 2000), 46.

¹²¹ Robert M. Levine and Moisés Asís, *Cuban Miami* (New Brunswick: Rutgers University Press, 2000), 48.

¹²² Gonzalez, *Harvest of Empire*, 112.

quoted as saying that one third of the Marielitos were ‘trash’¹²³. This racist and classist description became a stereotype that was difficult to shake. And, within the material and discursive context of “trash” and or disposability, the promise of prosperity that once materialized for the first wave of Cuban refugees soon crumbled for Marielitos who were relegated to jobs in the service sectors of the thriving state of Florida. Marielitos were “aliens before they crossed” and, in the U.S., Economic Deportability was soon inscribed on their bodies.

In the U.S., the legal system is the hand that builds the contours of our identity. This identity dries, hardens, and solidifies through the collective consensus learned through popular culture and the media. Once the identity is solidified, we begin to experience its costs and benefits. Whether we are viewed as respectable and deserving Americans, or undeserving criminal/illegal aliens, is due less to the result of our individual actions and more to the outcome of the legally and socially binding positions enforced through U.S. immigration law. Immigration law, as we have seen in this chapter, is strategically crafted to meet the economic and political agenda of a nation that is captivated by the compulsory building and maintenance of empire, white supremacy and heteropatriarchy.

Braceros, Cubans immigrants who prospered under the protection of the 1966 Cuban Adjustment Act, and Marielitos are all socially and legally constructed categories that emerged as necessities and outcomes of U.S.

¹²³ Robert M. Levine and Moisés Asís, *Cuban Miami* (New Brunswick: Rutgers University Press, 2000), 50.

involvement in World War II. It is easy to observe the ways in which identities became tied to a specific socioeconomic status. However, a more challenging task is to recognize how sexuality and gender-identity become implicated in this political and economic hierarchy. In *Entry Denied*, Eithne Luibhéid explains that, “at the end of the war, there was a concerted effort to reassert ‘traditional’ gender and sexual roles.”¹²⁴ Of course, these so-called traditional family roles had been temporarily discontinued when a large number of white and non-white women joined the workforce during the labor shortage of World War II. At the end of the war, women were called to continue their patriotic duties by returning to their homes to care for children and husbands. In this manner, female domesticity and heteronormativity came to be understood as social and civic responsibilities that sustained U.S. democracy. Conversely, as John D’Emilio writes in *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States*,

homosexuality and any type of gender-variant behavior became analogous with Communism. According to right-wing ideologues, leftist teachers poisoned the minds of their students; lesbians and homosexuals corrupted the bodies of the young. Since Communists bore no identifying physical characteristics, they were able to infiltrate the government and commit treason against the country...Homosexuals, too, could escape detection and thus insinuate themselves into every branch of the government. Communism taught their children to betray their parents, ‘mannish’ women mocked the ideals of marriage and motherhood. Lacking toughness, the effete men of the eastern establishment lost China and Eastern Europe to the enemy, while weak-willed, pleasure-obsessed homosexuals—half-men—feminized everything they touched and shaped the masculine vigor that tamed a continent.¹²⁵

¹²⁴ Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002), 20.

¹²⁵ John. D’Emilio *Sexual politics, sexual communities : the making of a homosexual minority in*

The conflation of homosexual behavior and “failed” gender performance with the “evils” of Communism, Lubhéid and D’Emilio explain, criminalized and pathologized immigrants who were suspected of homosexuality. For example, in 1952, the Senate Committee of the Judiciary, recommended that the “classes of mental defectives should be enlarged to encompass homosexuals and other sex pervers.”¹²⁶ Thus gays and lesbians were banned from legally migrating to the U.S. The “ban” was not lifted until 1990.¹²⁷ While U.S. immigration policy deemed same sex desire and “failed” gender subjects deportable, it supported ‘traditional’ heteronormative nation-building through the 1965 Immigration and Naturalization Act. According to Lubhéid, under this act, “74 percent of all immigrant slots were allocated to heteropatriarchal family reunification, 20 percent to workers with skills in demand by U.S. employers, and 6 percent to refugees.”¹²⁸

It is against this historical background of racialization, Economic Deportability and the devaluation of same-sex desire and non-domestic femininity, as well as the high valorization of the heterosexual, highly skilled, immigrants that I analyze the innerworkings of TransLatina deportability in the U.S.

TransLatina Deportability

the United States, 1940-1970 (Chicago : University of Chicago Press 1983) Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border*, 21.

¹²⁶ Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border*, 21.

¹²⁷ Ibid, 177.

¹²⁸ Ibid, 22.

In November of 2007, while conducting preliminary research for my work with TransLatinas, I attended various meetings at a nonprofit organization that caters to the needs of this community. Here, I met Monica Reyes,¹²⁹ a TransLatina who agreed to grant me an interview about the lived experiences of Transgender immigrant women. As fate would have it, I would run into Monica seven years later and she would be a supportive trans advocate in the data-collection period of the TransVisible report. Our 2007 interview took place only four months after the death of Victoria Arellano.¹³⁰

Despite the fact that Transgender immigrant advocates in Los Angeles spoke out against the unjust and inhumane treatment of Arellano, no concrete change has taken place to secure that TransLatinas are not criminalized and/or treated inhumanely. In fact, a recent study by the California Department of Corrections and Rehabilitation showed that fifty-nine (59%) of Transgender women housed in men's prisons in California had been sexually assaulted while in prison – a rate 13 times greater than for male prisoners.¹³¹ After the death of Victoria Arellano, conversations about the fear of detention in immigration cells became even more commonplace among the TransLatina group members who attended the local community center that I visited for my research. At the meetings, there was a sense of immense sadness and hopelessness, a feeling

¹²⁹ This is a pseudonym I am using to protect her identity.

¹³⁰ In the introduction of this dissertation, I speak about Victoria Arellano, a trans woman who died while in ICE detention in 2006.

¹³¹ See California Department of Corrections and Rehabilitation, *supra* note 3. This is one of the only studies that specifically includes a transgender prisoner sample and compares incidents of sexual abuse within this sample with a sample of non-transgender prisoners.

based on state-sanctioned oppression and hegemonic cultural practices that devalue and disrespect Trans and Immigrant lives.

One of the main consequences of the criminalization of those who immigration officials (and society at large) perceive as undocumented gender transgressors is economic exclusion through employment discrimination. Although, many immigrants, and people racialized within a discourse of white supremacist neocolonialism are excluded from participating in certain sectors of the job hierarchy, Transgender Latina Immigrants endure yet another form of discrimination based not only on race, migration status, and class but also on gender identity.

Almost Dead: Anatomy of Trans/Xenophobia in the Lives of TransLatinas

The first question I asked Monica during our interview was if she knew who Victoria Arellano was. She affirmed that she knew that Victoria Arellano was a Transgender Latina Immigrant who was HIV-positive and who was denied her medication when she was incarcerated in an all-male immigration detention center. Monica said, “I know that she died shackled to a hospital bed and that she died because immigration officials took too long to take her to the hospital and to provide her with her medication.” When I asked Monica how she was affected by this tragic and neglectful event, she said, “I was affected because that could have been me. I am one of those people who everyone said, ‘she is going to die, look at her, she is HIV-positive.’ “But you know what? I took my medication and I picked myself up (me levanté). I know that there is always hope

and that if given you the chance to take your medication. You have hope until the very last minute. But society does not have hope in us. They give up on us as they say, she is almost dead, why do anything for her?”

Being read through an “almost dead” lens ensures the premature death of TransLatinas. This reading signals the lack of care that a ciscentric and xenophobic culture shows for the lives of Transgender Immigrants. This lack of care is made invisible because it is understood as “commonsense” to give life-granting opportunities (such as employment, healthcare, education, shelter and safety) to those who we see as alive and deserving of life.¹³² Thus, when Monica explained that TransLatinas are never helped because they say, “she is already going to die, why do anything for her?.” She is articulating how the apathy we have for Transgender lives is deeply rooted in a belief system that marks them as already dead. Being an undocumented HIV-positive transfeminine person in an anti-immigrant setting where over 400,000 people are deported each year,¹³³ meant not only living with the fear of being detained and deported, but also living with the fear that you might be killed through medical neglect and/or the denial of your gender autonomy.

Being an undocumented, Transwoman in the U.S. in this setting means that one could be placed in an all-male cell and be raped by cellmates and/or guards. This is where a cycle of economic exclusion, perpetual poverty and

¹³² Lisa Marie Cacho, *Social Death*; Spade, *Normal Life*.

¹³³ Doris Meissner, Donald M. Kerwin, Muzaffar Chishti, and Claire Bergeron. *Immigration Enforcement in the United States: The Rise of Formidable Machinery*, Report in Brief. Washington DC: Migration Policy Institute, 2013. www.migrationpolicy.org.

criminalization becomes imbedded in every aspect of TransLatina life in the U.S. Having come here in search of protection and finding themselves still trapped within a cycle of systemic transphobia, only reinforces the transnational nature of hatred against Trans people of color and the ways this hate is inscribed on their bodies.

Cycles that Kill: Economic Deportability and Coerced Sex Work

Because of the horrific consequences of being detained while Trans, notions of Deportability and Illegality become so crucial to TransLatinas. When I asked Monica to talk to me about employment opportunities in the lives of TransLatinas, she said:

“Tu sabes que los mejores trabajos se los llevan los gueros y los latinos somos los que tenemos que limpiar baños, hacer el trabajo de limpieza, recamaras o eso, restauranes, hoteles. El trabajo mas pesado lo lleva el Latino. Imaginate, ya tenemos esa discriminacion por ser Latinos? Y ahora, por ser transgenero no nos queda mas que la prostitución, es a donde nos Mandan. Porque de donde vamos a sacar dinero para pagar la renta?”

“You know that the best jobs are taken by the whites and, we, the Latinos, are the ones who have to clean the bathrooms, work in housekeeping in hotels and restaurants and that stuff. The hardest work is always taken by the Latino. Imagine, if we already have that discrimination for being Latinos? Now, if we are transgender, we have no other option but prostitution. That is where they send us because in what other way are we going to get money to pay the rent?”

Monica demonstrates her intimate knowledge of a system of racial and gender hierarchies that negatively impacts the ability of TransLatinas to make a living. She knows that a system of white and cisgender supremacy dictates her employment possibilities and “sends” her to work in the sex industry in order to

pay for housing. In using the phrase “they send us into prostitution” Monica is pointing out the lack of agency in participating in the sex industry. She signals a labor and economic deportation that “sends” her to a place and position not of her choosing.

Monica is not alone in her analysis of the employment sector for TransLatinas, one participant in the TransVisible Study reported: “Employment opportunities are limited. There could be many but there is no education among the citizenry about how to treat a Transwoman. So, Transwomen cannot enter the workforce.”¹³⁴ In our study, the TransVisible Team found out that ninety-one percent (91%) of participants did not have a job that provided medical insurance (figure 3-1).¹³⁵ Many participants had been “sent” to jobs in the informal economy. These jobs often lack financial and social security. 50 of the 101 participants in our study, made less than 17,000 a year (figure 3-2).¹³⁶ What is more, 36 of the 101 participants were unable or unwilling to state how much they earned per year. My Co-Investigator and President of the TransLatin@ Coalition, Bamby Salcedo has suggested that many TransLatinas are uncomfortable sharing information about their employment and income because they are reluctant to admit that they have participated in the sex industry. In our study, only 34 people said they had worked in the sex industry. However, one participant echoed, Bamby and Monica’s sentiment about TransLatinas and sex work. She said, “100 percent of TransLatinas succumb to sex work because

¹³⁴ Padrón, *TransVisible*, 18.

¹³⁵ Padrón, *TransVisible*, 19.

¹³⁶ Padrón, *TransVisible*, 19.

there is no other option.” Another participant stated: “I work two jobs; first, I am a hairstylist and, second, I am prostitute. The first job I do for pleasure and the second one I do out of necessity.”¹³⁷

It is the sense of being “sent into” or “succumbing to” prostitution “out of necessity” that most clearly illuminates the lack of agency that TransLatinas feel in terms of their employment options. One respondent, whose patient has run out, stated: “Queremos trabajo Digno, No más putería.” “We want dignified jobs, no more prostitution.”¹³⁸

It is important to note, that the application for U.S. citizenship asks petitioners to state whether or not they have been prostitutes. This question is under the “moral character” section of the application. Communists and prostitutes are excluded from obtaining U.S. citizenship.¹³⁹ Although, many middle-class cisgender people would simply answer “no” to this question, and no record of their sexual histories or political beliefs could be easily found, TransLatina sex workers are in a different and more vulnerable relationship to this question. TransLatina sex workers who advertise their services online and in local newspapers, have a more precarious relationship to the application for U.S. citizenship because the nature of their work demands advertising and this advertising leaves a track that could potentially be followed by immigration officials. In addition, in the application for U.S. citizenship, one finds a warning

¹³⁷ Padrón, *TransVisible*, 21.

¹³⁸ Padrón, *TransVisible*, 21.

¹³⁹ U.S. Immigration and Customs Enforcement, *A Guide to Naturalization*, by U.S. Department of Homeland Security U.S. Immigration and Customs Enforcement, M-476 (Washington, DC: U.S. Department of Homeland Security, 2012).

that one's citizenship could be taken away if the petitioner lied during the application process. This warning may push the applicant to "confess" to sex work and thus be placed in a double bind where they are vulnerable to denial of citizenship status on the basis of engaging in the sex industry or for lying about it.¹⁴⁰

Understanding the legal consequences for choosing to remain silent about whether or not one engages in sex work as a TransLatina, is key when analyzing the responses they gave in the TransVisible report. This analysis also illuminates the interconnected nature of economic deportability, criminality, and a life of poverty with very little chances of ever obtaining documents to receive mainstream employment and its benefits.

Many TransLatinas are systematically deported from the job market even before they can even interview for a position. This economic deportation occurs in a double bind setting where most TransLatinas are categorized as low-skill workers due to the fact that many left school early as a result of transphobic harassment. Low-skilled jobs are highly gender-segregated and they make cisgender people who conform to normative gender expectation much more likely to be hired. Low-skilled workers are chosen within a premise of perceived passivity and resignation, as people who obey the rules and accept their

¹⁴⁰ It is important to note that asking TransLatinas about whether or not they engaged in the sex industry was a decision based on the requests of the TransLatina Coalition. All survey questions were requested and approved by all members of the TransVisible Team and they felt that asking this question was significant because it would give us crucial information about the economic lives of TransLatinas. Because of the sensitive nature of this question, and many others, I did not conduct any of the surveys. All surveys were conducted by members of the TransLatina Coalition. In this sense, surveys were carried out from one TransLatina to another.

“assigned place” in society. TransLatinas, regardless of their individual personalities and belief systems, are not necessarily read as people who passively agree to the rules of this unfair economic game which is deeply rooted in class and gender passivity. As one of the respondents, stated when speaking about job discrimination, “Soy una mujer exotica y eso les asusta.” (I am an exotic woman and that scares them) Or, as Monica said, “habemos chicas rebeldes.” (There are those of us girls who are rebellious). Whether their challenge of the status quo is something they claim with pride, or whether potential bosses impose it on them based on stereotypes about Trans femininity, the end result is the same; finding gainful employment as a TransLatina is a pervasive challenge with life-enduring consequences.

The Impossibility of Gainful Employment

Fifty-seven percent (57%) of Transgender Latinas in the TransVisible survey reported that finding secure and well-paid employment was “very difficult” (figure 3-3). Among the jobs they listed as sources of income were: dog-walker, swap meet sales person, hairstylist, and sex worker. Being discriminated against on the basis of gender identity and presentation affects the jobs that many TransLatinas can aspire to obtain. Monica stated, “It is rare to see a TransLatina holding a good job. When we go to apply for a job, they think we are prostitutes or drug users and they don’t give us a chance. Sometimes you see a girl working in an office, but that only happens in HIV-related clinics and nowhere else.” A respondent in our survey shared: “Employment options are mediocre and limited.

There isn't much credibility granted to us."¹⁴¹

These views are not unfounded, according to the U.S. Census, in 2012, 25.6 % of Latinos live below the poverty line.¹⁴² According to a recent study by the National Center for Transgender Equality, "Latino/a Transgender people often live in extreme poverty with 28% reporting a household income of less than \$10,000 a year."¹⁴³

Outcomes of Poverty

Most TransLatinas are relegated to a poverty-stricken life, a life with very few possibilities for upward mobility. Being confined to a life of poverty encapsulates and determines every aspect of their lives in the U.S. This is because socioeconomic status is a social determinant that shapes the types of lives we can have and if we can live at all. Legal scholar Dean Spade talks about this phenomenon as the unequal distribution of life-chances on the basis of class and gender identity.¹⁴⁴ Poverty prevents people from accessing adequate healthcare, housing, education, personal safety, and overall wellbeing. In our current economic world order, where basic human needs have become commodified, only those with a sizable and secure income can access these life-sustaining essentials.

The Effects of Economic Deportability on TransLatina Health-Care Access

Given that sixty-five percent (65%) of respondents do not have any form of

¹⁴¹ Padrón, *TransVisible*, 18.

¹⁴² From the U.S. Census Bureau News Fact Sheet, Hispanic Heritage Month...

¹⁴³ The National Center for Transgender Equality. "Injustice at Every Turn: A Look at Latina/o Respondents in the National Transgender Survey." NCTE Web. Dec. 2011.

¹⁴⁴ Spade, *Normal Life*, 126.

medical insurance, the majority of them, (sixty-one percent 61%) stated that they go to an emergency room when in need of a doctor (figure 3-4). One participant in the TransVisible study reported, “When I am disrespected at the emergency room or the clinic, I do nothing because I am in pain and I need the services. I put up with the abuse.”¹⁴⁵

Medical services that are sensitive to the specific needs of TransLatinas are vital for at least two reasons: The first reason is the sheer number of TransLatinas who have been diagnosed with a physical condition. As noted in this study, thirty-eight percent (38%) of participants in this study communicated having a diagnosis. It is evident that members of this community are in need of direct services and preventative medicine. The second reason medical services are essential for this community is the overwhelming need for safe, clean, and consistent hormone treatment for those whose mental health and physical wellbeing depends on it.

In this study, seventy-five percent (75%) of participants expressed that taking female hormones was necessary for their mental health (figure 3-5). The relationship between appearance and mental was best explained by a TransVisible participant who stated: “I don’t feel respected because of my physical appearance.” Because society reads her body as incongruent with her gender identity, she is often insulted and disrespected. Facing these daily gendered microaggressions, this participant’s mental health has deteriorated.

Seventy-five percent (75%) of the TransVisible report participants reported

¹⁴⁵ Padrón, *TransVisible*, 22.

having felt depressed at some point during the last 12 months. Many associate their depression with the level of disrespect they face in the larger society. In an attempt to find respect and a sense of belonging, some TransLatinas have used various substances to alter their bodies and appear more feminine. Fifty-seven percent (57%) of participants admitted to having used some type of substance to better their appearance (figure 3-6). However, none of these substances are medically approved in the U.S. What is more, these substances are often administered in unofficial settings by people outside the medical field. Often, TransLatinas who have injected substances pay a high price due to the fact that their bodies reject the substance they injected. Since the injections often occurred under the table, there is a lot of secrecy around what, exactly is being injected into their bodies.

Some of the TransVisible participants have heard that mineral oil, airplane gasoline, and a number of other oils have been put to use in order to seek a more curvy or round body. In 2014, The TransLatina Coalition produced a film titled “Dying to be a Woman/Morir por Ser Mujer ” where these practices and their outcomes are described by people who have injected and those who have treated their symptoms afterwards.¹⁴⁶ One of the people featured in the film states, “If I had known, if someone had told me the consequences of this injection, I would have never done it.”¹⁴⁷ Another person said, “the doctors told

¹⁴⁶ *Dying to be a Woman/Morir por Ser Mujer*. DVD. Directed by Janet Alexander, Kathryn Brew, Claire Carlson-Jones, and Alexandra Pyke-Bagrash. 2014; Los Angeles, Ca.: TransLatina Coalition, 2014.

¹⁴⁷ *Dying to be a Woman/Morir por Ser Mujer*.

me that my HIV is not an issue; I am well in that regard. But this, [points at a large wound/gap on her hip], this, is killing me.”¹⁴⁸

A participant in our study lamented her situation in a similar way when she said: “I have holes in my body because I injected something and I didn’t know what it was. I cannot sit down because it hurts. I cannot do anything. I’m in a lot of pain.”¹⁴⁹ Ironically, or perhaps morbidly fitting, the level of physical vulnerability that TransLatinas experience as a result of being dumped or ignored by the legal system which often prevents them from having access to life-enhancing treatments, puts them in a position of constant vulnerability and Gender Deportability. The next chapter examines the role of Gender Deportability and Make-up as resistance.

CHAPTER 4:

Feminista y Bastante Liberada: TransLatina Makeup Practices as Defiance of Gender Deportability

I began attending TransLatina-organized beauty pageants in 2006. Since then, I have gathered stories, photographs, and notes that speak to the ways in which beauty is used as a site of individual and collective resistance among *some* members of the TransLatina community in Los Angeles. This chapter examines femininity and beautification through the application of makeup as sites of resilience and resistance. Using excerpts from interviews with TransLatinas who use makeup on a daily basis, I focus on a small group of TransLatinas who use

¹⁴⁸ *Dying to be a Woman/Morir por Ser Mujer.*

¹⁴⁹ Padrón, *TransVisible*, 24.

makeup and beauty to affirm their gender identity, signal aliveness, and resistance.

In the Introduction of *Making Face, Making Soul*, Gloria Anzaldúa writes, “we begin to acquire the agency of making our own caras. “Making faces is my metaphor for constructing one’s identity.”¹⁵⁰ In this chapter, I argue that through the application of makeup, some TransLatinas acquire agency by making their own faces, their own identities. This self-construction is a daily demonstration of their authentic gender identity and, in a racist, transphobic, and anti-immigrant society that would like to see them dead, creating oneself and demonstrating aliveness are acts of resilience and resistance. Some members of the TransLatina community have adopted the saying, “Mi existir es resistir” “My existence is my resistance.” What is more, being alive and demonstrating aliveness through the making of one’s face is indicative of self-authorship as a contestation of biologically determinist ideologies that dictate who is and is not allowed to be feminine and enjoy femininity.

However, in order to deeply understand TransLatina aliveness as a site of resistance, it is necessary to grasp the precariousness that surrounds most aspects of TransLatina lives, to hear their narratives of violence and proximity to death, and to understand them along a continuum of hegemony and resistance. Thus, in the first half of this chapter, I share the responses that TransLatinas gave in the TransVisible Study when asked about their experiences of

¹⁵⁰ Gloria Anzaldúa, “Haciendo caras, una entrada: An introduction by Gloria Anzaldúa,” in *Making Face, Making Soul Haciendo Caras: Creative and Critical Perspectives by Feminists of Color*, ed. Gloria Anzaldúa (San Francisco: aunt lute books, 1990), (xvi).

interpersonal and institutional violence. Based on these responses, the reader will see that TransLatinas have daily encounters with verbal, physical, emotional, and psychological abuse and these daily abuses place them in close proximity to death. It is because of this persistent and imposed proximity to death that demonstrating aliveness and celebrating their femininity becomes understood as resistance.

Disposability and Fragmentation of Body and Identity

As I stated in the methods section of this work, the TransVisible Survey was composed in conversation with members of the TransLatina Coalition. All questions in the survey were requested and approved by the coalition. Three questions that the TransVisible Team felt were important to ask TransLatinas were: (1) Throughout your life, have you ever been a victim of violence (including insults and beatings) on account of being a TransLatina? (2), Have you ever met a TransLatina who was murdered for being a TransLatinas? and, (3) If you have met someone who was killed for being a TransLatina, how did this affect you?

The following answers reflect the level of physical and psychological violence that TransLatinas experience throughout the course of their lives. Of the 101 participants surveyed in our study, 61 reported having been victim of sexual abuse, 78 of them stated that they had been insulted or beaten because of their gender and racial identities and, 34 of them had been robbed. These forms of victimization occurred across borders in their home countries as well as in the U.S. One respondent said that she lost a leg due to a police beating that she

endured in her country of birth. Another respondent said that she was shot while sitting at a bus stop in a U.S. city in 1992. This participant communicated that she was still experiencing trauma as a result of this shooting because the police did not help her.

Facing Ridicule and Silence

When asked if they contacted the police after being victims of a sexual assault, eighty percent (80%) of participants said they had not reported it to the police. Although all participants were surveyed individually and were not able to hear the responses of the other respondents, when asked why they did not report the crime to the police, 36 participants used the word “ridicule” to explain what cops do to them if and when they attempt to make a report. One participant stated: “If we go to the police, they laugh at us. They ridicule us and say that everything that happens to us is our fault.”¹⁵¹

The police in the U.S. is funded by taxpayer dollars and, as such, they claim to be an institution whose intention is to “serve and protect” the community. Yet, it is clear that TransLatinas are not treated with the level of respect and attention that many cisgender women would receive in similar situations. Complicating matters of who is victimized and when, is the fact that since many TransLatinas have at one point or another engaged in criminalized sex work to survive (see Chapter 3), they are more likely to be read as “undeserving” of protection on account of their criminalized employment. However, even when TransLatinas are victimized in situations that have nothing to do with doing sex

¹⁵¹ Padrón, *TransVisible*.

work, they are still rendered unworthy of police assistance. One respondent said that her cisgender roommate stole money from her. So, she called the police to try to get her money back. However, when the police came, the officers did not believe her and told her to leave the apartment. The police forced her to leave the apartment after she had paid rent to her roommate and, now she was without money and without shelter. As a Transwoman, she had no shelter that would honor her gender identity because most shelters are segregated based on sex assigned at birth.¹⁵² Overall, most TransLatinas in this study found that calling the police was pointless and at times only made things worse for them. One respondent stated, “the police ignore us without shame when we have a problem, and, if there are laws to protect people, then, they definitely don’t apply when it comes to TransLatinas.”¹⁵³

Dean Spade has pointed out that establishing hate crime laws to ensure that Transpeople are not harmed does nothing to protect the potential victims and, instead, gives more power to the state. Law-based arguments, he claims, do nothing to deter transphobic perpetrators from committing more crimes because he says that the law simply “doesn’t work like that.”¹⁵⁴ Spade says that a violent person about to make an attack on a Transperson does not stop to think about the potential punishment before committing a violent act.

While it is evident that supporting various aspects of the legal system to strengthen the punishment a person who is charged with a crime will receive is a

¹⁵² Spade, *Normal Life*; Mogul, *Queer Injustice*.

¹⁵³ Padrón, *TransVisible*.

¹⁵⁴ Spade, *Normal Life*

definite way to fortify an already abusive institution that criminalizes most people of color, I want to trouble his analysis when he states that the potential perpetrator of transphobia and racism does not stop and think about the legal punishment for the crime in mind. Perhaps the potential perpetrator does not consciously calculate the legal penalty for hurting another person. But, this mental calculation has already been done subconsciously as various institutions such as the family, the church, the media, and the education system all contribute to a society that systematically devalues the lives of those whose gender “misaligns” with their anatomical bodies. Through a series of racist and transphobic acts performed everyday at every institution, all members of society learn which bodies are valuable and worthy of respect and which bodies are disposable and undeserving of justice if and when harmed.¹⁵⁵ Through a series of racial and gendered microaggressions, a nativist and cis-centric population enacts its assumed superiority and creates free passes for those who want to hurt Transpeople, (especially, Transpeople of color and Transmigrants).

Innocent Even When Proven Guilty: Cisgender Men Murdering

Transwomen

To more deeply analyze and understand how and why Transwomen of color continue to be victimized at such high rates, it would help to acknowledge that transphobic violence does not occur solely in conversation with the legal system. Instead, it occurs within the context of a larger society that teaches us who can be economically deported, raped, bullied, ridiculed, and killed without

¹⁵⁵ Lisa Marie Cacho, *Social Death*

much penalty and who is to be protected and allowed to grow in every aspect of their lives.

Thus, whether a person who is about to commit a violent act against a Transperson may or may not think about the legal outcome, is not as important as taking into consideration how much value, space, respect, and capital is given to those who embody or approximate whiteness, heterosexuality, middle-class and cisgender identity. That every U.S. institution makes ample space to include those who adhere to heteronormative capitalistic ways of being means that these people are always already innocent even when proven guilty. And, by default, working-class, TransLatinas and other Transpeople of color are always marked as guilty 'deceivers' who 'get what they deserve.'¹⁵⁶

Trans- misogyny, Julia Serrano explains in *Whipping Girl*, is a form of violence committed against Transwomen because the larger society ridicules them not only for "failing" to live up to dominant gender norms, but also because by identifying with femininity, people who are male assigned at birth, impose a threat to the widely-accepted notion that maleness is a biologically determined superior state of being while females and femininity are always inferior.¹⁵⁷

Through the widely internalized message that all sexual and gendered practices enacted in our society must be centered around the pleasure and benefit of cisgender men, anyone who shifts from this mandate pays a high price.

¹⁵⁶ Talia Mae Bettcher, "Evil Deceivers and Make Belivers: On Transphobic Violence and the Politics of Illusion," *Hypatia* 22, no. 3 (Summer 2007).

¹⁵⁷ Serano, Julia. *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity*. Berkeley: Seal Press, 2007.

In this heteropatriarchal state, when a cisgender man is attracted to, courted by, or sleeps with a Transwoman, he is often supported by a social structure that tells him he should feel humiliated, shamed, fooled, and, or “raped.”¹⁵⁸ To mitigate the culturally imposed sense of shame that straight cisgender men are expected to feel for desiring Transwomen, many cisgender men hide their relationships with Transwomen and/or resort to physical violence and even murder to rid themselves of the Transwoman who evoked their desire.

Often, when Transwomen are killed at the hands of ex lovers, the legal system has vilified the victims and exonerated or justified the actions of the killers. The National Coalition of Anti-Violence Programs conducted a report on violence committed against members of the LGBT community in 2013. According to this report, “more than half (72%) of victims were Transgender women, while 67% of homicide victims were Transgender women of color, yet Transgender survivors and victims only represent 13% of total reports to NCAVP, highlighting a disproportionate impact of homicide against Transgender people.”¹⁵⁹ The same report found that “In 2013, male offenders were the majority of the perpetrators of hate violence, representing 72.45% of reports of hate violence offenders, a large increase from 2012 (43.49%).¹⁶⁰ By the middle of February 2015, seven Transgender women of color had been killed in the U.S. Their names are: Lamia

¹⁵⁸ The discourse of being “raped” by Transwomen they have sex with and later murder, was popularized by the ‘panic defense’ that defense lawyers in the Araujo case created.

¹⁵⁹ Ahmed, Osman and Chai Jindasurat. *Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Hate Violence 2013*. New York: New York City Gay and Lesbian Anti-Violence Project, Inc. 2014. Accessed April, 2015.

www.avp.org/storage/documents/2013_ncavp_hvreport_final.pdf.

¹⁶⁰ Ahmed, Osman and Chai Jindasurat. *Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Hate Violence 2013*

Beard (30), Taja DeJesus (36), Penny Proud (21), Ty Underwood (24), Yazmin Vash Payne (33), and Kristina Gomez Reinwald (46).¹⁶¹

The case of Gwen Araujo (2006)

In “Evil Deceivers and Make Believers,” Talia M Bettcher critically examines the ways in which Transwomen are vilified. Bettcher explains details about the legal defense argued to save four cisgender men who murdered an 18-year old Transwoman named Gwen Araujo in 2002. The defense prevented the men from being charged with first degree murder by stating that Araujo’s killers had “panicked” and “suffered a type of temporary insanity” after they found out that the “beautiful girl they met, was really a man.”¹⁶² Araujo had engaged in sexual relations with two of the men a few months prior to her killing. And these two friends had spoken on the phone about their sexual encounters with Araujo. On a night of October 2002, the men invited Araujo to a party, and upon forcing her to pull down her pants and show her genitalia, Araujo was beaten, strangulated, and buried four hours away from the location of the murder, near the Sierra Nevada Mountains.

During the trial period of these men, the defense attorney argued that Gwen was partially at fault for her own death because she had deceived the men into believing that she was a “woman.” The defense attorneys went as far as to say that Gwen had in fact “raped” the men when she slept with them without

¹⁶¹ Janet Mock, “A Note on Visibility in the Wake of 6 Trans Women’s Murders in 2015,” *Essays by Janet Mock*, February 18, 2015, www.janetmock.com/2015/02/16/six-trans-women-killed-this-year/

¹⁶² Bettcher, *Evil Deceivers and Make Believers*.

letting them know of her “true” identity. One of her killer’s mother stated: “Can you blame them. They were angry once they knew that the girl they were attracted to was ‘really a man’. Because of this type of trans-misogynist victim-blaming, Araujo’s killers were partially excused and not charged with first degree murder. Two of them were charged with second-degree murder, one with a misdemeanor, and another was released from the beginning of the trial for lack of evidence against him.¹⁶³ In addition to representing Araujo’s death as a consequence of her “lie,” it became obvious that the cisgender men who killed her were given an extreme amount of latitude and afforded a level of innocence because murdering a person whom they felt had undermined their hyper-heterosexual male prowess was a fit response.

The Case of Lawrence (Larry) King (2008)

An even greater amount of latitude and support was offered to Brandon McInerney, the eight grader who shot and killed 15-year old classmate Lawrence “Larry” King in Oxnard, California on February 12, 2008. McInerney shot Larry twice in the back of the head and Larry died two days later, on Valentine’s Day, at Saint John’s Hospital in Oxnard. First-time film director Marta Cunningham, created a documentary entitled “Valentine Road” about this tragic event. Many of the ways in which white, cisgender, middle-class, and male privilege were protected during the course of the trial are clearly depicted in this documentary.

According to McInerney ‘s psychiatrist, defense attorneys, and Larry’s friends, a few days prior to Larry’s murder, Larry had uttered the words, “I love

¹⁶³ Bettcher, *Evil Deceivers and Make Belivers*.

you, baby” to Brandon. Larry professed love for McInerney in front of a group of boys who were playing basketball with Brandon. As this murder case went to trial, evidence that McInerney’s decision to kill Larry was largely influenced by teachings he had acquired as an active member of a white supremacist group came to the surface. For example, the detective investigating the murder, found that in his backpack, McInerney carried not just one but two texts about Hitler and Nazism. The books were, *The 12th SS: The History of the Hitler Youth Panzer Division: Volume I and Volume II*. One other belonging that McInerney carried in his backpack was a notebook where he had drawn several swastikas, Nazi soldiers, white power symbols, including the National Emblem of the Armed Party Elite Guard (Waffen-SS) (figures 4- 1, 4-2, and 4-3). Upon discussing the nature of those notebooks and the unlikely chance that McInerney’s materials were innocent school supplies, Jeff Kay, Homicide Detective with Oxnard Police Department, stated, “This is not just doing history, this is not Anne Frank.”¹⁶⁴

However, Diane Michaels, Rosalie Black, and Karen McElhaney, three white middle–age and middle class women, serving as members of the jury in this case, had a much more flexible and generous “explanation” of McInerney’s Hitler-related paraphernalia. Feeling an enormous amount of compassion for Larry King’s murderer, Brandon McInerney, the women met in a well-kept house in Chatsworth, California, a white-dominated city in Los Angeles County, to discuss their feelings about the case. Of their friendship with each other, the women said: “we bonded because it was so frustrating to hear things in court

¹⁶⁴ *Valentine Road* DVD. Directed by Marta Cunningham 2013. HBO.

and, there were times when we were all crying in court and we couldn't talk about it."¹⁶⁵ While sharing wine and pastries, the women sat at a table and explained in more detail how they felt about Brandon McInerney, Larry King and the murder case. Rosalie Black stated, "you know, I feel that he [Brandon McInerney] is so intelligent and I feel that he is such a kid. When I looked at him, and he was sitting at that table, my heart broke for him, as a mom and as a grandmother."¹⁶⁶ Rosalie Black is not the only member of the jury who sees Brandon McInerney through maternal eyes. The other two women, Diane Michaels and Karen McElhaney nod in approval and recognition of the familiarity and empathy that Rosalie Black expresses. In fact, Karen McElhaney adds, "none of us thought he was a white supremacist. Now: his assignment on Adolf Hitler, could it have sparked his interest and [he] thought, 'oh, well, I want to know more about this.' He is 14."¹⁶⁷ In regard to the swastikas and other Hitler-related drawings found in McInerney's notebook, a white teacher from E.O. Green Middle School stated, "he was artistically inclined. It is perfectly normal for kids to draw Hitler and his mustache."¹⁶⁸ Rosalie Black, who has a strong commitment to advocating for McInerney's innocence, refers to these drawings as "doodles." And she states, "And, they love to draw at that age, even I doodle, sometimes [laughing joyfully]."¹⁶⁹

¹⁶⁵ *Valentine Road*

¹⁶⁶ *Valentine Road*

¹⁶⁷ *Valentine Road*

¹⁶⁸ *Valentine Road*

¹⁶⁹ *Valentine Road*

To shift blame away from McInerney, the women begin discussing how two girls (Mariah and Marina) who were dating each other while attending E.O. Green Middle school, were told to by school officials to stop holding hands. And the girls obeyed. The three women, Diane Michaels, Rosalie Black, and Karen McElhaney agree that if Larry King had “listened” to school officials in the same way that Mariah and Marina had done, then, they would not be in that situation of Larry’s murder trial. To express a sense of having ethics and a moral compass, Rosalie Black says, “how can I, Rosalie, say that this kid needs to go to jail for the rest of his life. It would have to be so much more compelling in every way for me to even go down that avenue.”¹⁷⁰ Then, the discussion begins to have a subtle shift when Diane Michaels states, “I do not think it was first-degree murder. However, it was premeditated. He had a plan to resolve this terrible problem because nobody was taking care of this problem.” Rosalie interrupts and says, “by murdering him, or just to maim him?” and, Diane responds: “we don’t know.” Now that Rosalie has controlled the conversation and redirected it towards McInerney’s innocence, Diane continues to make the point that Larry’s killer was a problem-solver. She said, “And then, he [McInerney] is having second thoughts about doing it. [killing Larry] But then, he gets the green light when he says, ‘hey Larry, I hear you’re changing your name to Latisha.’ He [McInerney] was solving a problem.”¹⁷¹

¹⁷⁰ *Valentine Road*

¹⁷¹ *Valentine Road*

Diane Michaels, Rosalie Black, and Karen McElhaney were jurors expected to carry out their role by looking strictly at the evidence presented to them. However, these three women failed to separate their identities from that of McInerney. Instead of looking at the evidence, (the fact that Larry was shot execution style, the fact that McInerney announced that he would kill Larry one day prior to the murder, and the fact that he carried white supremacist literature in his backpack were simply ignored or explained away. Instead, they shifted blame on Larry King while elevating McInerney's crime to a heroic move in the name of all straight boys Larry was "taunting."

Michaels, Black, and McElhaney, as well as McInerney's psychiatrist believed that Larry King was taunting McInerney. They saw Larry's makeup, high heel boots, and flirting as disrespectful not only to McInerney, but to other straight males at school. They felt that by murdering Larry King, McInerney was not only defending his pride and dignity by also that of his classmates. They saw this tragic act of violence as heroic and, sometimes, they saw McInerney as a justified victim of harassment. Diane Michaels shared, "where are the civil rights of the person who is being taunted?"¹⁷²

The overwhelming devotion to believing and advertising McInerney's innocence is literally embodied by Robyn Bramson, one of McInerney's defense attorneys, who tattooed the words "Save Brandon" on her right wrist. Speaking of

¹⁷² *Valentine Road*

why she chose to have an inked needle permanently publicize her commitment to McInerney's innocence, Bramson stated,

This is my only tattoo, obviously is a show of support for Brandon. It felt like the right thing to do. I don't I don't how to explain it I don't know that I will be able to express what it is about this kid that means so much to me, its' just that I love him. He is like one of my favorite people on the planet, his spirit, his energy, I don't know what it is, and I don't suppose I need to know what it is. (with tear sin her eyes) But, I just love him, I think he is fantastic. Every time I look at it, I am happy.¹⁷³

Although Bramson was the only person to have a McInerney-themed tattoo, many of the jurors showed support. Six of the jurors that appeared in the documentary chose to wear baby blue bracelets that read, "Save Brandon." The tragic murder of Larry King brought a significant amount of people in close proximity to each other. Jurors, teachers, students, attorneys, mental health professionals, and social workers came together to give an opinion about Larry King's murder and murderer. These people were supposed to be diverse in their identities and belief systems. However, this was not the case; the majority of them sided with the power of white, cisgender, male privilege. Interestingly, in this case, a law enforcement agent, homicide detective, Jeff Kay, was one of the few people (in addition to the youth who were friends of Larry) to have any sense of justice and compassion. He openly questioned if these people wearing the bracelets would wear them if their own child was murdered. The detective, a white male himself, sensed that Larry King was not seen as anyone's child. Larry King was a mixed-raced child who was poor, brown, and effeminate. At the time

¹⁷³ *Valentine Road*

of the murder, Larry lived in a shelter for abused children. Larry King did not elicit the juror's maternal instinct. Larry King was not to be protected because Larry was outside of the white middle-class innocence that guided the jurors' views and protected McInerney. Larry King, in this case, was no one's child. And as such, Larry King was to be sacrificed in order to save McInerney.

Speaking of the ways in which the trial was being conducted in such a biased way, detective Jeff Kay said, "they made a murder victim the cause of his own murder. I have never seen that before."¹⁷⁴

I was in Los Angeles, California when Larry King was murdered. I attended a vigil in Larry's name where members of the Los Angeles LGBT community could mourn and publically denounce transphobic/racist violence. For members of the LGBT community, it was clear why the legal system did not see Larry's death as a cold and calculated murder based on hate. Larry's life was not valued and Larry's murder would not be held fully responsible for the crime. Because Larry wore makeup and heels to school, and because Larry had an alter ego, named Latisha, a fierce and fabulous Black woman, the Transfeminine community hailed Larry as one of their own. TransLatinas at the vigil included Bamby Salcedo and many other members of the TransLatin@ Coalition.

While in school, Larry had been sent to the principal's office because some teachers felt that Larry should be in trouble for wearing makeup and heels. SB 777, a law that prohibited discrimination against gender identity, had just passed in California and Sue Parsons, the Principal of the E.O. Green Middle

¹⁷⁴ *Valentine Road*

School where King and McInerney were students sent the following e-mail to the staff:

We have a student on campus who has chosen to express his sexuality by wearing make-up. It is his right to do so. Some kids are finding it amusing, others are bothered by it. As long as it does not cause classroom disruptions he is within his right. We are asking that you talk to your students about being civil and non-judgmental. They don't have to like it but they need to give him his space. We are also asking you to watch for possible problems. If you wish to talk further about it please see me or Joy Epstein.¹⁷⁵

In the documentary "Valentine Road" Principal Parson is seen speaking about how she told Larry King that wearing heels and makeup would make Larry have a "hard life." Larry lived two more weeks after this comment was made. Brandon McInerney's first trial was dismissed on the basis that the jury was not able to come a decision and it was rendered a mistrial. Prior to the second trial, McInerney accepted a plea bargain charging him with second-degree murder (but not a hate crime) and for use of a firearm. Despite the fact that McInerney premeditated the murder, announced it to some of his classmates, and shot King in an execution-style manner, he was sent to juvenile hall and allowed to have a high school graduation with his family in attendance.¹⁷⁶

Throughout the course of the documentary, we see that McInerney's persona is identified as intelligent, artistic, heroic and lovable. He is the recipient of much compassion and attentiveness. More than anything, his defense attorneys wanted to secure a release date for McInerney. McInerney was

¹⁷⁵ Young, Gay and Murdered". *Newsweek*. Archived from the original on July 22, 2008. Retrieved July 23, 2008.

¹⁷⁶ *Valentine Road* DVD. Directed by Marta Cunningham 2013. HBO.

rendered innocent even when proven guilty. We live in a society where a white cisgender male can pack a gun in his backpack, plan the execution-style murder of a gender non-conforming youth, announce that he will kill this person and still receive an enormous amount of support and love. The release date that his defense attorneys were so eager to get for McInerney was secured. McInerney will be released from prison at the age of 39. Meanwhile, the student who planted a tree in E.O. Green Middle school to remember Larry King, was not allowed to write Larry's name on the plaque. Larry King was always already an invisible and insignificant figure in the lives of most adults involved in this murder trial.

The Legal Protection of Cisgender Privilege and Biological Determinism

The number of ways in which cisgender people who perpetrate violence against Transfeminine people are seen as innocent even when proven guilty are numerous and vast. Transwomen in my study and other studies have explicitly complained of outright discrimination at every institution of U.S. society. The gatekeepers of justice, housing, labor, education, health and wellbeing rarely see Transwomen as humans deserving of these rights and necessities. Instead, they hoard them for those who most faithfully cling to all levels of normativity.

The introduction of House Bill 2801 in Texas most clearly illuminates the ways in which cisgender people are perpetually positioned as the superior beings entitled to police all other gender identities. Texas Representative, Gilbert Peña, a Republican, introduced HB 2801 in March of 2015. The bill "adopt[s] a policy providing that only persons of the same biological sex may be present at the

same time in any bathroom, locker room, or shower facility." In addition, the bill gives a monetary incentive for cisgender students who "discover" and "tell" the court that a gender non-conforming person was in "their" restroom or locker room, or shower. Reporting on the introduction of this bill, Sunnivie Brydum, of The Advocate, states:

Every student who successfully proves the school violated this would-be law 'shall be awarded ... exemplary damages in the amount of \$2,000.' That sum does not include the 'actual damages,' which the bill notes includes 'damages for mental anguish even if an injury other than mental anguish is not shown.' In other words, the bill sets up a standard where cisgender students can not only complain about sharing facilities with a student they believe to be transgender, but if they can prove that student was in the "wrong" restroom, will also be awarded \$2,000, in addition to whatever amount a judge deems is sufficient compensation for the "mental anguish" presumably caused by sharing space with a trans person.¹⁷⁷

Another level of analysis to add to this already well-articulated critique is that the bill reinforces cisgender superiority and systematically places cisgender people in a paid position of gender identity border patrols. And, in this biologically-deterministic ciscentric world, genitalia dictates gender. Essentially, the bill sanctions a system of genital inspection, detection, and conviction of suspected gender non-conforming people.

That cisgender men are persistently rendered innocent victims of deception by a 'deviant' Trans person is nothing new to Transwomen. Perhaps the legal system is not the only institution we should analyze and question when we are looking at how and why Transwomen are victimized. A cissexist society,

¹⁷⁷ Sunnivie Brydum, The Advocate "Texas Doubles Down on Transphobic Legislation, Adding \$2,000 Fine for 'Wrong' Bathroom Use" March, 2015.

composed of all institutions, sends everyone a message about who is valued and who is disposable. In the matter of cisgender men killing Transwomen of color, we know that the law is not at the center of Trans victimization but it is not outside of it either. We know that wide-spread transphobia created a climate of death and disposability among Transpeople of color.

Death, Disposability, and Resignation

70 out of 101 participants in our study knew a TransLatina who had been killed as a result of her gender and racial identity (figure 4-4). Their reaction to these murders range from a sense of rage and desperation to deep sadness, depression, and resignation. These responses cannot be quantified but the words, anger, rage, desperation and the phrase, “this is the life of a Transwoman” were copiously used during the survey process.

One participant shared that her friend was killed with a baseball bat in her apartment in the U.S. Another respondent said, “I knew a TransLatina who was cut into pieces and I live in fear for my life for being Trans.” A study participant reported: “One of my friends was raped by gangsters who charge us rent for being in our corner. After raping her, they dumped her in the trash and left her for dead. Thank God she did not die, the guy who picks up the trash found her before she was smashed by the trash truck.” When asked how this specific violent event affected her, the participant responded by saying: “I have gotten used to these stories and I know this could happen to me, this is the life of a Transwoman.”

Despite, the vast number of ways in which Transwomen of color are victimized at all levels of society, TransLatinas with whom I have worked for the past seven years, have expressed various forms of active resilience and resistance to transphobia. Given that TransLatinas face what Talia Bettcher describes as a constant denial of authenticity,¹⁷⁸ the psychological and physical abuse of police officers and the neglect of the mental health establishment, it is common to describe this community within a context of desperation and lack. However, many TransLatinas find companionship and resilience in their relationship to one another.

In our study, we found out that 58 out 101 participants count on another Trans friend for moral and emotional support (figure 4-5). And, sometimes these sites of support are facilitated through gatherings centered around beauty and femininity, such as beauty pageants. Many of the TransLatinas with whom I have worked with during the past seven years, take pleasure in making their own faces and those of their Trans friends. It is important to note that not all TransLatinas have a passion for makeup and makeup is by no means the only way to assert one's sense of self. However, in this section of the chapter, I center the voices and experiences of TransLatinas who love makeup because they represent a significant group of people within my study and because what they have to say about makeup application makes a profound impact on the way femininity is conceptualized within feminist academic frameworks and beyond.

Historical Framings of Makeup and Femininity

¹⁷⁸ Talia Mae Bettcher, "Evil Deceivers and Make Belivers"

Our understandings of makeup and feminine beautification have been shaped by a myriad of philosophies housed within religious, scientific, and even feminist discourses. For the most part, makeup and beautification have been vilified as sinful, unhealthy, and or a self-annihilating practice. Anthony Synnott, annotates the history of makeup and beautification in “Truth and Goodness: Mirrors and Masks Part II.” Synnott provides evidence of the ways in which makeup and beautification have been framed and understood within the context of sin. He writes that beautification as a sin derives from a Judeo-Christian belief system that condemned women for these practices. Beautification as vanity or narcissism is found Jeremiah (4:30) where the following reprimand is found: “And you, O desolate one, what do you mean you dress in scarlet, that you deck yourself with ornaments of gold, that you enlarge your eyes with paint? In vain you beautify yourself”.¹⁷⁹ Additionally, Synnot writes how “Saint Clement of Alexandria (C. 150-c. 215) forbade women to dye their hair, to pierce the ears, ‘nor are the women to smear the faces with the ensnaring devices of wily cunning’. He pointed out that ‘love of display is not for a lady but a courtesan’.”¹⁸⁰

The relationship between the use of makeup and beautification as tools of “cunning” established within this religious framework strongly resonate with the legal framing and victim blaming of Transwomen as “deceivers”. In the U.S., a country forcefully dominated by Christian values, the legal system closely follows this discourse through its adjudication of “justice”. Dominant discourse of rape as

¹⁷⁹ Synnott, Anthony. “Truth and Goodness, Mirrors and Masks Part II: A Sociology of Beauty and the Face. *The British Journal of Sociology*, Vol. 41, No. 1 (Mar., 1990), pp. 55-76

¹⁸⁰ Synnott, Anthony. “Truth and Goodness, Mirrors and Masks Part II

“something she as asking for when dressing provocatively” or, Transwomen being responsible for their deaths because of their “deceit” are eerily similar to the sentiment that Saint Jerome (345-420) expressed when he wrote: “What have rouge and white lead to do on a Christian woman’s face?...they are fires to influence young men, stimulants of lustful desire, plain evidence of an unchaste mind.”¹⁸¹

Demonstrating that a patriarchal religious belief system has had ideological power in inscribing femininity within the context of deceit and immorality is unfortunately not too difficult of a task. However, what is more intriguing when discussing makeup and femininity are the ways in which some high-ranking academic feminists have also framed femininity and makeup within a similar context. Synnott writes:

The feminist attack on the cult of female beauty and its servant, makeup, began effectively with the publication of Simone de Beauvoir’s *The Second Sex* in 1949 describing and analyzing the subordinate position of women. In her view, women’s interests in beautification are political and a contributing factor in the oppression of women. Makeup is a symbol of this oppression. ...De Beauvoir insisted that ‘woman’s narcissism impoverishes her instead of enriching her; by dint of doing nothing but contemplate herself, she annihilates herself. (1953:707). Beauty is no substitute for hard work; and she observes that ‘Makeup can substitute for creating work of art’ (1953:529) Beauty, in sum, is political.¹⁸²

Beauty indeed is political as it is gendered and classed. Religious belief systems infiltrating our legal system in the U.S. and mainstream feminist conceptions of beauty, makeup and femininity are dominant; they create a meta-narrative that have deadly effects on all feminine-identified people. However,

¹⁸¹ Synnott, Anthony. “Truth and Goodness, Mirrors and Masks Part II.”

¹⁸² Synnott, Anthony. “Truth and Goodness, Mirrors and Masks Part II.”

religious dogma, the legal system, and mainstream feminism are by no means in sole propriety of the meanings of beauty and femininity. Far from being understood as sinful, vain, and useless makeup and femininity hold sacred, self-authoring, and life-affirming meanings in the lives of many TransLatinas.

In *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* Patricia Hill Collins writes, “African-American women and other individuals in subordinate groups become empowered when we understand and use those dimensions of our individual, group, and disciplinary ways of knowing that foster our humanity as fully human subjects.”¹⁸³ I would like to follow Collins’s train of thought and see how it relates to TransLatinas and makeup artistry as a way of knowing.

For some TransLatinas who participate in beauty pageants, makeup artistry is an individual, collective, and disciplinary way of knowing that fosters a sense of humanity. Part of fostering one’s humanity is creating and maintaining social ties that produce mutual benefits such as caring, respect, admiration, and an overall feeling of being useful and talented.

When I asked Renata, a TransLatina, if she likes doing makeup, she said: “I love doing makeup, I don’t know what I love more, making love or doing makeup.” I inquire about why doing makeup is so pleasurable for her and how she interacts with her makeup clientele. And, she says:

I love doing makeup because I can see the transformation of the face.
When I am done with her face, I can see what it is that I did to get her to

¹⁸³ Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (Boston: Unwin Hyman, 1990), pp. 221–238

that beautiful stage, I feel this way even when some of the women request very light or natural makeup. I do makeup for weddings and quinceañeras and many of the women request light makeup. Even with them, I can see the transformation and the beautification of their faces. I love to see them react to their image on the mirror and the comments they give me. When I first meet the person whose makeup I will do, I talk to her as if I have known her all my life. The reason why I do this is because the face is the most personal and sensitive part of a person's body. They are allowing me to apply their makeup and help them with their presentation. So, I want to know as much as I can about them to see what features I want to bring out in her and what colors she will like. I also ask her about the attire she is going to wear and we go from there. I love doing makeup because of the connection that I make with the women, and, it is an honest connection, let me tell you. For example, sometimes a girl comes up with a picture of celebrity at hand and she tells me, 'I want to look like this picture of J-Lo, or Angelina Jolie,' and sometimes, I have to say, look these celebrities often times have put a lot of money into products that make their faces extremely moisturized and refreshed. They also have special lighting for these pictures that they take and the picture may be altered. Also, your features are very different than hers and to contour your face, it will take very heavy-duty makeup that only looks good on camera but not in person. Instead, why don't we accentuate your most beautiful feature? And, when I say this, the women usually respond in a very positive manner. I help them see themselves for who they are and what they bring to the table. This is what I love to do and they love the results. They tell me they love their faces and what I have done with the contours and the colors that I have used to accentuate their natural beauty.

Renata's experience as a makeup artist demonstrates the satisfaction that she gets not from doing makeup as a job, per se, but for doing it as an act that requires skill, tact, honesty and one that merits connection, recognition, fulfillment and satisfaction. The sociality that she experiences through her role as a makeup artist is one that allows her to bond with others on the basis of her talent and expertise on feminine ways of knowing. It is interesting and perhaps very fitting that she associates doing makeup with making love. After all, there is

vulnerability, intimacy, physical contact, and often times a great deal of satisfaction in the relationship between the makeup artist and her client.

Makeup as Self-Authoring

In Making Face, Making Soul, Gloria Anzaldúa writes: “When our caras do not live to the ‘image’ that the family or community wants us to wear and when we rebel against the engraving of our bodies, we experience ostracism, alienation, isolation, and shame.”¹⁸⁴ In this section of the chapter, I draw on two interviews with Brenda Del Rio Gonzalez, a proud TransLatina who has been an advocate for and with the TransLatina community during the past 20 years.

Brenda echoes Anzaldúa’s sentiment when she says that in the process of beautification, many TransLatinas feel a sense of worth and family acceptance that they would otherwise be denied. Brenda states, “When we look more feminine, we feel *mas valiosas* (more worthy) and accepted by our families.

Brenda expands on the role of beauty pageants and the significance they show for self-actualization and community building. As she states:

In the beauty pageants, when we are backstage, we feel like we are jumping on a trampoline, bouncing with strength. These pageants are for us to realize our own beauty, our physical beauty and our inner beauty. And, by realizing our beauty, we become empowered. We are empowered to see how we have evolved and come into our own being. We realize that we have found a balance between the spiritual, mental and corporal parts of our identities. With this realization we become whole and when this happens, then we can focus on helping the younger girls so they can have a more dignified, healthy, and respectable life. What we want is for them to have a balance that is spiritual, mental and physical. This balance was costly and lengthy for many of us but it doesn’t have to be that way for the new generation of girls.

¹⁸⁴ Anzaldúa, “Haciendo caras, una entrada.” (xv).

Seeing that Brenda began to speak of the role of makeup, beauty and Trans activism in a continuum of integrative aspects of Trans wellbeing, I asked her if she enjoyed putting makeup on other Transwomen and what this meant for her. Her answer reflects how making one's face and that of others can be part of the sacred.

Makeup as the sacred:

Brenda states:

I love doing makeup on the girls, it is part of my job. The girls say, 'I want Brenda to do my makeup.' And, in the gay parade of 2012, Maria Conchita Alonso was there to represent the Latino community, and when she saw me, she immediately said: 'I want her to do my makeup.'

When I ask Brenda why this is important, that they choose her to do their makeup she says:

It makes me feel wonderful, that they want my teachings with the makeup. I not only do their makeup, but I teach them how to do it. By teaching them to do their makeup, I give them the weapons (armas) they need in order to go out and (dar la cara) show their faces out in the street. And, one day they will look more beautiful than me, because the student always surpasses her teacher. On the day that the girls tell me, 'look Brenda, now I can do my makeup by myself, that day is amazing. It's an amazing day because I was able to turn tears into a smile and that is the most wonderful gift. At that moment, I feel very grateful to the universe because that is the precise reason for which I was put on earth.

Brenda's knowledge of her community strongly resonates with the ways in which Gloria Anzaldúa thought about the sacred ways of making face. Anzaldúa stated: "You are the sharper of your flesh as well as your soul. According to the ancient nahuas, one was put on earth to create one's face (body) and 'heart'

(soul). To them, the soul was a speaker of words and the body the doer of deeds. Soul and body, words and actions are embodied in Moyocoyani, one of the names of the Creator in the Aztec framework, 'the one who invents himself/herself...the builder Kachina himself/herself.'¹⁸⁵ Brenda further contextualized making face as a healing practice and as a portal towards social belonging. She stated,

When we apply makeup, we are healing our shredded souls. They have been shred to pieces by life circumstances. We have lived a path of roses and thorns, and during that path there are many roadblocks: HIV, substance abuse, immigration inequality, discrimination. All of those things destroy our integrity and our spirits. We are left abandoned and empty inside. But, like the clowns that are sad, and they paint their faces, the same way we paint ourselves to cover our sadness. And, then, we begin to feel beautiful and many more doors open up around us, we are now accepted back into society.

Societal acceptance is not generously distributed to TransLatinas, however, many TransLatinas resist a world that would rather see them dead. Makeup in this case is not a way to self-annihilation as De Beauvoir asserted but as a way *to* life. Brenda conveys this sentiment beautifully when she states:

Cuando Maquillas el dolor, cuando maquillas las imperfecciones, cuando maquillas el llanto con colores bonitos, qué estás demostrando? Estás demostrando de que estás viva.

When you apply makeup on pain, when you apply makeup on the imperfections, and you cover up the tears and paint them with beautiful colors, what are you demonstrating? You are demonstrating that you are alive.

¹⁸⁵ Anzaldúa, "Haciendo Caras, una entrada." (xvi).

I am in awe of the beauty and depth of Brenda's words. As she pauses her speech, I take a few seconds to enjoy her message. I then think of the many second-wave feminists who essentially dictated that makeup was oppressive. And, I ask Brenda one more question. I say, "Brenda, tú, eres feminista?"/ Brenda, are you a feminist? And she responds: "Si, feminista y bastante liberada!/Yes, feminist and very liberated!"

Conclusion

When I was 12 years of age, I did not comprehend why being in that HIV clinic felt utterly intimidating. I sensed that, like the Transwomen who sat with me in the waiting room, I was going to pay a high price for embodying my femininity, a femininity that challenged U.S. centric notions of beauty and language. It was not HIV or TB that frightened me, I now realize. What frightened me was not having the language to say that our lives matter, and that we had agency, even while being outside U.S. citizenship and its rights. Higher education has given me a platform to speak about how and why queer migrants, specifically Transgender women, matter. My academic pursuits speak to this.

In 2006, I became a naturalized U.S. citizen and a graduate student in the Department of Chicana/o Studies at California State University, Los Angeles. I completed a Master of Arts in Chicana/o Studies before transferring to a doctoral program in American Studies at the University of Minnesota, Twin Cities. As I complete this dissertation, the last requirement for the completion of my doctoral

degree in American Studies, I want to engage the attention of those scholars, activists, and social-justice workers who care about gender and migration equity. Structural change is possible and very much needed in order to alleviate the legal injuries the state inflicts on people who are marked outside dominant notions of gender identity, and without the protection of U.S. citizenship.

TransLatinas are not breaking the law but the law is breaking them. We could passively accept their narratives and the challenges they face daily. Or, we could become informed agents of social change. Because every aspect of TransLatina life is impacted by gendered or immigration policy restrictions, there is ample room to make societal changes. For example, TransLatinas in the Transvisible Study shared the challenges they faced when seeking education, housing, employment, identification documents, and protection against violence. Whether a TransLatina is seeking to learn English at a local school or is looking for a medical practitioner to treat her cold, she is faced with strict binary gender norms that mark her as a deviant unworthy of dignity and respect.

Although, most of my analysis has focused on larger structures and institutions, the fact of the matter is that it is people behind the counter of these institutions who carry out the transphobic and xenophobic practices they have learned. Because of this, it is people behind the counters who have the most power in challenging transphobia and xenophobia. I am asking that we be brave and make whatever changes are within our power to honor a person's gender identity, to call her by the name and gender she has written on her employment

application/medical form/admissions application, etc. In the following section, I share a list of recommendations created with members of the TransVisible Team in order to educate and guide anyone who is interested in creating spaces that sustain and reaffirm TransLatina lives.

Training and Continuous Education Pertaining to the Transgender Community

Doctors, Nurses, and Other Medical Staff:

Members of the TransVisible Team recommend that medical service providers in private practices, community clinics, and emergency rooms in particular, be trained on proactive ways of respecting and honoring the gender identity of all patients. This would mean that medical staff would treat all patients with dignity and respect. Part of this training would include not only honoring the patient's gender identity but also focusing on the symptoms and/or condition that brought the person to seek medical attention. Often, Transpeople face medical staff that promptly focuses on the patient's Trans identity, sexuality, or genital status when none of these markers have anything to do with the reason why they attended this medical facility in the first place.

Another significant (and related), issue in the need of training is related to respecting the privacy of all patients. Despite the fact that most medical staff in the U.S. is familiar with Health Insurance Portability And Accountability Act (HIPAA), a 1996 federal act instituted to protect patients' access to health insurance and confidentiality, most Transgender people in the TransVisible study felt disrespected in medical settings. A common complaint among Transpeople is

that their health practitioners often inform other medical staff when a Transperson arrives at the medical facility even if the staff is not scheduled to treat the Trans patient. Trans patients I have spoken with have shared stories of medical staff peeking through the hospital curtains to get a glimpse of them. This unethical behavior makes Trans people distrust medical service providers because they are made to feel like part of a freak show.

Cisgender medical staff will always outnumber Trans patients, and this disproportionate ratio significantly impacts how Trans people are treated. This power imbalance creates a system where Transpeople are more likely to endure discrimination and humiliation without having a proper channel to complain or be believed. This form of vulnerability prevents Trans patients from fully trusting medical staff and from seeking preventative health services. As a scholar dedicated to the recognition of Trans rights, I ask that medical staff take these issues into account and to proactively institute policies and practices to ensure the safety, dignity, and wellbeing of Trans patients. Furthermore, since most TransLatinas in our study lacked employment-issued medical insurance, The TransVisible Team urges medical staff to assist Transpeople when they go to emergency rooms and when filling out paperwork to secure state-issued medical insurance. But, the most important concern is to treat people with dignity or respect regardless of their socio-economic status, race, gender identity, sexuality, immigration status, disability, and language.

Training of Employees who Provide Identity Documents

Employees working in identity document distribution centers such as the Department of Motor Vehicles, The Social Security Office, and various Consulates, should be trained in the specific state laws governing the issuance of documents. What is more, if a Transperson comes into their office/cubicle/window and there is no legal way to issue an identity document, the employee should still be able to provide a service that ensures basic protection of the person's privacy and dignity. A list of resources should be provided for those Trans clients who might need more documents or services to assist them in the legal validation of their identities. Since every state has different laws pertaining to the issuance of identity documents, and since the laws are ever changing, we are all charged with the task of learning what resources are available in our state and keeping up with changes that may facilitate the issuance of identity documents for Transpeople.

In general, the TransVisible Team wants to encourage all policy makers to focus their attention on creating and sustaining policies that would grant identification documents honoring every person's gender identity in every state. If and when Transpeople have access to proper identification documents, they also have access to a variety of employment options that they would otherwise never consider. Thus, it is important for policy makers to be aware of the magnitude of the problem of Transpeople who are forced into undocumented status through immigration policies, as well as traditional gendered practices.

In this study, I have outlined the intimate connection between being forced into “illegality” and enduring physical and emotional pain. I have called these interlinked factors legal injuries, because their effects create social stratification and ultimate suffering for TransLatinas. The social stratification is imposed when TransLatinas are forced to live a life of “illegality” and “deportability.” Without proper documentation, TransLatinas are positioned in a constant state of fear because they are well aware that in order to access medical services, employment, education, housing, and even utilities such as gas, water, and electricity, they must provide identification documents. Without a sanctioned path to obtain these documents, TransLatinas are always in a marginal state that directly and negatively impacts all aspects of their health. In order to eradicate the legal injuries inflicted on their bodies, we need the structural and moral support of those who have the power to create policies.

Education

Most TransLatinas in this study shared that they would love to return to school and seek professional development. However, lack of funding, documentation, and transportation in addition to fear of discrimination at school are some of the main reasons why the majority of them are not able to pursue adult/ continuing education. The fact that many TransLatinas earn income that is below the minimum wage, prevents them from affording the tuition of higher/continuing education. And, because most of them do not have proper documentation, they are unable to access financial aid. Their low-wage jobs also

make it almost impossible to afford a car and/or safe transportation to travel between home, school, and work. Members of the TransVisible Team recommend that schools make funds and transportation available for members of the Transgender community. This community is under-served by all institutions of higher learning and if these schools want to make space for Transpeople of color and change their current hostile climate, they could focus their attention on finding ways to facilitate the admissions and retention of Transpeople. The main issues that institutions of higher/continuing education must attend to are: financial aid, transportation access, and a commitment to creating an environment that respects the immigration status, race, class, language, sexuality, and gender identity of all people and Transpeople in particular.

Employment

Since 1996, the Federal Government has implemented the Work Opportunity Tax Credit (WOTC), a program meant to entice employers to hire members of certain “target groups.” According to the United States Department of Labor, the goal of this program is to help “targeted workers move from economic dependency into self-sufficiency as they earn a steady income and become contributing taxpayers, while participating employers are able to reduce their income tax liability.”¹⁸⁶

Targeted groups that qualify for the WOTC are:

Members of families receiving benefits under the Temporary Assistance to

¹⁸⁶ United States Department of Labor. Work Opportunity Tax Credit. Washington, DC. Business and Industry, 2010. Accessed January 2015, http://www.doleta.gov/business/incentives/opptax/wotc_faq.cfm

Needy Families (TANF) program for any nine months during the 18-month period ending on the hiring date, qualified veterans who are (1) members of families receiving benefits under a food stamp program under the Food Stamp Act of 1977 for at least a three-month period during the 12-month period ending on the hiring date or (2) entitled to compensation for a service-connected disability and (a) having a hiring date that is not more than one year after having been discharged or released from active duty in the Armed Forces or (b) having aggregate periods of unemployment of at least six months during the one-year period ending on the hiring date; 18- to 39-year-olds who are members of families receiving food stamp benefits for the six-month period ending on the hiring date, or receiving benefits for at least three months of the five-month period ending on the hiring date in the case of able-bodied adults without dependents who cease to be eligible for assistance under the work requirement at Section 6(o) of the Food Stamp Act of 1977; designated community residents (formerly high-risk youth), defined as 18- to 39- year-olds whose principal place of abode is an empowerment zone (EZ), an enterprise community (EC), a renewal community (RC), or a rural renewal county (RRC); summer youth (i.e., 16- to 17-year-olds hired for any 90-day period between May 1 and September 15 whose principal place of abode is an EZ, EC, or RC); ex-felons with hiring dates within one year of the last date of conviction or release from prison; vocational rehabilitation referrals (i.e., individuals with physical or mental disabilities that result in substantial handicaps to employment who have been referred to employers upon, or at any time after, completing or while receiving rehabilitative services pursuant to an individualized written plan for employment under a state plan for vocational rehabilitative services approved under the Rehabilitation Act of 1973, a vocational rehabilitation program for veterans carried out under Chapter 31 of Title 38, U.S. Code, or an individual work plan developed and implemented by an employment network pursuant to subsection (g) of Section 1148 of the Social Security Act with respect to which the requirements of such subsection are met); and Supplemental Security Income (SSI) recipients who have received benefits under Title XVI of the Social Security Act for any month ending within the 60-day period ending on the hiring date.¹⁸⁷

¹⁸⁷ Scott, Christine, or Government Agency. The Work Opportunity Tax Credit (WOTC), Congressional Research Service, 2013. Accessed: February, 2015. <https://www.fas.org/sqp/crs/misc/RL30089.pdf>

Although the WOTC program is not without its limits,¹⁸⁸ its existence helps to sanction and make visible the very real problems that economically deportable subjects face on a daily basis. In fact, the WOTC's target group list can be added to my economically deportable category. The difference between TransLatinas and the targeted groups is that members of these groups are assumed to have U.S. citizenship and membership into the dominant cisgender society. These two differences are important because they signal deservingness.

TransLatinas, cisgender immigrants of color, and other Transpeople have rarely been seen as deserving of dignified employment. However, they often carry the injuries imposed on them by a patriarchal and nativist system. Thus, TransLatinas are deserving of all opportunities for social and economic mobility on the basis that their vulnerability is socially and legally imposed. While programs such as the WOTC may not be perfect, they help us see that certain groups have been rendered worthy of assistance. The TransVisible Team urges policy makers to think of TransLatinas and other immigrant groups as members worthy of dignified employment, and to make the changes necessary to ensure that TransLatinas have access to well-paid, safe, and rewarding jobs.

Employment and Employment Verification Documents

As in other aspects of their lives, employment opportunities for TransLatinas are shaped by whether or not they have access to proper identification and employment documents. Because many of them remain undocumented, the

¹⁸⁸ There are limits or caps to how much tax deduction an employer can obtain from hiring a worker through WOTC guidelines.

TransVisible Team has recommended that policy makers institute policies that create avenues for Transmigrants to obtain employment verification and identity documents.

In addition, the TransVisible Team would like all employers to become educated on issues of gender identity and to hire people who are Trans and gender-non-conforming without discriminating those who choose not to assimilate to normative standards of gender and beauty, and who may or may not want to have medical procedures to affirm their gender identity.

The TransVisible Team also recommends that employers create a safe environment for all employees including providing medical insurance, a living wage, and gender neutral bathrooms as well as establishing a community where people are treated with respect and dignity, a place where no one is bullied, pushed around, ridiculed, or denied of upward mobility because of their gender identity, race, language, disability, sexuality, and/or faith-based identity.

Safety and Interactions with the Police

As discussed in Chapter Four, most TransLatinas have been victims of sexual assault and other forms of violence. However, very few of them feel comfortable seeking the help of the local authorities because they are often treated with disrespect and are ridiculed. With this in mind, the TransVisible Team recommends that the police department educate officers to recognize that people have the right to an autonomous gender identity and to respect this gender identity. They also recommend that police officers make sure that all

people are treated with integrity and that they let go of the notion that Transpeople who are victimized are at fault. Law enforcement agents should serve and protect and not blame Transpeople for the violence they experience on a regular basis. In addition, the TransVisible Team recommends that law enforcement agencies provide Transmigrants with the resources to contact service providers who can attend to their immigration, medical, and spiritual needs. If a Transperson is victimized, this person should have the opportunity to be treated fairly and to be protected from further violence. In our current society, this is not the case. The TransVisible Team requests that law enforcement agencies make the necessary changes to serve and protect members of the Trans community.

Immigration Policy and Detention Centers

Members of the TransVisible Team have had first-hand experience with immigration authorities and are well aware of the procedures that continue to deny basic human rights to Trans immigrants. The number of Trans and queer migrants who have been sexually assaulted while in detention centers is staggering. What is more, if and when Trans and queer activists speak up and protest sexual assault and solitary confinement in detention centers, they are furthered ridiculed, silenced and forcefully portrayed as erratic, incoherent, or violent in the news media. The TransVisible Team recommends that all migrants be allowed a comprehensive and accessible path to citizenship with the right to travel outside the country. Currently, we have a situation where the detention and

abuse of immigrants is at an ultimate high. The reason for the alarming rate of human rights violations in the immigrant community is multifaceted. However, a basic problem has to do with the immigration center bed mandate. According to Robert M. Morgenthau,

On any given day, Immigration and Customs Enforcement keeps at least 34,000 immigrants locked up while they wait for their cases to be heard in immigration court. Many of these detainees are incarcerated not because they are dangerous or likely to skip their court dates, but because ICE must meet an arbitrary quota set by Congress. This quota, which is often referred to as the “detention-bed mandate,” is a disgrace and should be eliminated. The quota is written into the federal law that appropriates funding for ICE. Congress requires the agency to ‘maintain a level of not less than 34,000 detention beds’ at any given time. The quota was first enacted in 2007, and it appears yet again in the 2015 appropriations bill currently pending in the House of Representatives.¹⁸⁹

The rationale behind this quota operates within a xenophobic and greedy system that is compulsively observed and normalized. The incarceration of so many non-violent immigrants reaffirms “illegality” and “deportability” among the already socially vulnerable immigrant of color population in the U.S. But more important, this quota is a profitable business for those who own private prisons. Morgenthau writes,

The persistence of this detainee quota is less surprising in light of the fact that for-profit private prisons hold more than half of all immigration detainees. When I was the district attorney of Manhattan, my goal was to lower our caseload by reducing crime. But private-prison companies have no incentive to keep immigrants out of detention, because these companies get paid per bed. Even a small reduction in the quota would be a hit to their bottom line. That is why they have poured money into campaign contributions and lobbying efforts. One private-prison company,

¹⁸⁹ Morgenthau, Robert. "The US Keeps 34,000 Immigrants in Detention Each Day Simply to Meet a Quota." *The Nation*, September 1-8, 2014.

for instance, spent more than \$13 million between 2005 and 2013 on lobbying¹⁹⁰

The Bed Mandate affects all immigrants without proper documentation and it further dehumanizes gender nonconforming migrants because they are victimized through sexual assault by guards and other detainees. Therefore, members of the TransVisible Team advise immigration officials, policy makers, and Congress to end the bed mandate, create pathways to citizenship, release all immigrants incarcerated for non-violent crimes, and ensure that we, as a nation respects everyone's gender identity and humanity.

One of the gifts of pursuing higher education is to help others and make the world a better place. For me, a better world would be a place where people who cross geographical borders as a result of economic vulnerability would be given a chance to succeed. After all, other animal species are allowed to travel in search of survival. Why can't all humans be allowed to do the same?

Limits to this Study

In addition to addressing access to basic resources such as housing, healthcare, education, safety, and documentation, I learned that many members of the TransLatina community also wanted to discuss their limited access to faith-based communities. When talking about their childhood and their teenage years, many shared stories about the impact that being kicked out of a church had on them. Some of them were not very religious. Yet, being pushed out of the church

¹⁹⁰ Morgenthau, Robert. "The US Keeps 34,000 Immigrants in Detention Each Day Simply to Meet a Quota."

that was attended by the rest of their family members, signaled another type of marginality that was emotionally and socially very difficult to withstand. In this study, I did not inquire about TransLatina inclusion/exclusion of faith-based communities because I simply failed to take faith-based exclusion into consideration. As a cisgender person, I have had many churches inviting me to participate in their services and ceremonies, and in this study I lacked the vision to see the importance that the church plays in the lives of some members of the TransLatina community. In retrospect, I wish that I had been attentive to this aspect of the lives of TransLatinas. In my future work with TransLatinas I intend to continue the conversation they started when they shared their stories of painful faith-based exclusion and sometimes surprising inclusion into churches they found on their own.

Plans for the Future

During the process of my research, I sought to listen and understand the narratives that TransLatinas shared about their struggles and triumphs in the U.S. Because they not are accounted for in the U.S. Census, many members of the TransLatina community desired information that quantified their lives in the U.S. They understood their existence in the U.S. as lacking quantitative evidence for the needs of their community. Thus, most of the research data that I used in this dissertation speaks to that evidence. However, members of the TransLatina community have also granted me numerous interviews and oral histories. In the future, I hope to draw from their stories to expand on our understanding of Trans

migrant femininity in the U.S. This research is timely as Transgender issues seem be recognized with more ease in the popular imaginary. However, for Transpeople who are migrants and are often rendered as double outsiders, belonging in the U.S. and choosing this country over their country of birth is a complex process that merits further exploration. I plan to explore these topics with members of the TransLatina community.

Figure 1-1. TransLatina Reasons for Migrating to the U.S.

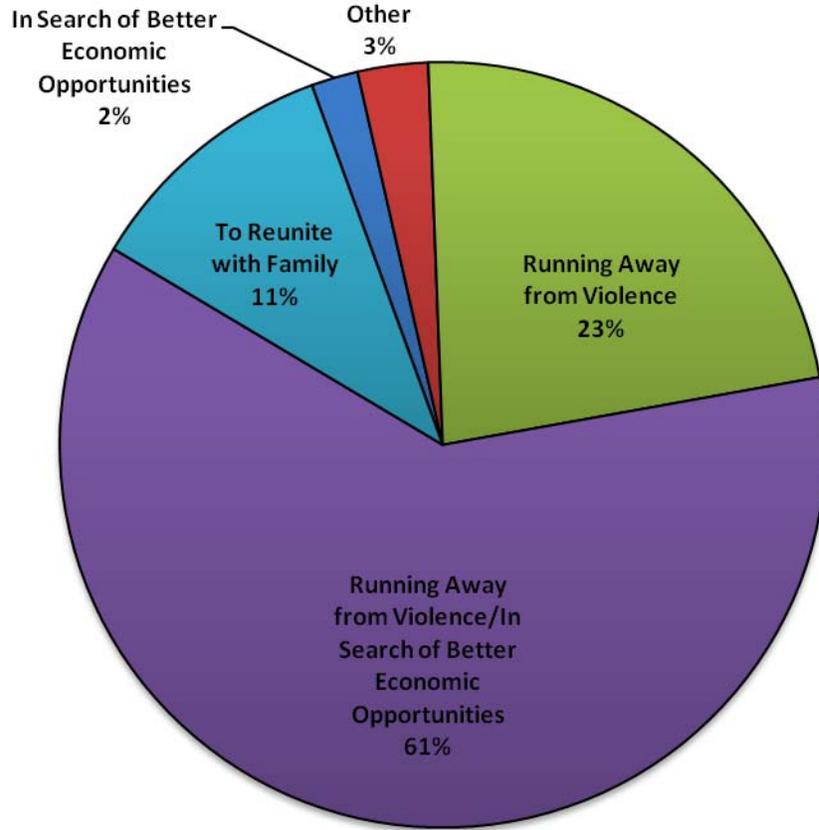


Figure 1-2: Marsha P. Johnson and Sylvia Rivera 1973



Photo by: Diana Davies

**Figure 3-1. TransLatina Access to
Employment-Based Medical Insurance**

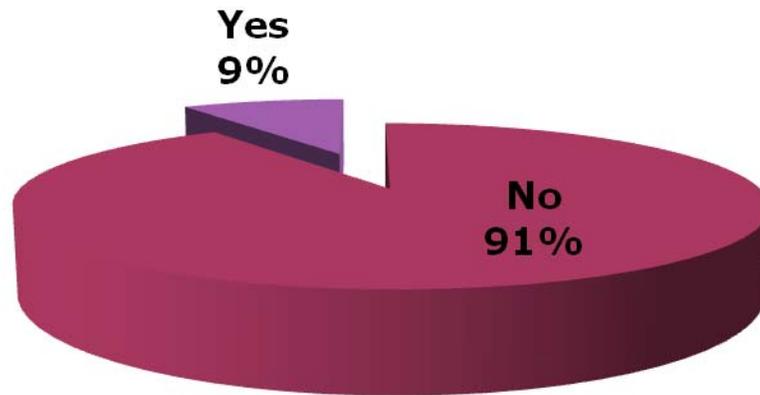


Figure 3-2. TransLatina Yearly Earned Income (2012-2013)

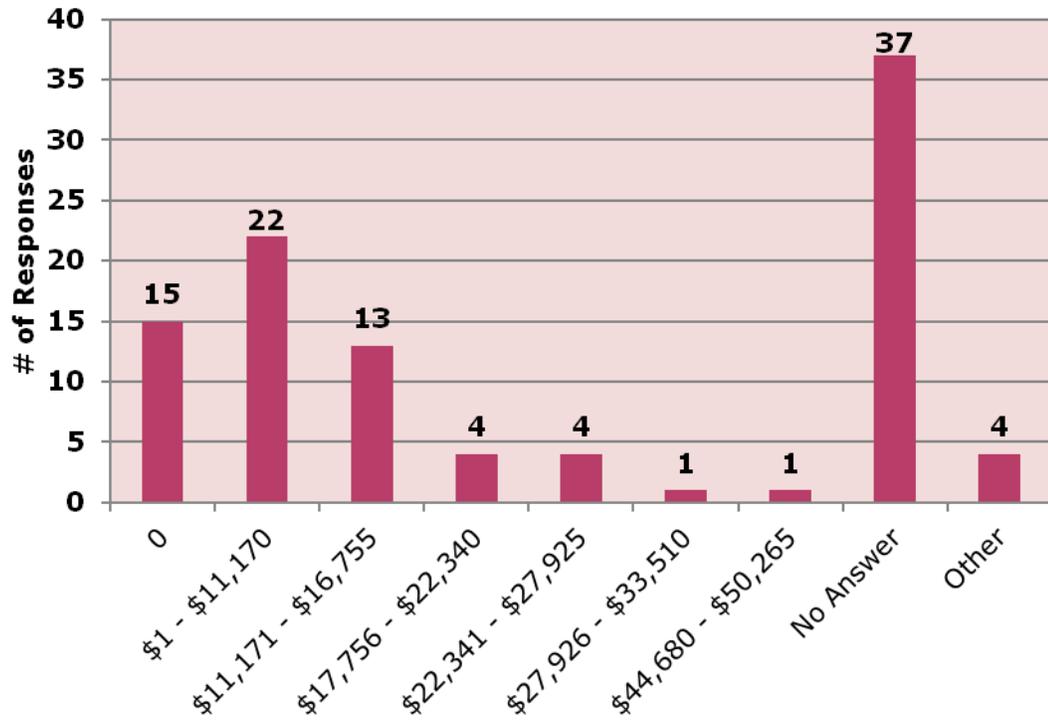


Figure 3-3: TransLatina Reported Difficulty in Finding Secured and Well-Paid Employment

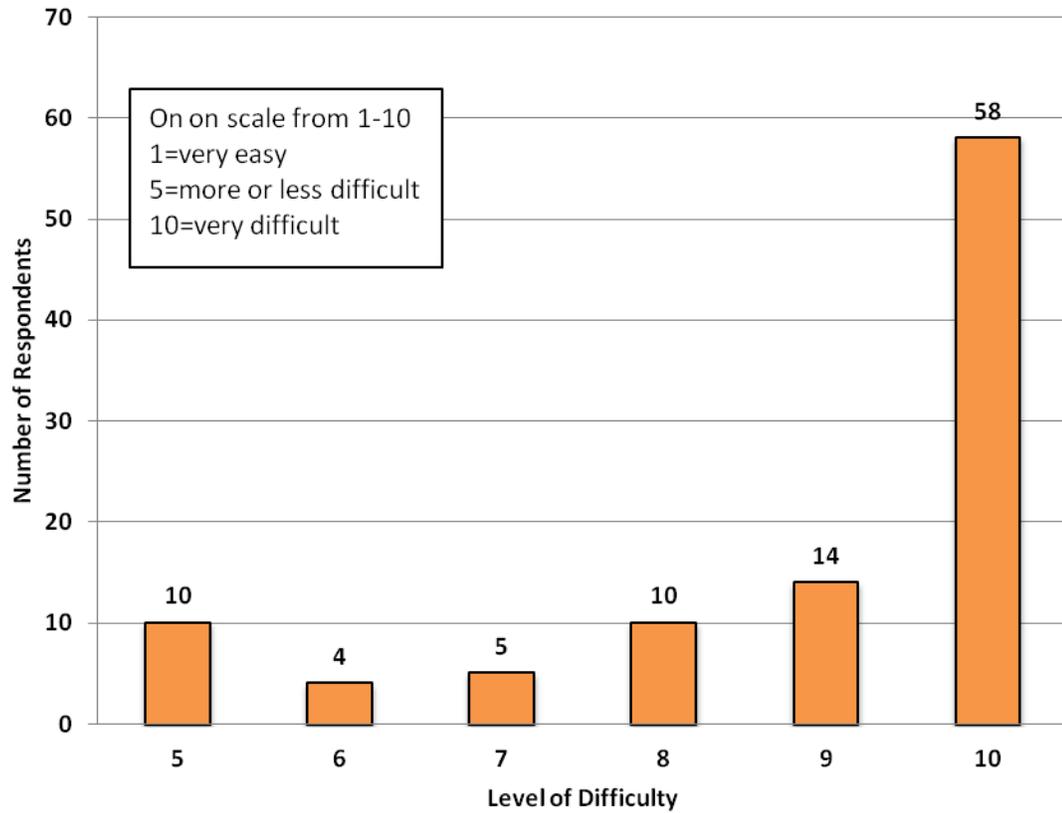


Figure 3-4. TransLatina Health-Care Options

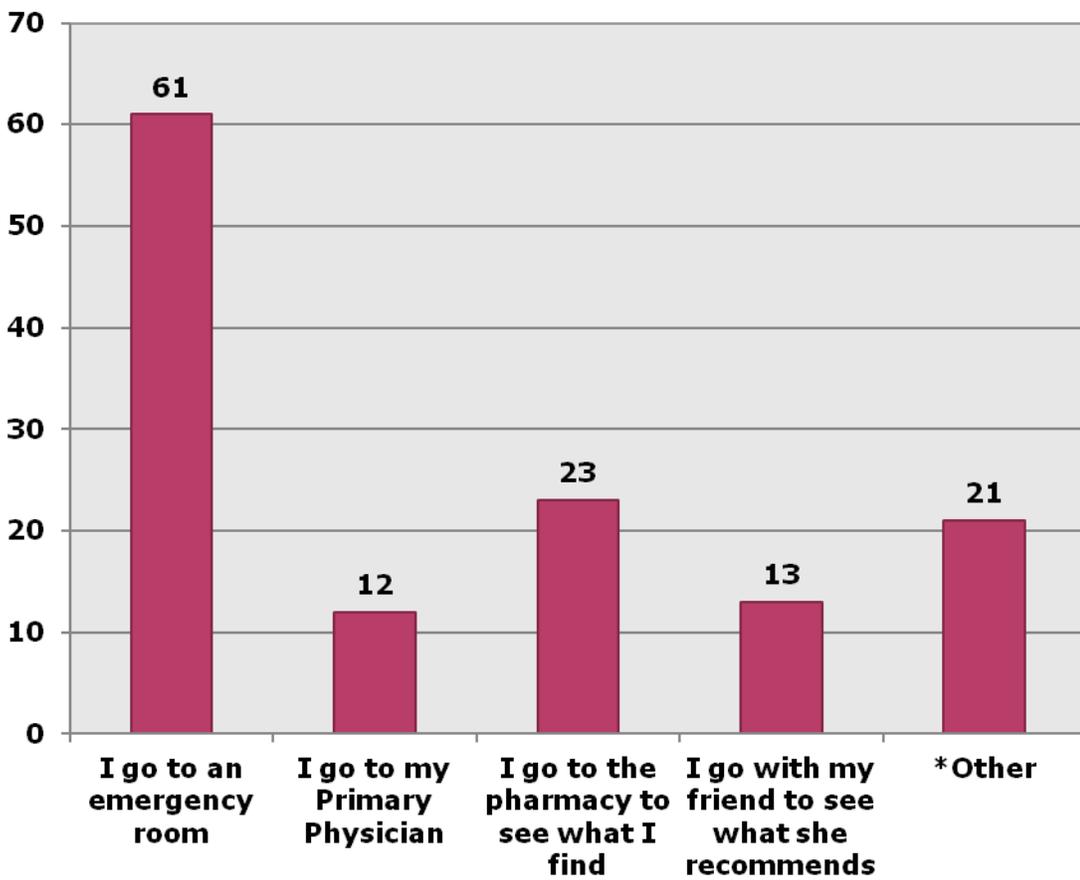


Figure 3-5. Is Taking Female Hormones Part of Your Mental Well-Being?

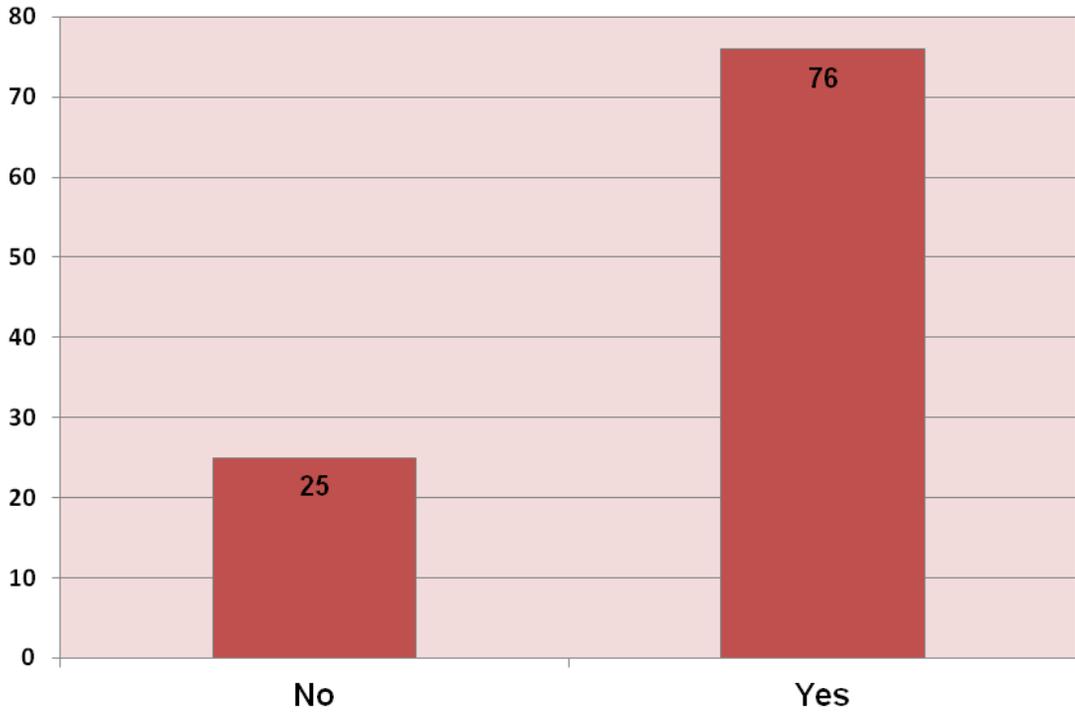


Figure 3-6. Have You Ever Injected Any Substance to Enhance Your Physical Appearance?

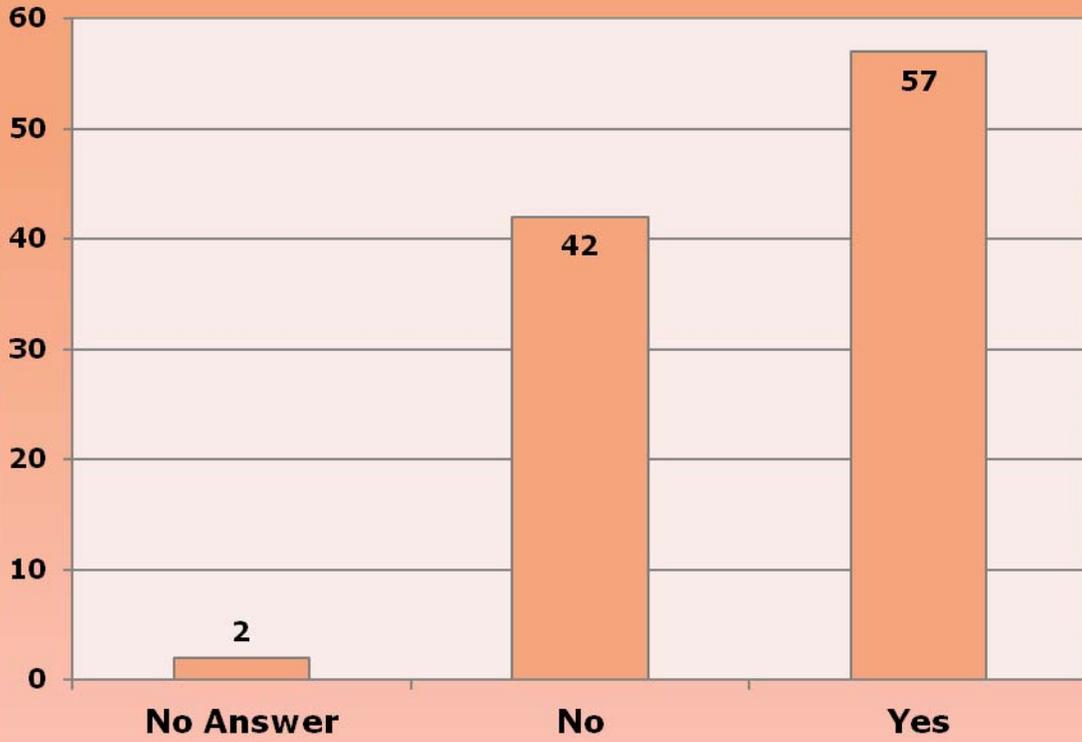
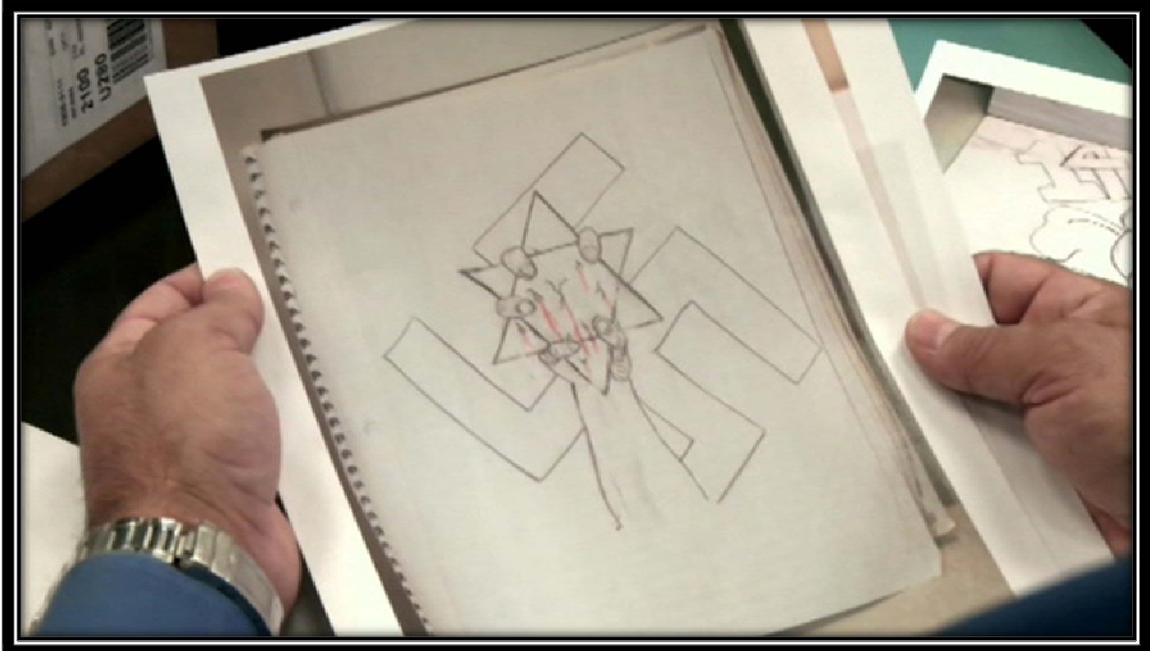


Figure 4-1: From Brandon McInerney's Notebook, Swastika and Hand Crushing the Star of David.



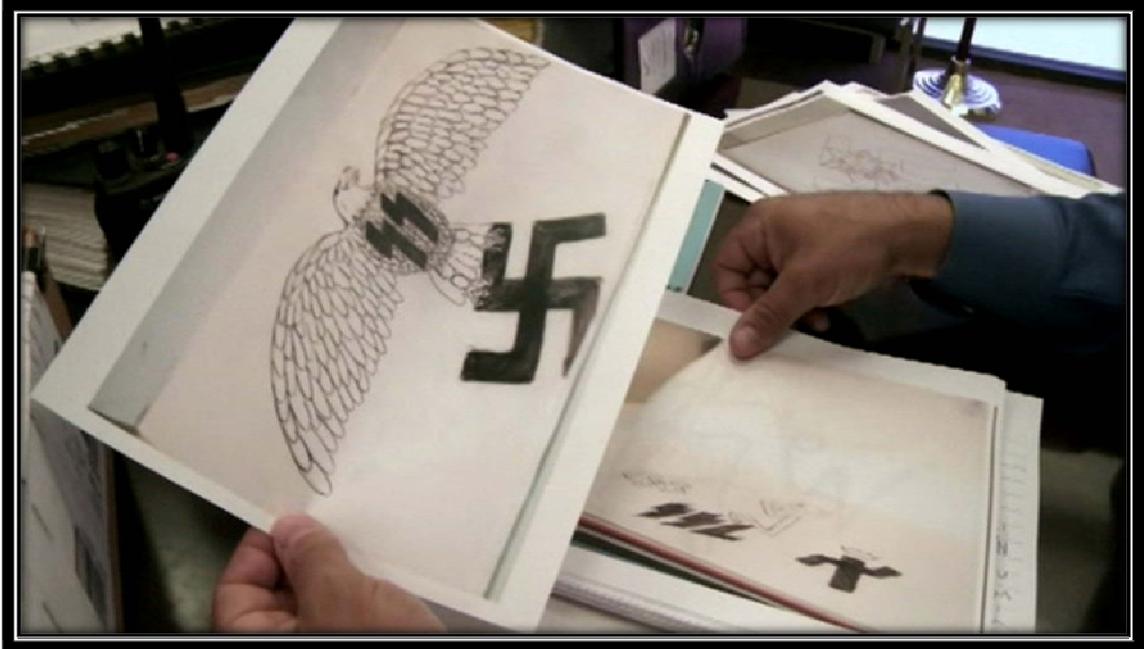
Jeff Kay, Homicide Detective with Oxnard Police Department holding Brandon McInerney's notebook from February 2008 (Source: <http://truecrimehothouse.tumblr.com/post/72092945290/drawings-from-brandon-mcinerneys-notebook>)

Figure 4-2: From Brandon McInerney's Notebook, Anti-Semitic Drawings.



Jeff Kay, Homicide Detective with Oxnard Police Department holding Brandon McInerney's notebook from February 2008 (Source: <http://truecrimehothouse.tumblr.com/post/72092945290/drawings-from-brandon-mcinerneys-notebook>)

Figure 4-3: From Brandon McInerney's Notebook, National Emblem of the Armed Party Elite Guard (Waffen-SS).



Jeff Kay, Homicide Detective with Oxnard Police Department holding Brandon McInerney's notebook from February 2008 (Source: <http://truecrimehothouse.tumblr.com/post/72092945290/drawings-from-brandon-mcinerneys-notebook>)

Figure 4-4. I Have Met Another TransLatina Who Was murdered for Being Trans

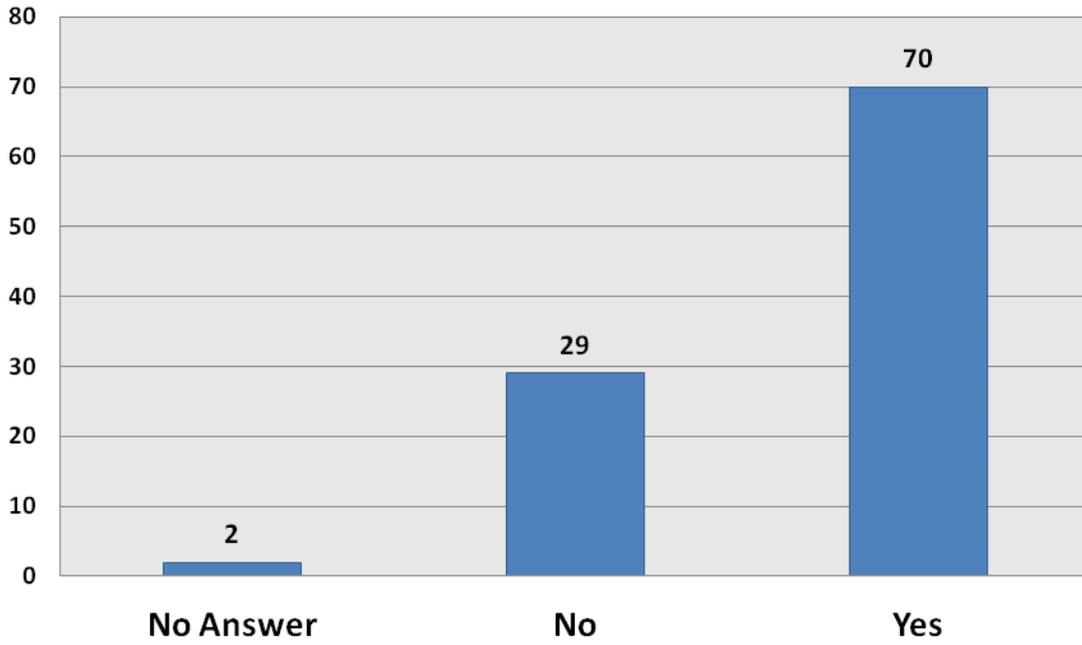


Figure 4-5. TransLatina Sources of Moral Support

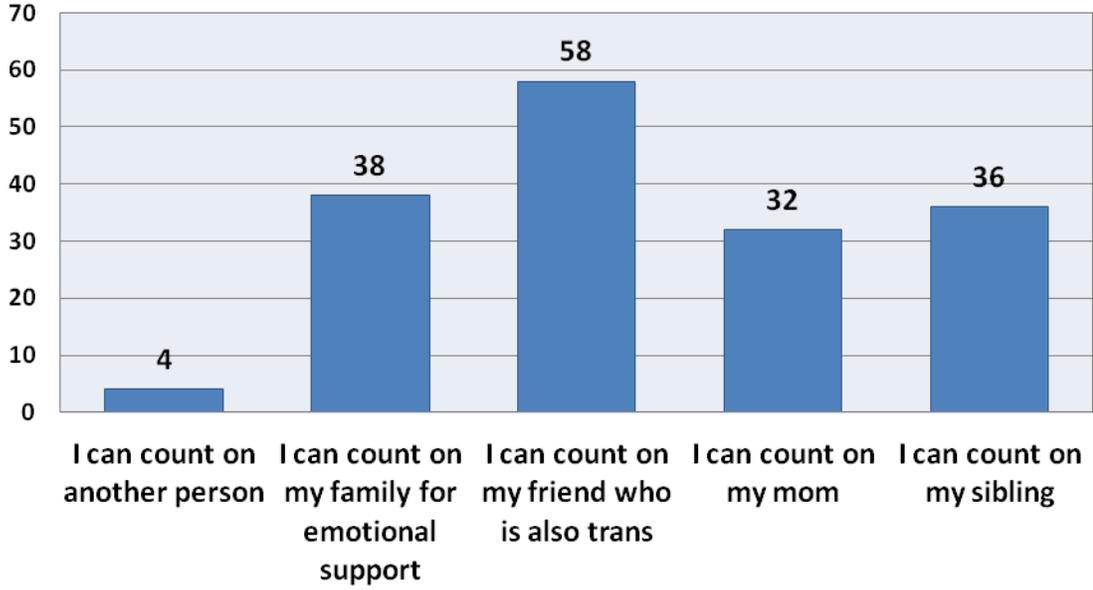


Figure C-1: The TransVisible Team at the launching of the TransVisible Report. UCLA Labor Center. November, 2013.



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