

The Politics of Transgender Asylum and Detention

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Abstract:

Immigration procedures related to asylum and detention are based on sex/gender binaries. Such binaries frame the bodies of undocumented transgender asylum seekers as unintelligible to immigration law and subject them to intense trauma. The experiences of trauma and death of transgender detainees within detention centers is a spatialized experience. The assignment of detention cells based on birth gender, denial of hormones and life saving treatments constitute a racialized and gendered torture upon the body of the transgender detainee. The article attends to the narratives of transgender detainees within detention cell by analyzing the script of "*Tara's Crossing*," a play based on the narratives of transgender detainees and asylum seekers. The play was produced by LGBTQ immigrant right activists soon after the attacks on 9/11 and the intensification of detention and deportation as a part of national security procedures. Drawing upon the script of *Tara's Crossing*, along with activist archives such as flyers, newsletter articles, and radio interviews of Balmitra Vimal Prasad, the protagonist of the play, the article analyzes the ways in which the sex/gender binary is reiterated within the detention cell, as well as asylum procedures. I turn to the activism around *Tara's Crossing* and the present-day activism of transgender immigrants in order to show how trauma experienced by transgender detainees holds potential for creating coalitional oppositional politics.

Keywords: transgender, asylum, detention, sex/gender binary, trauma, national security, coalitional activism.

Título: La política del asilo y la detención transgénero

Resumen

Los procedimientos de inmigración relacionados con el asilo y la detención se basan en binarios de sexo / género. Tales binarios enmarcan los cuerpos de los solicitantes de asilo transgénero indocumentados como ininteligibles para la ley de inmigración y los someten a un trauma intenso. Las experiencias de trauma y muerte de detenidos transgénero dentro de los centros de detención es una experiencia espacializada. La asignación de celdas de detención basadas en el sexo de nacimiento, la negación de hormonas y los tratamientos para salvar vidas constituyen una tortura racializada y de género sobre el cuerpo del detenido transgénero. El artículo atiende a las narraciones de detenidos transgénero dentro de la celda de detención mediante el análisis del guión de *Tara's Crossing*, una obra basada en las narrativas de detenidos transgénero y solicitantes de asilo. La obra fue producida por activistas de derechos de inmigrantes LGBTQ poco después de los ataques del 11 de septiembre y la intensificación de la detención y deportación como parte de los procedimientos de seguridad nacional. Basándose en el guión de *Tara's Crossing*, junto con archivos activistas como volantes, artículos de boletines y

entrevistas de radio de Balmitra Vimal Prasad, el protagonista de la obra, el artículo analiza las formas en que el binario de sexo / género se reitera dentro de la detención celular, así como los procedimientos de asilo. Me dirijo al activismo en torno a Tara's Crossing y al activismo actual de los inmigrantes transgénero para mostrar cómo el trauma experimentado por los detenidos transgénero tiene potencial para crear políticas opositoras de coalición..

Palabras clave: transgénero, asilo, detención, sexo / género binario, trauma, seguridad nacional, activismo de coalición.

Introduction

On May 09, 2018 Roxasna Rodriguez Hernandez, crossed over the US-Mexico border at San Ysidro port of entry between San Diego and Tijuana. After sixteen days of remaining in Immigration and Customs Enforcement (ICE) custody, Hernandez died from severe dehydration along with HIV related complications. An independent autopsy report showed indications of physical abuse, an acquisition denied by ICE.¹ Hernandez's death is not the first of many transgender asylum seekers succumbing to torture in the form of denying HIV or hormone treatments, along with physical abuse while in detention. In May, 2016, the Human Rights Watch released a report on the conditions faced by transgender women in detention.² Based on interviews with 28 transgender women from El Salvador, Guatemala, Honduras and Mexico, the report highlighted that all the women had survived physical assault, verbal violence, and denial of routine treatments while in detention. According to the report, ICE could not provide a count of how many transgender persons were in detention. However, ICE estimated that at any given night approximately 65 beds out of 30,000 detention beds were occupied by transgender women in the US. Transgender detainees

¹ See the NYT report about Hernandez's death and the independent autopsy at <https://www.nytimes.com/2018/11/27/us/trans-woman-roxasna-hernandez-ice-autopsy.html?searchResultPosition=5> Accessed on 10/30/2019.

² See report from HRW at <https://www.hrw.org/report/2016/03/23/do-you-see-how-much-im-suffering-here/abuse-against-transgender-women-us> accessed on 10/29/2019

experience militarization of the borders along with heightened detention and deportation through a violent regulation of their bodies while in detention as well as during asylum related procedures (Aizura, 2018; DasGupta, 2018; Shaksari, 2014).

This article, traces the ways in which transgender asylum seekers experience the detention cell through gendered trauma. Secondly, the article argues that the trauma experienced by transgender detainees and asylum seekers hold political potentials for the creation of oppositional transgender subjectivity. The article brings together an archive of cultural and activist texts from the past two decades in order to highlight how transgender detainees experience trauma, disruption in space, time and mobility, and yet mobilize these sensations for disrupting the national security state. The article is divided into three parts. First, the article traces the relationships between the sex/gender binary, asylum, immigrant detention, and national security procedures. This section argues that changes in asylum-related procedures since the 1996 immigration reforms and the conflation between immigration enforcement and anti-terrorism efforts since, 9/11 render transgender detainees illegible to immigration law. In discussing the intensification of national security procedures, I will reveal how the sex and gender binary (one that assumes sex is natural, the genitals we are born with and gender is social formed through the biological sex as well as social institutions and norms), is reiterated through detention and asylum related procedures, thereby rendering the transgender asylum seeker and detainee in a state of precarity.

In the second section, the article analyzes how the body of the transgender asylum seeker experiences the detention cell, as well as disruption in time and space as a form of bodily trauma. I will analyze the script of *Tara's Crossing*, a play written soon after 9/11 that depicts the struggles of a transgender detainee from Guyana. An analysis of the play and interviews with Balmitra Vimal Prasad (upon whose life the play is loosely based) reveals how the transgender asylum seeker endures bodily trauma within the detention cell. *Tara's Crossing* was written and produced by Emmy nominated playwright Jeffrey Solomon in coalition with the Queer Immigrant Rights Project (QuIR). Solomon interviewed thirty Lesbian, Gay, Bisexual, and

Transgender (LGBT) asylum seekers who were held in detention while waiting their asylum decision. The experiences of Balmitra Vimal Prasad, a transgender (ex) detainee and asylee from Guyana were central to the script. In analyzing the script, the article argues that the play offers a glimpse into the space of the detention cell, and how the transgender detainee endures trauma inflicted upon her body in these spaces. I draw upon interviews provided by Balmitra Vimal Prasad, and the playwright, along with activist flyers and media reports about the play, in order to retrace the spatiality of the detention cell and how it impinges upon the body of the transgender detainee.

The final section argues, that the coalitional activism launched around the play as well as present day transgender anti-detention activism gestures toward the political potentials of trauma. The trauma endured by transgender detainees is not necessarily a negative force but rather is a form of creative excess that might offer potentials for launching mobile coalitions against the national security state. In doing so, the article extends recent geographic scholarship about the role of affect and emotions in immigration politics and social justice (Pain, 2010; Wijendaele, 2011) by showing how transgender immigrant activists are mobilizing trauma toward resisting the brutal force of the national security-state.

Methodology

Methodologically speaking, this article contributes to the cultural turn in geography, and feminist geography by analyzing how transgender persons experience the operations of the national security state at the scale of the body. In order to write about the subjective experiences of trauma and suffering, the article assembles a “tactical archive,” (Puar, 2007; xxiii) by analyzing legal texts, media interviews provided by transgender activists, script of the play *Tara’s Crossing*, activist flyers, posters, and the media reports about the play in LGBT community magazines. Tactical archives, are brought together in, “a queer methodological philosophy...and irreverently challenges a linear mode of conduction and transmission,” (Puar,

2007; xxiii). I bring together such an archive in order to contribute to a building of an alternative historical record. One that might offer ways of tracing the body and voice of the transgender detainee within a securitizing, and hyper military national security state. While reading the play, I turn to the stage directions, and images of the play as a way of understanding how the playwright intended to represent the space of the detention cell for theater going audiences. Further, I draw upon an interview provided by Balmitra Vimal Prasad and the playwright, Jeffery Solomon on the occasion of LGBT Pride on OUT FM Radio. I regard the play and its activist ephemera as a way of understanding how the detention cell impinges upon the body of the transgender detainee, and yet how the transgender detainee attempts to navigate the rupture in space and time produced by the detention cell and asylum procedures.

Arguably, the play is fraught with the playwrights’ positionality as a white male US citizen, and the coalitional activist politics of QuIR. I (as the author of this article, acknowledge serving as the board member of QuIR). As a board member for QuIR, the author played a key role in the launching of the play. In my analysis of the play, I will suggest potential limits to reading the play as representing the experiences of all transgender detainees, but never the less, the play offers an important theatrical representation of the detention cell. I offer the reading of the play, and analysis of activist materials as a way of doing “spectro-geographies” (Maddern and Aday, 2008) of the detention cell. The spectral turn in geography attends to that which is “barely there, the nagging presence of the absence” (Maddern and Aday, 2008: 292). In doing so, I desperately turn to the intimate, ephemeral remains of Balmitra’s body, the activist flyer that seeks to make visible the insides of the detention cell, in order to construct periscoping as a feminist method (Hiemstra, 2017) to make visible spaces that which is often hidden from public. Each document, interview, the haunting memory of organizing as an immigrant soon after 9/11 is used to refract the relationship between embodiment and spaces of the national security state.

Such a methodology stems from a commitment to the “intimate turn in feminist geography” (Moss and Donovan, 2017) that values the role of intimate experiences in geographic writing. The narratives of transgender people in detention are very difficult to obtain owing to legal barriers to entering detention cells. Transgender detainees (like most detainees) are also often moved from one holding facility to another depending on availability of beds per detention center, a spatial tactic deployed by homeland security that breaks down the body of the detainee. There are ethical issues related to speaking with detainees within detention centers, such as rendering bodies that are under surveillance to further surveillance (Maillet, Mountz, and Williams, 2017). In order to fully comprehend how the trans/migrant body moves through the detention cell, and the subjective experience of the transgender detainee while held in isolation in a single cell, I turn to the flyers, community media reports, interviews provided by board members of QuIR, and recent transgender activist narratives as a way of writing about that which has been deemed out of place. In doing so, this article argues for further exploration of cultural productions and activist archives as sites for

understanding difficult to reach spaces in cultural and feminist geographic scholarship. I now turn toward showing how the sex/gender binary remains entangled with national security practices in the US. I will trace a brief history of how gender has been understood through the sex/gender binary within asylum law and detention procedures. Secondly, this section will highlight how the conflation of asylum and detention procedures with anti-terrorism efforts since 1996, frames transgender asylum seekers and detainees in a state of precarity in the US.

Asylum Law, National Security and Transgender Detention

Asylum claims based upon gender persecution are difficult to arrange (Aizura, 2012; Gorman, 2016; McKinnon, 2016; Rosenblum, 2000; Spade, 2007; Solomon, 2005). Gender in asylum law is framed through a strict binary, and oftentimes, cases based upon transgender claims are rejected if the person is unable to prove persecution in her country of origin (Rosenblum, 2000; Solomon, 2005). The social

categories made available for framing asylum cases include race, religion, membership in a particular social group (PSG), or political opinion. Sex/gender is not an explicit category, but nonetheless influences the asylum process. The sex/gender binary system refers to how either male or female status is assigned on the basis of genitalia and reproductive organs. The assignment of either male or female sex is assumed to align with our gender presentations, such as being masculine or feminine.

The way such a binary is coded into asylum law is twofold. Firstly, sex-based discrimination was removed from the United Nations Convention Relating to the Status of Refugees during deliberations in 1951, since equality between the sexes was considered a matter of national legislation and could create conflicts between the Convention and state legislation (Grahl-Madsen, 1997). In this way, the Convention has always been mired in conversations about sex/gender-based inequality and whether or not to include such inequality as a category for valid asylum claims. In the United States, most asylum and refugee procedures are modeled upon the UN Convention, and began to address gender-based discrimination faced by women in the 1990s (McKinnon, 2016). However, these cases had to meet strict understandings of gender-based persecution, such as persecution for breeching social mores or for having allegedly brought shame upon families and communities (McKinnon, 2016: 10). These conditions were part of a 1995 document titled *Considerations for Asylum Officers Adjudicating Asylum Claims from Women* that appeared after the US started to receive asylum claims from women surviving rape, sexual assault, and bodily harm from military forces in Latin America. This document indicates both a very limited understanding of what might put a female body in danger and that gender-based claims to asylum in the US is related to US foreign policy and geopolitics. The US first began to provide asylum to those escaping Communist regimes or areas of the world that were of strategic interest to the US (Gorman, 2016; McKinnon, 2016). Since the 1980s, the US government has made changes to the Migration and Refugee Assistance Act of 1962 in order to accommodate refugees and asylum seekers from the South-East Asian conflicts in which the United

States was involved. The geopolitical interests of the US state inform its asylum and refugee procedures along with a narrow understanding of gender-based persecution (Cantu, Naples & Vidal-Ortiz,). This narrow understanding ultimately reiterates both a sex/gender binary wherein the category “women” entails cisgender women and very specific kinds of oppression, ones that rely on imagining women as property of men (patriarchal families) or defying sex roles (such as wearing lipstick or having extra-marital affairs). In this way, the category of “woman,” comes to stand for cis gender women, and only understood through cases of domestic violence, surviving rape during genocide or war, or military occupation (McKinnon, 2016).

Another way the sex/gender binary is written into asylum procedures in the US is the limited understanding of bodies that do not represent themselves through the sex/gender binary. Asylum claims made by transgender and gender non-conforming people who are escaping persecution from their countries of origin are presently considered under membership in a particular social group (PSG). However, belonging to a PSG is not sufficient in itself, as claimants have to prove that their persecutors have tortured them due to perceived PSG membership (USCIS: RAIO, 2011: 14). The burden of proof for transgender asylum claimants is very high. Gender-variant people not only have to disclose their gender identity, they have to produce proof that the persecution they faced is related to their gender identity and/or sexual orientation. Producing this narrative requires retelling experiences of trauma through categories such as “transgender,” gender reassignment, birth gender, hormone therapy, etc. These key terms might not be applicable in numerous cultures, and becoming legible as transgender often requires to frame the story through gender reassignment surgery, gender dysphoria, and hormones (Aizura, 2012). Recent scholars in asylum law have argued that asylum officers and judges treat “transgender” almost as a biological category based upon hormone transplants and presentation of gender attributes (Rosenblum, 2000; Spade, 2008). Asylum officers require proof of gender transition, such as performance of ideal femininity in cases of male-to-female transgender asylum cases (Aizura, 2014; Solomon 2005). This constitutes

further writing into law of the sex/gender binary, as specific narratives about gender roles and processes of gender reassignment inform how asylum officers decide whether the persecution faced by the asylum seeker was related to their gender/identity.

Since 9/11, gendered asylum procedures remain entangled with questions of national security. Concerns about threats to national security and the significant tightening of asylum adjudication procedures gesture toward conflicts between sovereign law and internationally accepted treaties such as the United Nations Refugee Convention. While, the UN Refugee Convention was adopted in 1951, and its modified version “Protocol related to the status of refugees,” was signed by the US in 1967, the changes made through the REAL ID Act post 9/11, introduced several demands upon asylum seekers to prove their persecution. Further, rights of detainees within detention centers were infringed upon as a part of the War on Terror (Sheth, 2007; Hiemstra, 2013).

However, the indefinite detention and deportation of immigrants were instated as early as 1996 by the Illegal Immigrant Reform and Immigrant Responsibility Act (IRAIRA) and the Anti-Terrorism Death Penalty Act (ADEPA). Both these acts excessively criminalized immigrants. Immigrants with minor (two counts of misdemeanors) or major criminal offenses (felonies) were considered deportable under the IRAIRA Act (Coleman, 2007). This heightened concern for national security was accelerated after the 9/11 terrorist attacks, confounding immigration regulations with national security measures. For instance, the USA PATRIOT Act and the REAL ID Act of 2005, created regulatory standards for the issuance of driver licenses and heightened immigration raids, as well as the detention of immigrants (Beauchamp 2013 & 2019; Gehi 2009; Sheth 2009). Bodily presentations of immigrants are intensely policed through immigration and national security procedures such as regulating access to driver licenses and relegating transgender female detainees to male-detention units and vice versa. Transgender women of color are disproportionately targeted by the state for sex-work-related offenses, marking them criminal and deportable (Gehi 2009). Research by immigration lawyers document that being arrested for sex work is

considered as moral turpitude, making transgender women deportable for such offenses (Gehi 2009). The regulation and racialization of immigrant bodies do not simply occur through discrete categories of race, religion, and national origin. Deviations from the sex/gender binary operate as a technology for the racialization of bodies.

As Eithne Luibhéid and Margot Canaday have shown, routine examination and exclusion by US immigration officials has long been entangled with non-conforming gender presentations. The routine bodily examination of migrants claiming political asylum based upon persecution due to gender/sexuality in post-9/11 national security cultures is furthermore entwined with fear of terrorists camouflaging themselves and gaining entry to the US (Beauchamp 2009). Thus, gender identity and sexuality is lived and regulated as “contested moral economy that becomes expressed as an imagined geography,” (Browne, Lim, and Brown, 2007; 4). Gender identity, sexuality, and race remains entangled with what Browne, Lim, and Brown call “various scales of spatiality,” and through immigration/asylum restrictions the US nation-state produces normative notions of nation, citizenry, and citizenship (Browne, Lim, and Brown, 2007). Transgender studies scholars Toby Beauchamp and Dean Spade point to documents released by the Department of Homeland Security in 2003 that warn immigration officials about terrorists changing their sex/gender presentation in order to gain entry (Beauchamp 2009; Spade 2011). These warnings create a dragnet-like operation that encases bodies of gender non-conforming people. For instance, the regulation of immigrants’ access to driver’s licenses according to visa status and gender presentation operates as a power-knowledge nexus through which bodies that do not match sex/gender presentations appear illegible to the law.

The passage of IRAIRA, ADEPA, the USA-PATRIOT Act, and the REAL ID Act creates an apparatus of power through which transgender immigrants and refugees are physically caught up within national security practices. While the USA PATRIOT Act authorized indefinite detention of immigrants to obstruct acts of terrorism, the REAL ID Act required heightened proof of persecution from those seeking political asylum (DasGupta, 2014; Gehi 2009; Sheth

2009). Further, all those deemed deportable by the Department of Homeland Security were to be held in detention while undergoing deportation hearings. For transgender detainees, detention is a death sentence (Arkles 2009; Beauchamp 2013; Gehi 2009; Stanley & Smith 2011). First, transgender immigrants are often relegated to prison cells that do not match their gender identity. Secondly, transgender detainees are routinely denied access to hormones and other kinds of medical treatment, such as HIV medications (Gehi 2009; McLemore 2007). Victoria Arellano, a 23-year-old transgender detainee living with HIV died while in custody at the San Pedro detention facility in 2007,¹ where immigration authorities and nurses refused to provide her with HIV-related medications. For transgender detainees, the refusal to provide hormone treatments disrupts the gender change procedure, which can have several medical consequences, such as hormonal imbalance, lacerations, blood clotting, and sexual dysfunctions. Transgender detainees who cannot access medications often commit suicide in order to avoid pain. The disciplining and regulation of bodies that do not meet sex/gender-normative presentations during detention procedures operate as a technology for racialization through which poor, criminalized, and impaired (transgender) bodies are pushed toward death. The systemic criminalization and slow killing of transgender migrants within the detention cell bears similarity with the experiences of transgender detainees in jails and penitentiaries. As Rosenberg & Oswin argue, jail is a hyper-masculine space that harshly disciplines trans-feminine people. Further, Rosenberg argues, “the interruption, refusal, or permission of transitioning in the PIC invites several gendered pasts into a body’s present and places these temporalities in conversation with varying futures as the body’s potential” (Rosenberg, 2017; 77). While Oswin, and Rosenberg attends to the prison system, this article argues that gendered regulation of detention cell and experiences of transgender detainees remain unattended in geographic scholarship. Thus, an understanding of how post 9/11 national security practices converge with the reiteration of sex/gender binary within asylum procedures remain crucial while exploring how the transgender body moves through the detention cell and asylum court.

I now turn to the theatrical representations of the detention cell and experiences of a transgender asylum seeker from Guyana inside the detention cell in order to account for how the entanglements between the sex/gender binary and national security procedures is felt at the scale of the body. I turn to the theatrical representation of the detention cell in the play *Tara’s Crossing*, and within activist flyers in order to understand how the violence of detention procedures impinge upon the body of the transgender detainee.

Representing the transgender asylum seeker

Tara’s Crossing, written by Emmy-nominated actor/playwright Jeffery Solomon, is loosely based upon the story of Balmitra Vimal Prasad, an immigrant from Guyana who sought political asylum in the US shortly after September 11, 2001. Tara, the protagonist of the play, is taken into detention while her asylum case is being adjudicated. The play is set within the Elizabeth Detention Center in New Jersey, where Tara has been relegated to a single cell after facing harassment within the men’s facilities. Tara is monitoring her gender transformation and has been demanding hormone therapy, which is denied because it is considered non-emergency and non-life-threatening. The scenes revolve around Tara’s dystopic present within the cell and her fantasies. In her fantasies, she holds conversations with Judith Bright, an actress of modest fame. In these conversations, Tara narrates her persecution with the intention that her story be made into a Lifetime Original movie, in which Bright will star as Tara. Judith rehearses enacting Tara’s journey of surviving multiple traumas under Tara’s directions. These dreams are interrupted by routine security interrogations and Tara’s conversations with her immigration attorney, during which she is also required to narrate her trauma in order to validate her claims for receiving political asylum in the US.

The play subsequently provides glimpses into the detention center and the psychic processes of the transgender asylum seeker. Through her manifold recollection of trauma, Tara comes to represent the figure of the victim asylum seeker. The imaginary exchanges between Tara and Judith Bright represent the trauma survivor’s attempt to narrativize her trauma, as well as

the vicarious traumatization felt by the audience. The transgender asylum seeker Tara draws power from her subjection in order to achieve the body of a woman. Her desire for freedom and movie stardom represents an ambivalent relationship with power.

Tara is required to script her life and identity according to the demands of the law. The rehearsed storytelling for the law is vastly different from the rehearsed storytelling of Tara's dreams. This fantastic storytelling represents Tara's desire for seeking an audience as she is narrating stories of surviving trauma, such as the gendered torture Tara witnessed at the hands of her father and local men in Guyana. Judith Bright represents the liberal white American savior who is required to undergo Tara's past tortures in order to become sensitized to stories of persecution. The transgender migrant subject (trans/migrant subject) attempts to grapple with trauma. The exchanges between Bright and Tara signify processes of vicarious traumatization through attempts at narration. Tara is complicit with her torture in the detention center in that she seeks to achieve the body of a woman and to become a movie actress. Her desire for a livable life is based upon becoming an exceptional transgender asylee subject. Asylee subjectivity is formed through power reshaping the asylum seeker's narrative, violently remaking the body of an immigrant person seeking gender transformation, as well as her own desires for achieving beauty and success.

The playwright Jeffrey Solomon is the co-artistic director and founder of the Houses on the Moon theater company, and he worked in coalition with the Queer Immigrant Rights Project (QuIR) and the American Friends Service Committee (AFSC) in order to create the script. Founded in 2001, Houses on the Moon is dedicated to dispelling ignorance and isolation through the theatrical amplification of unheard voices. Solomon points to the psychic impact of the drawn-out process upon asylum seekers and reflects on learning about the 'horrific journey' Vimal underwent to enter the US. In Solomon's words, 'Vimal appealed to me because she went through four other countries while she was trying to leave extremely painful circumstances... and [...] Vimal wants to be recognized and wants to be famous. This character who in the past is recognized as a disgusting character is a

beautiful soul' (Jonas). The interviewer then questions Vimal about how she feels while being a part of the theatrical process. Vimal responds by saying, 'A lot of my past comes back to me, the hard things as well as the fantasies.' The recognition of the 'third world other's' pain and memories of trauma by the gay white male US citizen subject forms the crux around which the story of *Tara's Crossing* is analyzed. The script is written within an 'external frame,' allowing the survivor of trauma to recollect painful memories through another person, aiming to sensitize and motivate Americans to reform immigration procedures. The premiere of *Tara's Crossing* was staged at the Lucille Lortel Theater in the historic West Village district of New York City² and was organized as a fundraiser for QuIR to raise awareness about the plight of LGBTQ detainees.

The script begins with Tara's arrival at the JFK airport. Officers of the Department for Homeland Security deem her inadmissible, as her official name in her passport, Terrance, refers to her sex at birth as male. Tara declares her intention to apply for political asylum in the US. She is detained and Barry, a pro-bono immigration attorney, is assigned to her. At his behest Tara begins to write her story, which forms the basis of her asylum claim. Tara is required to prove that she was persecuted in Guyana due to her female gender presentation. At night Tara communicates with her fantastic other, the actress Judith Bright.

In *Tara's Crossing*, the playwright engages with the narrative of an asylum seeker who identifies as a 'female featured in a male body.' In the play, Tara's body is subjected to the gaze of prison guards and fellow detainees and the regulatory procedures of asylum law. In order to make Tara's narrative of gendered persecution legible, Tara's attorney requests that she conceal her identification as a 'woman', which would require further proof and confuse the immigration judge. Barry advises Tara to present herself as a gay man because Guyana's anti-sodomy laws and the derogatory remarks made towards Tara while living there constitute proof of her persecution. The narrative about trauma and persecution is negotiated based upon demands of the law and the convenience of the asylum seeker. The materiality of Tara's body is discursively produced and citationally repeated. Tara's body is remade through discourses related to asylum

procedures. Tara needs to follow these procedures in order to become legible to the law. Asylum law and national security procedures massify her body based upon racialized and sexualized categories. Such procedures appear as a constraint upon Tara's body. Tara strategically attempts to citationally repeat some of the procedures. The negotiations between Tara and her attorney and Tara's fantastical repetition and recreation of self for Judith Bright represent the ways in which Tara creatively navigates the legal constraints. In this sense, constraints, as well as her creative reinterpretation of the self within the detention center, come to represent the materiality of her body.

The narrative in support of asylum claims emerges through rehearsed storytelling between 'civil society actors' such as refugee NGOs, immigration attorneys, and refugee-seeking asylum status (Riveti, 2013; Shakhsari, 2014a&b). Paola Riveti argues that asylum seekers end up enacting 'scripts of refugeeness' which do not ultimately alter the grammar of domination survived by the refugees, but rather reinscribe unequal geopolitical power relations (Riveti, 2013: 306). Shakhsari argues that the (Iranian) asylum seeker is the 'walking dead' figure waiting to achieve the conditions of liberal democracy. The bodies of refugees are subjected to extreme regulation (such as indefinite detention) in order to create populations perceived as worthy of life (Shakhsari, 2013a&b). Detention centers and asylum courts become sites within which immigrant bodies are remade in order to become legible, non-threatening bodies deserving protection from the US nation-state. Asylum law operates as a tool for legal exceptionalism creating good and bad transgender migrant subjects (Aizura, 2012). Asylum law demands proof of gender transformation, proper gender presentation, or, as in the case of homosexual applicants, proof of sexual orientation. The applicants create a file recording their membership in social organizations based upon gender identity or sexual orientation, letters of support from refugee service

organizations and medical and psychiatric professionals. The asylee needs to prove they are worthy of protection by the US state. My reading of the script suggests that the play mimics how asylum seekers are provided with a scripted narrative in order to be read as subject's worthy of saving by the US state. Jeffery Solomon as well as QuIR's desire to sensitize theater going audiences about the plight of the transgender detainees arguably requires framing the transgender detainee as a victim, needing saving and protection from the US state. Thus, much like the demands of asylum law, Solomon's narration mimics a rehearsed script. Yet, *Tara's Crossing* depicts the ways in which the materiality of the transgender asylee body is created through a series of bodily constraints. Tara attempts to meet the demands placed upon her by law and performs strategic maneuvers in order to emerge as a victim in need of saving. The ways in which detention officers refuse to provide her with hormone treatment are significant. The detention center and Tara's body are co-constitutive.

During Act I, Solomon narrates:

"All trace of femininity has vanished," (stage directions) she reappears on stage in "a prison issue uniform." The butter knife has reappeared in this scenario, as well, and it is now the job of the Waiter-turned-ICE Officer, Ray Donaldson, to remove this would-be weapon from her possession.

(In the isolation cell, Tara is using a butter knife as a mirror to find and carefully pluck whiskers from her chin and upper lip.)

RAY: Now I don't want to do the cavity search. I really don't. You gonna hand it over or do I have to go digging around?

(Hesitantly, Tara reaches into her pants and removes the butter knife.)

³ Salomon is in agreement with Judith Butler's theorization of the relationship between the materiality and the psyche (Butler, *Bodies That Matter*, 1993: 66-67). According to Salomon the formation of a transgender body-psyche is not simply rooted in a bodily materiality (Prosser, *Second skins*, 1998), rather is constituted in and through psychic processes. Building upon Lacan's mirror stage, Butler argues the mirror not only upholds parts of the body but also prefigures a whole body, often formed through fantasy. Fantasy is not in opposition to reality; it 'is to be understood not as an activity of an already formed subject, but of the staging and dispersion of the subject into identificatory positions' (Butler, 1993: 267). Salomon utilizes Anzieu's reading of Freud in order to argue that formation of skin ego is a reality of the order of phantasy (Anzieu, *The skin ego*, 1989:4).

RAY: Fuck...

(He puts on a latex glove and takes the knife.)

RAY: Now I'm going to have to write this up. What are you doing with this?

TARA: Using it as a mirror.

RAY: A mirror?

TARA: Donaldson, I need my medicine...I don't even recognize myself any longer. Why they don't let me see the doctor?

RAY: I gave them the request. Now you just got to wait. And they're not going to give you hormones. That's a luxury item.

TARA: Do you think it would be possible to get a mirror in my room?

RAY: Not in Productive Custody.

TARA: But why?

RAY: Because you could break it.

TARA: ...I'm not going to kill myself. I'm not.

This interaction between officer Donaldson and Tara informs us about the objects Tara can use while in detention to monitor her gender change. Tara is desperate to retain the butter knife, which acts as a mirror to Tara's fantasized body. Tara is concerned with the return of her facial hair, since this works against her fantasy of becoming a woman. In its role as the tool that helps Tara monitor her body, the butter knife is also constitutive of the whole (female) body.

Tara's body represents the skin, which encases her psychic identification as a woman. However, her conversations with Judith Bright operate as the psychic image of a woman, which informs the formation of her skin-body (Salamon, 2010).³ Intrusive surveillance procedures such as threats of cavity search and the need to hide the knife allude that Tara's current sex/gender position is male assigned. Officer Donaldson's reading of Tara's body in this way is projected onto the audience. Further, Donaldson denies Tara access

to a mirror since she is in productive custody due to the threat of other inmates in response to her gender presentation. Tara refutes Donaldson by stating that she is uninterested in killing herself. Though under dystopic conditions, Tara holds on to her fantasy of achieving the prized body of a woman and this fantasy's entanglement with achieving asylum. Asylum in the US will allow her access to social services enabling her transition. The reconfiguration of her body through the violence of asylum law and detention-related procedures guarantee her a promise for a livable life. Central to achieving her new life is the refusal to die even within the bleak torturous circumstances of the detention cell, and in her refusal to die, Tara provides her life signification within an invocation to a newer form of power, one which is invested in incorporating transgressive bodies into the folds of the US nation-state.

Furthermore, Tara's gender-variant body is rendered illegible within asylum-related procedures. Barry requests that Tara present herself as a homosexual man, since this will facilitate framing her case in the context of the colonial anti-buggery laws in Guyana. Tara unwillingly agrees in order to receive legal immigration status in the US. The body of a transgender asylum seeker is further erased through such recoding. During the second scene of the play, Barry comes to meet Tara in the detention cell. He counsels Tara that her life story is her strongest evidence of persecution in Guyana. Barry is enthusiastic that Guyana's laws will help Tara make her case that she deserves asylum. Tara reveals she does not identify as gay, but that she feels she is a female featured in a male body. Barry is surprised. Asylum laws in the US require individuals seeking protection from persecution to locate themselves within imputed social categories. Tara's racialized transgender body cannot be read as legible within coercive systems of sexual difference, which defines heterosexuality/homosexuality within a male/female, sex/gender binary within US asylum procedures (Solomon, 2005). The repositioning of Tara's transgressive desires within a sex/gender binary also repositions Tara within a third world/first world narrative. The US emerges as the modern first world

⁴ See Jasbir Puar and Chandan Reddy's work for more on this phenomenon.

accepting of homosexuality, while Guyana becomes the violent, racialized, homophobic third world.⁴

Tara is further required to precisely narrate the persecution she faced in Guyana due to her sexuality. She needs to present Guyana as violent and unlivable in order to gain asylum status in the US. The narration of gendered trauma brings intrusive flashbacks of her past, which are mediated through the imagined figure of Judith Bright. In OUTFM Radio's interview with Balmitra Vimal Prasad and Jeffery Solomon, Vimal mentions the return of traumatic memories as well as her fantasies during her involvement in the theatrical activism surrounding the play. She names her condition post-traumatic stress disorder (PTSD), which commonly refers to intrusive flashbacks and recurring bodily sensations felt by trauma survivors long after the original event/s (Herman, 1992). The identification with PTSD signifies the formation of asylee subjectivity through recollection of trauma.

Tara's recollection of her trauma does not follow a linear narrative. The interaction between Tara and the imagined Judith Bright represents the psychic inner-workings of a trauma survivor. Traumatic memories lack verbal narrative and context: rather they are encoded in the form of vivid physical sensations and images. The narration of the traumatic past often pre-configures the figure of the listener; this figure emerges as the witness to the past, providing a sense of safety to the survivor (Laub, 1995). Further, the survivor of trauma and the listener might interchange pain. This process is commonly marked by transference on behalf of the survivor and vicarious traumatization of the listener. The flooding of traumatic memory becomes the rites of survival for Tara within the detention cell. Tara is not only a survivor of trauma in the past; survival from trauma requires (re-)enduring the traumatic past. Bright at first represents the enthusiastic listener, keen to play Tara's life on screen. The fantasy of being represented by an American actress symbolizes Tara's desire for witness and indignant justice. The survivor of trauma forcefully demands recognition at the same time as she bears memories of re-narrated pain. The repetition of scenes from her past, first as a flashback by Tara and then as a form of enactment by Judith, comes to represent the processes by which traumatic and narrative memory is constructed.

Traumatic memory is viewed as bodily, intrusive, recurrent, and uncontrollable. Narrative memory is viewed as articulated, more coherent, and under control. However, traumatic memory, like narrative memory, is articulated, selective, malleable, and its framing is not often under the survivor's conscious control. Judith Bright is the witness, the screen, as well as the fantasized savior required by Tara in order to move through her trauma. Tara cannot fully narrativize her past; the figure of the listener and the external frame provided by asylum law come together with her traumatic memory in order to create a kind of impossible, excessive narrative politics. However, the sense of loss, or wound, which is borne by Tara need not be a form of lack. It can be read, rather, as a form of excess, a productive excess theatrically represented through the play and lyrically resonating through the collective activism mounted around *Tara's Crossing*.

Solomon's script comes to represent the external frame required from survivors of trauma in order to become legible to the law, and Judith Bright becomes the witness required by Tara in her repetition of scenes from her traumatic past. The witness/listener is also the fantasized savior. The survivor develops idealized expectations from the listener (Herman, 1992: 137). In the first few scenes, Judith appears like Tara's traumatic past on stage in order to help Tara narrate stories of persecution. Tara's expectations of being recognized as a subject worthy of a Lifetime Original signify her idealized expectations from her listener(s). However, at the first hint of Judith's inability to respond to Tara's expectations, Tara dismisses her. When Tara narrates her memory of the Miss Guyana in Sari contest, Judith Bright is unable to wrap the sari on stage and thus perform the ultimate marker of femininity expected from and by Tara. Though dismissed, Judith remains on the stage as a narrator for the film. The scene of appearance of the victim subject in need of saving by the US nation state has a psychic life, one that produces Tara as a subject as well as an object of trauma.

Tara models herself as a productive subject seeking to contribute to the US nation state. Her ideas of freedom are based upon ideas of achieving bodily autonomy and acquiring the right to pursue her dreams of becoming a famous movie star. Visions

TEXT | SEAN KENNEDY
PHOTOGRAPHY | LORIS GUZETTA

Coming to America

The play *Tara's Crossing* highlights the plight of queer immigrants

In the new play *Tara's Crossing*, which is having a one-time performance Monday, April 4, to benefit the Queer Immigrant Rights Project, a transgender woman flees the fearful streets of Guyana for asylum in the United States, only to end up in a government detention center, facing an uphill battle to prove her claims of oppression. Based on a true-life story, Jeffrey Solomon's drama depicts an unfortunately common experience for many queer asylum seekers who come to this country every year.

"As soon as you arrive at a point of entry, say JFK or another airport, if you don't have the proper documents, you're handcuffed and taken to one of these facilities and you stay there until something happens to change your status," says Jack Moubayed of the Queer Immigrant Rights steering committee. "You need a lawyer or a friend who lives in the States to communicate with the outside world. There's only so much you can do from a cell."

Since 2003, Queer Immigrant Rights, organized under the auspices of the American Friends Service Committee, a Quaker social-justice group, has been holding monthly meetings to address such situations. "Our primary mission is to provide tools for queer and HIV+ immigrants to advocate for themselves," says Moubayed, 32, himself an asylum seeker from Lebanon, where homosexuality is against the law. "Everyone is used to U.S. citizens proposing bills, talking to Congressmen and other government officials, but there are so many immigrants—first generation, second generation, even those who just came here—who have the ability to write bills and go to Washington. We thought, Why not bring these people together and create some kind of movement to deal with some of these issues?"

Among those issues are the HIV ban on travelers to the States, which prevents, with very few exceptions, any HIV+ foreigners from entering the country—"not even with a tourist visa"—and the cap on green cards, which are given to only 10,000 immigrants annually. "Right now there are 140,000 people in the

cue," says Moubayed. "If you do the math, that's 14 years of waiting. So that's another thing we're doing, trying to get the number of green cards issued to equal the number in the cue." It would certainly help him out. "I've been approved for about two years now," he says, "and I'm still waiting for a green card."



FREE ME
Aundre Chin stars as the titular character in *Tara's Crossing*.

"Our primary mission is to provide tools for queer and HIV+ immigrants to advocate for themselves," says Jack Moubayed of Queer Immigrant Rights.

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Figure 2. (Kennedy).⁵

⁵ Kennedy, S. Coming to America. HX Magazine. Queer Immigrant Rights Project Archives.

of livability are based upon entrepreneurial success. In the final scene, Tara narrates her desire for a livable life in front of the immigration judge: ‘...Your honor, I know it’s a not a fairy tale here in the United States. I don’t think everyone will just automatically love and accept me but maybe they will just...let me be.’ Tara’s American Dream is to be herself. Tara frames her claim as someone special—separating herself from the rest. Her suffering becomes her capital toward potential fame in the US. Tara’s desire for her life being made into a movie marks the inauguration of a subject who is also the object of (her) desire. The figure of Judith Bright is a figment of Tara’s fantasy, which represents two kinds of desire: desire for a witness and desire for recognition.

The stage directions slip from the reality of the detention cell into Tara’s fantastic conversations with Judith Bright. The slippage between reality and fantasy signifies the ways in which fantasy is the constitutive outside of reality. Tara’s desires inform the reality of her gendered transition from one country to another. Her desires for achieving the body of a beautiful woman inform the strategic maneuvers she has to perform in order to become legible as a subject worthy of protection in the US. Solomon’s script arguably comes to represent the desires of a white gay playwright to represent the transgender asylum seeker as a victim, or alternately, as undergoing a heroic journey in order to achieve freedom and the American dream. In the original launch of the play (and in several subsequent stagings), Solomon played the role of Barry. Thus, when Barry requests that Tara rescript her story as per the demands of asylum law, one can re-read these scenes as Solomon re-writing the narratives of a raced, classed, trans/migrant.

The scene of appearance for the raced, classed, transgender body is marked by violence, resistance, and imagined story telling. Furthermore, Tara’s appearance before the judge is marked by a hailing, one in which the transgressive body remakes herself as an exceptional person seeking to contribute to the US nation-state. Tara is complicit with her hailing since she has a desired destination of arrival: the body of a woman. The racialized asylee subject comes to retain an ambivalent relationship with power. Subjection to violence and scripted storytelling offers her the condi-

tions for her freedom in the US. The script of *Tara’s Crossing* offers us fraught glimpses into the hidden space of the detention cell and how the transgender detainee feels trauma, and experiences a violent regulation of their body. While, asylum procedures (much like Solomon’s narrating of Bimal’s journey) require the scripting of the transgender narrative as victim, the coalitional activism launched around the play gestures toward potentials for creating an oppositional politics. In the final section of the article, I will now turn toward analyzing the activism around *Tara’s Crossing* and present day protests launched by transgender activists as a way of showing how trauma, pain, and emotions offer potential for the creation of oppositional politics.

Political Potentials of Trauma

The detention cell is a space that is in between sovereign law and internationally accepted standards for the treatment of refugees. Tara’s body and claim to (future) life in the polis is framed through the tensions between sovereign law (US immigration and detention procedures) and internationally accepted covenants against torture and the protection of refugees. The detention cell is a secret space of the national security state. *Tara’s Crossing* and the coalitional activism mounted around it seek to visibilize the traumatic experiences of Tara inside the detention cell. In this way, cultural representation of such spaces, and the coalitional activism mounted around the play holds potential for creating an oppositional transgender subjectivity.

Activist ephemera from the production of *Tara’s Crossing* highlight the plight of LGBT detainees. In HX Magazine, the image of the actor portraying Tara appears in an orange jumpsuit against the silhouette of a window with the shadow of a guard against it. The orange jumpsuit and the window represent the materiality of the detention cell. Detention cells are cut off from their surroundings, often with no windows, and at best with a tiny grill-like window. As Bimal recollects in her interview, ‘There was no light, I was cut off from the world without any stimulation’ (Jonas). This recollection is then enacted on stage for theatergoing audiences. Solomon’s stage directions

carefully attend to the materiality of the detention cell through dim stage lights, shadows of window grills, and background noises of the door to (Tara's) single cell closing and opening. In this way, Solomon materializes the cell for the theatergoers. Such a process allows for the representation of the cell and Tara's trauma on-stage. Scholars in detention geography argue that the location of detention cells and immigration raids defy a neatly organized scale of federal to local government administration (Coleman, 2007; Martin & Mitchelson, 2009; Martin, 2012) and rely on spatial tactics to control people, objects, and their movements (Heimstra, 2017; Martin, 2012). Further, immigrant detention procedures in the US, UK, European Union and Australia rely on offshore tactics (with bilateral agreements with third party countries in order to intercept migrants before they reach their borders or by sending immigration enforcement officers into the ocean). These tactics, as argued by scholars such as Alison Mountz, create a detention landscape that defies standard maps of territorial borders; instead these practices portend the borders of sovereign nations into the water or, through inter-country collaborations, extend the scope of sovereign laws across multiple borders (Mountz, 2010; Mountz, et al, 2013).

In this article, I have highlighted the subjective experiences of detention immobility, spatial tactics of controlling the transgender asylee and detainee body in order to address a key gap in scholarship about detention geographies. The qualitative experience of pain and trauma felt within the confinement of the detention center by gender-variant bodies gestures toward the "tyranny of gender" (Doan, 2010), wherein transgender and gender-variant bodies experience the violence of gender binaries at the scale of the national/transnational and of the body simultaneously. A qualitative analysis of *Tara's Crossing* and its ephemera reveals how the geopolitics of immigration detention plays out at the scale of the body and how immigration detention as an apparatus of power reiterates the sex/gender binary. In this way, throughout the article

I have highlighted the need for understanding how transgender bodies are traumatized and often pushed toward death within the detention cell. The trauma endured by the transgender body holds potential for disrupting the national security state. The staging of and the activist archive surrounding the play gesture toward a coalitional activist moment soon after the passage of the REAL-ID Act, and the securitization of the New York City landscape. Post 9/11, random searches were being conducted in New York City subways, and ICE raids intensified in immigrant neighborhoods in New York City (Coleman, 2009; DasGupta, 2014). Yet, the coalitional activism launched by the QuIR, the AFSC, and Houses on the Moon theater company sought to sensitize US audiences to the plight of detainees. The re-staging of the cell and the enacting of Vimal's trauma show how trauma is not merely a technology for producing docile subjects, but that it also holds potentials for creative community mobilizations that seek to resist tortures faced by the queer and transgender detainees inside secret spaces of the national security state.

In recent times, transgender activists have launched direct action protests in front of detention centers that house transgender detainees. Jennicet Gutiérrez, disrupted the reception held by President Barack Obama during Pride celebrations of 2015 (DasGupta, 2018; Chen, 2019). Gutiérrez raised her voice demanding to stop the torture of transgender women in detention and asking for the release of all detainees. Gutiérrez is part of FAMILIA TQLM a transgender immigrant lead formation that has been organizing legal assistance for transgender detainees as well as pursuing law suits against Santa Anna detention center for persecuting transgender detainees (Chen, 2019). Similar to the activism around *Tara's Crossing*, these coalitional moments suggest that emotions, sensations, affect, and trauma constitute a vital force for creating resistance to the operations of the national security state. Thus, trauma experienced inside the detention cell need not be seen as a negative affect. Rather, in the attempt to narrativize the trauma,

the transgender detainee emerges as an oppositional subject seeking justice and potentially disrupting the operations of the national security state.

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