



Disappearing Rooms

THE HIDDEN THEATERS OF IMMIGRATION LAW

MICHELLE CASTAÑEDA

With illustrations by MOLLY CRABAPPLE

DISAPPEARING ROOMS

BUY

DUKE

Dissident Acts

A series edited by Macarena Gómez-Barris and Diana Taylor

UNIVERSITY
PRESS

Disappearing Rooms

The Hidden Theaters of Immigration Law

Michelle Castañeda

WITH ILLUSTRATIONS BY MOLLY CRABAPPLE

DUKE

UNIVERSITY
PRESS

Duke University Press · Durham and London · 2023

© 2023 DUKE UNIVERSITY PRESS

All rights reserved

Printed in the United States of America on acid-free paper ∞

Project Editor: Lisa Lawley

Designed by Matthew Tauch

Typeset in Arno Pro by Westchester Publishing Services

Library of Congress Cataloging-in-Publication Data

Names: Castañeda, Michelle, [date] author. | Crabapple, Molly, illustrator.

Title: Disappearing rooms : the hidden theaters of immigration law / Michelle Castañeda ; with illustrations by Molly Crabapple.

Other titles: Dissident acts.

Description: Durham : Duke University Press, 2023. | Series: Dissident acts | Includes bibliographical references and index.

Identifiers: LCCN 2022040979 (print)

LCCN 2022040980 (ebook)

ISBN 9781478019633 (paperback)

ISBN 9781478016991 (hardcover)

ISBN 9781478024262 (ebook)

ISBN 9781478093565 (ebook other)

Subjects: LCSH: Emigration and immigration law—United States. | Hispanic Americans—Legal status, laws, etc. | Discrimination in justice administration—United States. | Performative (Philosophy) |

BISAC: SOCIAL SCIENCE / Ethnic Studies / American / Hispanic American Studies | SOCIAL SCIENCE / Sociology / General

Classification: LCC KF4819 .C37 2023 (print) | LCC KF4819 (ebook) |

DDC 342.7308/2—dc23/eng/20221215

LC record available at <https://lcn.loc.gov/2022040979>

LC ebook record available at <https://lcn.loc.gov/2022040980>

Cover art: The trailer-courtroom in Dilley, Texas. Illustration by Molly Crabapple.

This book is freely available in an open access edition thanks to TOME (Toward an Open Monograph Ecosystem)—a collaboration of the Association of American Universities, the Association of University Presses, and the Association of Research Libraries—and the generous support of New York University. Learn more at the TOME website, which can be found at the following web address: openmonographs.org.

Publication of this book is supported by Duke University Press's Scholars of Color First Book Fund.

DUKE

UNIVERSITY
PRESS

Para ti, Patricia, y la sabiduría de tu silencio

DUKE

**UNIVERSITY
PRESS**

CONTENTS

ix	<i>Acknowledgments</i>
1	Introduction
19	ONE · Removal Room: Disappearance and the Practice of Accompaniment
56	TWO · The Prison-Courtroom: No-Show Justice in Family Detention
91	THREE · Bring Me the Room: Tragic Recognition and the Right Not to Tell Your Story
129	Coda
135	<i>Notes</i>
159	<i>References</i>
177	<i>Index</i>

DUKE

UNIVERSITY
PRESS

ACKNOWLEDGMENTS

Thanks to Molly Crabapple for producing the illustrations for *Disappearing Rooms*. It was such a privilege to think through ideas with you, and even more so to see what you created. I am amazed by your talent.

Thanks to the Department of Performance Studies at New York University for providing a supportive community. Thanks to Diana Taylor, for recommending my project for this book series and for her solidarity; Fred Moten, for steering me toward musical accompaniment and for accompanying me through grief; Barbara Browning, for lending her careful eye and her famous red pen; Hentyle Yapp, for his brilliant suggestions regarding this book's introduction; and Alexandra Vasquez, André Lepecki, Ann Pellegrini, and Malik Gaines, for their camaraderie and mentorship. Thanks to Paula Chakravartty, Nora Hansen, and Gianpaolo Baiocchi, for treating everyone like family. Thanks to Marcial Godoy, for giving me a leg up at an early stage of this project and for showing me that it is possible to effect radical politics in the institution. At the New School, Alexandra Délano Alonso, Anne McNevin, and Abou Farman allowed me to introduce this book in their class and gave me inspiration for the coda. Deep thanks to them.

During my time at Brown University, I was lucky enough to work with Rebecca Schneider, Patricia Ybarra, and Paja Faudree. They each move through the academic world with tenacity, accountability to real people, and a sense of humor. They guided many iterations of my research, kept me focused on the political stakes, and encouraged unorthodox methods. I am grateful to have them as role models. Thanks to the Department of Theater and Performance at Brown for nourishing such a vibrant intellectual community. I am grateful to have shared so much with my extended cohort in Providence: Elizabeth Gray, Lilian Mengesha, Stefanie Miller, Lakshmi Padmanabhan, and Brian Torrey Scott. Thanks as well to many

D

UNIVERSITY
PRESS

other advisers along the way: Alexandra Dufresne, for spurring my interest in immigration law years ago; Emily Coates, for carving out a space at Yale for performance studies; Martin Hargreaves and Eirini Kartsaki, for keeping pleasure at the center of performance studies; and Peter Goodrich, for giving me opportunities to share my work at Cardozo Law School.

My project would not have been possible without the friendship of many people in the immigration justice and sanctuary movements who brought me into the fold. Claire Thomas of New York Law School and Heather Axford of Central American Legal Assistance allowed me to participate in their work and ask questions about the law. Claire and I visited a detention center together, and it was our attempt to process that difficult experience that led me to the idea of a *disappearing room*. I would not have established contacts in the field had it not been for Jeffrey Solomon, Emily Weiner, and their theater company Houses on the Moon. Thanks for allowing me to tag along to productions of *De Novo* in New York and Texas. Sara Gozalo invited me to my first New Sanctuary Coalition meeting and taught me the meaning of accompaniment. Sam Sundius made illustrations for an earlier version of *Disappearing Rooms*, and I am grateful for her artistic collaboration, her friendship, and her political vision. Thanks to Myrna Lazcano and Juan Carlos Ruiz, from whom I learned to make time for listening, for healing, and for friendship. *Vamos lento, porque vamos lejos*. When I think of the transformational power of community organizing, these are some of the faces I see: Amanda, Anahí, Angeles, Astha, Babak, César, Cinthya, Colette, Joan, Juan Pablo, Judith, Katie, Kyle, Marco, María, Mauricio, Megan, Natalie, Nathan, Raquel, Savitri, Susana, Sylver, and Tammy. *Y cuando pienso en la valentía, pienso en Abela, Alex, Antonio, Christian, Cristina, Elizabeth, Erick, Flor, Gladys, Juan, Kimberly, Lupita, Marco, Marco Antonio, Martín, Melisa, Miguel, Ricardo, Rocío, y Sandy*.

At Duke University Press, thank you to Gisela Fosado and Alejandra Mejía for their kindness and commitment to this work. I am grateful also to the two anonymous readers whose suggestions pushed the project much farther than I imagined.

Thanks to my siblings, who, as I write this, are conspiring to take some very large things off my plate so that I can finish the book. What a gift it is to be on your team.

Thanks to you, Pedro, *el máximo acompañante*. You were there at every stage, thinking through ideas with me. That gift, invaluable as it was, is just a fraction of the daily ways your kindness buoys my spirit.

Thanks to my parents and stepparents: Anna, Ricardo, Ana Lucia, and Neil. It is not really possible to acknowledge what a parent does for a child. Every day I understand a little more of the work it entails, and one day I'll see the whole picture.

My dad died of COVID-19 while I was finishing this book, so he became my ghost writer. He added lots of adjectives; he took his Magic Marker and drew pictures of birds; he replaced the commas with drumrolls and the periods with exclamation marks. He reminded me that *Para las estrellas, somos nosotros los fugaces*. Thanks, Papi, for making me smile.

DUKE

UNIVERSITY
PRESS

Introduction

When Spanish conquerors arrived in the Western Hemisphere, they took the bizarre step of presenting a formal argument to Indigenous people about the legal legitimacy of colonization. In a ritual that repeated itself across the Americas, the conquistadors stood in front of people they planned to colonize and recited the text of a document known as the *Requerimiento*. The first part of this text established the moral authority of colonization in grand, universal terms, tracing Spain's authority in the New World through a chain of authorized ventriloquists all the way back to God. The second part of the text promised "love and charity" to Native peoples who converted to Christianity and recognized the authority of the Spanish Crown. The final part of the text threatened elimination, enslavement, and gratuitous violence to all those who refused to accept these terms ("[We] shall do you all the mischief and damage that we can"). The audience witnessing this ritual was then encouraged to ponder this information and provide consent.

Disappearing Rooms: The Hidden Theaters of Immigration Law studies contemporary scenes in immigration courtrooms in the United States. This book is based on the years I spent participating in the immigration justice movement in various roles: as a community organizer, Spanish-English interpreter, and member of a program that accompanies criminalized (im)migrants into immigration court.¹ In these various roles, I spent time in the bureaucratic offices and courtrooms where decisions about (im)migrants' lives are made. As someone who studies performance, I thought about how these rooms function as little theaters. I thought about

the arrangement of architectural features, lighting, images, sounds, timing, and movement in those spaces—the totality of expressive elements that filmmakers and theater producers call *mise-en-scène*. Immigration courtrooms are often hidden spaces that are either inaccessible to the public or simply unknown. But just because these spaces are hidden does not mean the law is not putting on a show. The purpose of this book is to study the kinds of shows the law produces in hidden spaces. If the phrase *hidden theaters* seems like a contradiction in terms, it provides an initial sense of the paradoxical dynamics of showing and hiding, appearing and disappearing, described in this book. As I sat in these strange corners of the state, these back alleys of government, I thought: If people understood what goes on in these rooms, they would never see immigration law the same way again.

What is it about the *mise-en-scène* of the immigration courtroom that is so radicalizing? Improbable as it may sound, perhaps the best way to grasp the staging of an immigration courtroom is to think back to that legal ritual that took place five hundred years ago. As a defining feature of Spanish colonialism, the *Requerimiento* has been invoked to teach many lessons about the nature of coloniality. Among these lessons is that when the law is founded on hopeless contradictions, its theatrical presentation becomes strange. The text of the *Requerimiento* ends with a formal request for the Indigenous audience to ponder their options and signal their consent. Yet much of the time, the *Requerimiento* was staged in a way that made Native people's consent, comprehension, and even physical presence superfluous to the scene.² Sometimes the colonists assembled Native people and recited the text in Latin without translation. Other times the colonists did not bother to assemble an audience at all. They read the document to trees; they read it from their boats before arriving onshore; they read it to the backs of people as they ran away. Bartolomé de Las Casas, who witnessed some of these scenes, called the *Requerimiento* an “unjust, impious, scandalous, irrational, and absurd” document that made him unsure whether to “laugh, or, better, to cry” (Faudree 2012, 183).

When we picture the law, we generally do not imagine such a twisted scene. Instead, we picture some combination of solemn ritual and systematic rules. Yet the *Requerimiento* was indeed parodic, nonsensical, and absurd. It was not only cruel but also strange, and the strangeness and cruelty were intertwined. Its strange cruelty and cruel strangeness reflected the fundamental incoherence of the colonial project. The text of the *Requerimiento* called for Indigenous people's consent, but who in the world would consent to their own colonization? The document claims that

political authority rests in the Vatican, yet it conveniently announces jurisdiction over the entire world. The document treats Indigenous people as interlocutors, yet the notion of a divine mandate leaves little room for dialogue. The document addresses Indigenous people as potential members of the legal community yet simultaneously treats them as enemies of law itself. The document asks them to believe in a promise of salvation yet enforces that promise with violent threats.

When European law arrived on American shores and made a show of itself, these contradictions had not been worked out. And so, not only the text of the *Requerimiento* but also its *mise-en-scène* aired and exposed those contradictory premises. The colonists did not call off the show just because their mission made no sense. Instead, they turned the *Requerimiento* into a show of a different kind—a display of nonsense itself. Would the orator reciting the text look up periodically at the trees as one might look up at a human audience? Would he acknowledge the absurdity of his own performance and let a sentence trail off? Any manner of interpreting that performance would have thickened the gap between meaning and its negation. Law, in its colonial mode, is cruel and strange theater. It is force compensating for fragility; it is the fraudulence of consent; it is the idiocy of authority and the institutionalization of the absurd; it is the fundamental delirium that ensues when one announces salvation and elimination in a single breath.

In this book, disappearing rooms are places where the old jurisprudential question “What is the status of the colonized person before the law?” continues to show up in the theatricality of immigration courtrooms where legal officials are unsure how to proceed with their own show. US immigration law, like the *Requerimiento*, is wrought with contradiction. Since its founding in the Chinese Exclusion Acts of 1882, this legal system has consistently been used to manufacture an exploited, racialized workforce. In doing so, it extends the legacies of slavery and settler colonialism, facilitating a process that immigration historian Mae Ngai calls “imported colonialism” (2013, 13).³ Yet, immigration agencies never come clean about the fact that their policies maintain a racialized economic order. Instead, the steady unraveling of the law’s genocidal effects is treated as the merely administrative consequence of individual violations of the law. Like the *Requerimiento*, then, there is an enormous gulf between what the law is prepared to say about itself and what the law actually enacts. And like the *Requerimiento*, immigration law has a fundamentally split character, enveloping promises of salvation and recognition within an atmosphere of

violence. Since the emergence of the international human rights regime following World War II, US immigration law has taken on an increasing number of commitments toward asylum seekers and other (im)migrants who are deemed exceptionally vulnerable or exceptionally virtuous. But this business of protecting, rescuing, and recognizing vulnerable individuals has never been functionally disentangled from the racial and economic injustice of imported colonialism. Instead, humanitarian recognition and imported colonialism are deeply entwined in ways that none of the dominant narratives about migration are prepared to acknowledge.⁴

Disappearing Rooms studies how these deep contradictions add up to a profound crisis of meaning and how this crisis, in turn, manifests as mise-en-scène. In the courtrooms I describe in this book, immigration officials never recited texts to trees. Yet, they found other ways to treat people as though they did not exist. They found other ways to dramatize their own confusion and invert their own rituals. In the scenes I depict, legal officials did not know whether to make a show of authority or its absence, of meaning or its negation, of recognition or disappearance. Thus, the scenes involved a delirious mixture of all these elements. This book traces the courtroom experiences of racialized (im)migrants—primarily but not exclusively of Central American origin—whose lives are shaped by multiple overlapping colonial systems.⁵ The courtrooms that I call disappearing rooms are theatrical microcosms—rooms in which the accumulated incoherence that is inherent to the colonial project resounds like a silent scream in the mise-en-scène.

The premise of this book is that if we were to listen to that scream, it might change some of our habitual modes of perceiving immigration law. The mise-en-scène of immigration courtrooms puts the moral value of individual recognition into crisis. And it raises the possibility of a decolonial perspective inherent in (im)migrants' freedom of movement. The chapters that follow explore these two issues in detail, while the rest of this introduction elaborates the problem of coloniality in the immigration justice movement and this book's method of scenographic analysis.

The Immigration Justice Movement and the Coloniality of Recognition

During the years I participated in the immigration justice movement, I developed a small sense of the deep hypocrisy of a state that threatens to kill and promises to save. I was personally involved in this movement

between 2013 and 2019, during the administrations of Barack Obama and Donald Trump. These years witnessed an almost constant increase in criminalization, detention, deportation, and raids. To many people, these policies appeared shockingly new, but the Obama and Trump years only accelerated patterns that had been developing since at least the 1980s. Since that time, the budgets and physical infrastructures of immigration enforcement agencies steadily increased, concurrent with a proliferation of policies that reduced (im)migrants' legal rights.⁶ Since the 1980s these trends, combined with the deliberate policy of funneling (im)migrants into physically dangerous migration routes, have vastly increased the number of (im)migrants whose lives and livelihoods are threatened by the state.⁷ In response to their criminalization, many racialized (im)migrants sought relief through various legal avenues of humanitarian recognition such as political asylum, special visas for young people, visas for victims of torture and trafficking, and stays of deportation. When these avenues were not applicable, (im)migrant rights organizations also pursued public pressure campaigns to convince immigration authorities to exercise their discretion in favor of certain individuals. During the time I was involved with various (im)migrant rights organizations, we carried out campaigns to convince government officials, lawyers, and the public to grant individual (im)migrants legal status, free them from detention, or halt their deportation. Some percentage of the time, these efforts worked. Yet, it was clear that we were fighting a war of attrition. Larger and larger sectors of the (im)migrant community were getting caught up in criminalizing nets. The redemption of individuals did not seem to dampen the population-based machinery of criminalization. Instead, recognition for so-called good immigrants often went hand in hand with criminalization of so-called bad immigrants—a deeply entrenched historical pattern that immigration activists term the “good/bad immigrant binary.”⁸ Indeed, the youth-led movement that became the center of (im)migrant organizing in the 2010s learned hard lessons about the good/bad immigrant binary and the limitations of recognition-based politics.⁹ Not only was the nature of the work impossible and exhausting, but it also embroiled (im)migrant activists in a false discourse. We were sometimes able to say, *Help us free everyone because no one should be caged*. We were sometimes able to say, *Abolish the border, abolish the police, abolish the prison, and abolish Immigration and Customs Enforcement (ICE)*. But more often we were compelled to say, *Save this person because he or she is special*. In order to drum up support for individual (im)migrants, we enumerated the moral, economic, and

spiritual details we hoped might convince a judge to favor our friend, our loved one, or our client. We tried to make government officials see what we saw in people. Thus, and rather queasily, we offered love itself up to judgment. We mixed the actual love we felt for people with the recognition offered by the court—a type of love that, because it is backed up by the threat of deportation, feels more like hatred.

If you do this kind of work long enough, you might get sick—sick of the judge; sick of telling him stories; sick of the stories themselves; sick, even, of the idea of the individual that is the supposed subject of recognition and rights.¹⁰ If you spend enough time trying to convince the state that everyone it criminalizes is special, you might become persuaded that no one is special or that everyone is. More to the point, you will dream of a world in which criminalization has come to an end and everyone's relative specialness is beside the point.

Frustrated with the limits of state-based recognition, diverse sectors of the immigration justice movement have started to use a kind of “inside-outside” strategy. While criminalization makes it all but necessary for (im)migrant organizations to participate in the work of seeking individual recognition, many simultaneously advance broader visions of decolonization, abolition, and freedom of movement.¹¹ During the years I participated in the movement, Mexican and Central American (im)migrants did this by powerfully asserting their transnational realities. Indeed, many Mexican and Central American nationals participate in forms of circular migration, some of which (as in the case of certain Indigenous communities) predates the founding of the modern nation-state (Carmack 1981, cited in N. Rodríguez and Menjívar 2009). Their politics is not about an exclusive relation to one nation-state but about the freedom to participate in the economic, cultural, and political life of multiple nations without criminalization (Camacho 2008). These groups thus claimed their right to belong *aquí y allá* (here and there), or, in the words of one Arizona-based organization, to “live, love, and work wherever we please.”¹² A distinct but related vision of decolonization was articulated by Black-led immigration justice groups, many of which argued that justice for immigrants is impossible without dismantling the larger police and prison systems. The Black Alliance for Just Immigration and the UndocuBlack Network were among the most influential organizations active during the period of my research. They worked to situate immigration politics within longer histories of racial capitalism that implicate both citizens and noncitizens of color (Morgan-Trostle, Zheng, and Lipscombe 2018). They called for a type of

“transformational solidarity” between Black US citizens and (im)migrant organizations that would reframe immigration as an issue of racial justice, address anti-Blackness in the immigration justice movement, and develop inclusive platforms to dismantle all forms of criminalization at their root (Palmer 2017, 99). And finally, decolonial visions were coming from Native groups in the US Southwest that forcefully opposed border militarization on their lands. Members of the Tohono O’odham nation, the Ndé Lipan Apache, and many other Indigenous communities have drawn a straight line between the contemporary violence of immigration enforcement and the violence of settler colonialism.¹³ In doing so, they remind us that the land immigration law appoints itself to defend remains actively contested territory and that resistance to border militarization is part of a historical decolonial struggle.

Although I had the opportunity to participate in some, but not all, of these movements, *Disappearing Rooms* is not an account of the immigration justice movement per se. Instead, inspired by the decolonial and abolitionist currents described above, *Disappearing Rooms* is a study of the immigration courtroom as a space where the coloniality of immigration law—and thus the urgency of decolonization—is intensely felt. (Im)migrant activists have been working toward a world in which no one has to be special in order to be free. They seek a form of liberation that does not depend on any assertion of purity, innocence, or exceptionality but rather accepts that undocumented and transnational people, like everyone else, inhabit a “contaminated reality” (Ticktin 2017, 588). Such a political vision conceptually decouples innocence and exceptionality from freedom of movement. If that vision represents the macroscopic call articulated by a range of contemporary social movements, then this book offers a microscopic contribution by putting forward the individual room of immigration law as a scene within which we can attend to the minor register and practice the flexibility of our perceptions.

Mise-en-Scène as Method

One day, some members of our New York immigration justice organization arrived at the office in a bad state. They had just accompanied a man (call him Ernesto) to his deportation hearing. During the hearing, Ernesto’s hands were cuffed behind his back. The judge told him to raise his right hand and swear to tell the truth, but no one bothered to remove his handcuffs.

The people who told me this story were shocked and appalled for a lot of reasons, not least because Ernesto was deported that day. But they were also shocked by the seemingly gratuitous cruelty of making a handcuffed man struggle to raise his right hand. As they told the story, they reenacted the scene using their own bodies—this “swearing to tell the whole truth” ritual associated with legal personhood and the state of being handcuffed, which makes the gesture impossible to perform. As the members of the accompaniment team reenacted this moment, it struck me that what they were doing was important. They were taking the strange and cruel rituals that abound in clandestine rooms and circulating them in the outside world. In doing so, the ritual was transformed from something imposed in a sealed environment of punishment into something examined in a shared space of struggle. The impulse to reenact the gesture came from the desire to get inside it. By reexperiencing it in their own bodies, the members of the accompaniment team were trying not only to understand its significance but also to break its power. By reenacting the gesture together, they underwent a collective process of accompaniment, transformation, and repair.

Anyone familiar with theater and performance would recognize this activity. When we create a performance—whether a play, a dance, or a work of performance art—we experiment with the gestures, postures, spatial arrangements, sounds, lighting designs, and myriad other details that collectively compose the scene. In a traditional theatrical play, these details are present as stage directions—for instance, an instruction that “the chairs should be arranged in a loose circle.” In this example, you can sense, even if you cannot articulate, why the scene would be totally transformed if the chairs were placed in another arrangement—for instance, in a tight circle or a square. At times, the objective of such experimentation is to achieve what theater director Bertolt Brecht called *gestus*, meaning a scenographic detail so precise and so evocative that it seems to distill an entire historical moment or social issue (1964, 104–6). In this case, the scenographic detail has a clarifying function. It helps amorphous or abstract phenomena become visible, audible, and concrete. At other times, the objective of scenographic experimentation may be to achieve social change. In the devised performance practice known as theater of the oppressed, for instance, the scenes that compose the performance present an ongoing, unresolved social problem (Boal 2008). Performers and spectators alike are then asked to return to certain details of a scene in order to investigate how it would unfold differently through a particular intervention, such as a longer pause, a deeper shadow, or a shifted gaze. Over and above these individual experiments,

the process awakens a sense of the plasticity of lived experience, an awareness of latent potentials within everyday reality and the capacity of subtle changes to activate them. The assumption is that participants have faced and will continue to face related scenes of oppression, and thus the particular interventions elaborated in a rehearsal space become tools that can be employed in the real world. The method of *mise-en-scène* that I pursue in this book essentially follows the same process. I identify, analyze, and *play with* (like the experimental play of a rehearsal process) the scenographic details of the legal scenes I witnessed.

In order to pursue this method, I collaborated with Molly Crabapple, a renowned journalist, activist, and artist. Molly has accompanied people into immigration courtrooms and detention centers, and she has a keen understanding of the type of colonial theater that takes place in those rooms. I sent her my descriptions of the scenes I witnessed, which she used in combination with her own memories of similar scenes to produce illustrations for this book. Our complementary practices of writing and illustration work in the manner of scenographic experimentation described above. That is, they exist halfway between documentary and speculative realms. One of their goals is to document the details of what I witnessed in immigration courtrooms: record them, get inside them, and analyze their emotional and political significance. The other aim, like a stage direction, is to project the kernel of each scenographic detail into unforeseen spaces of reinterpretation and transformation. In this way, Molly's images and my words attempt to distill what really happened, while recognizing that what really happened remains alive in the present and available for experimentation and change.

To get a better sense of *mise-en-scène* as method, we can return to the example of the gesture described at the beginning of this section. At his deportation hearing, Ernesto was told to raise his right hand and swear to tell the truth, yet he was physically inhibited from doing so because his hands were cuffed behind his back. I attempted to reenact the handcuffed-hand-raise gesture with my own body and sent Molly the following description: "I could feel how my whole body had to get involved to poorly approximate what should be the province of one hand. I leaned my torso down and to the right. I arched the fingers of my right hand up. Even without the handcuffs, I could feel that it was a corporeal riddle. I could feel what a strange and groping journey it was for my tissues."

When you look at the illustration Molly created (figure I.1), it might be helpful to remember that the facial features, clothing, and props are the



Figure 1.1: Ernesto seen from the judge's perspective.

product of Molly's imagination. Molly was not an eyewitness to this scene or to any of the other scenes described in this book. Therefore, we cannot treat Molly's illustrations in a forensic manner (i.e., as facts ascertained by an impartial observer meant to establish some kind of objective truth). Instead, they are more akin to Brecht's description of *gestus*—the ability of a scenographic detail to express something deeper about the whole event. The feeling you get when navigating the hidden rooms of immigration law is that the law wants you to lose your mind. It is the feeling that the room itself has gone crazy, but that is not something you can talk about without sounding crazy yourself. The feeling of colonial legality is painfully present but elusive. And yet there are moments, like Ernesto's attempt to raise his shackled hand, that boil down an ambient feeling into something we can look at, reenact, and name. In this case, the handcuffed-hand-raise gesture concretizes the ambivalence of immigration law. The gesture gives us a physical and visual representation of what it means to be cast as both a *suppliant* and an *enemy* of the state. If those two positions are impossible to resolve, then the gesture symbolizes impossibility itself. Its puzzle-like quality

captures the paradox of a system that wants Ernesto to strive for the love of a system that excludes him.

Legal processes are rich in scenographic details because institutions tend to dramatize their own authority.¹⁴ In performance studies terms, we call this *showing doing*.¹⁵ In other words, as legal officials do something—in this case, ordering that Ernesto be deported—they may simultaneously make a show of what they are doing and create a little scene that elaborates deportation’s ugly logic. What is the reason for the show? What does the show tell us? Performance theorists argue that when we pay attention to law’s *mise-en-scène*, it is no longer possible to perceive the law as a coherent and self-assured entity. Instead, we see the law’s “fragile and volatile nature,” the ongoing attempt by legal officials to manage contradictions.¹⁶ In their minds, Spanish colonists had reached the edge of civilization: no one here but Indigenous people and trees. In their minds, immigration officials operate at the edge of civilization: no one here but racialized (im)migrants behind closed doors. The same racist map activates both scenes, turning somebodies into nobodies and turning the law into a microtheater of impunity.¹⁷ This combination of terror and idiocy, of force compensating for fragility, must have been apparent to audiences of the *Requerimiento*. It would have been apparent to the trees. And it continues to be apparent to racialized (im)migrants who encounter the law in its petty colonizing displays. How can you look at someone like Ernesto, who is right there in the room, standing next to his family, breathing the same air you breathe, and convince yourself that, from a legal standpoint, he never really arrived and can therefore be simply “removed”?¹⁸ In the absence of easy answers, the judge at Ernesto’s hearing engineers a spectacle of humiliation for which the judge himself is the prime audience. And through this recursive loop, the judge convinces himself that Ernesto’s deportation is necessary or inevitable because he has already found a way to put Ernesto’s degraded status on display.

Yet, even as this show ridicules Ernesto, it also reveals the law’s dependence on Ernesto to collaborate in his own exclusion. Theater is a participatory medium. Ernesto is asked to exercise the creative action of his own body to make sense of deportation. Ernesto’s very muscles have been contracted to resolve the irresolvable contradictions of colonial rule. And this participation means that the judge has already lost control of the event. As Ernesto goes through the motions, the scene changes. The room tilts. You cannot make a mockery of legal subjects without making a mockery of the law.

While figure I.1 shows the handcuffed-hand-raise gesture from the judge's perspective, in figure I.2 Molly reimagines that same moment from Ernesto's point of view.

Imagine that Ernesto was not handcuffed when he was asked to raise his right hand. He would have stood upright and sworn to tell the truth in the traditional way. He would have looked up at the vertical pomposity of empire: the floating head of the judge, the elevated bench, and the predatory flight of the eagle that reads "Department of Homeland Security." But because he had to lean his torso over in order to raise his hand, Ernesto ends up gazing upon these symbols of law from a slanted view.

Molly's second drawing teaches us that although the law's colonial show is powerful, it is never the only thing happening in the room. There are always infinite angles of the same scene. In the act of attempting to humiliate Ernesto, the judge unwittingly inaugurates a novel perspective, one that frames his own obsolescence. At the very moment Ernesto swears to tell the truth, he is looking at the judge from an angle at which that particular petty sovereign on his paltry throne is already askew.



Figure I.2: The judge seen from Ernesto's perspective.

It is a surprising but frequent observation made by criminalized, deported, and imprisoned people that at the very moment the state mobilizes massive arms to make them feel small, they suddenly experience a sense of inner wholeness relative to the spiritual poverty of a racist law.¹⁹ Another reason I focus on *mise-en-scène* in this book is to draw our awareness toward dimensions of the room that exceed the law's comprehension and control. The judge may have classified Ernesto's past, but the judge does not know what Ernesto has been through. The judge may cast Ernesto as a supplicant, but he has no access to Ernesto's heart. The judge may disorganize the muscles of Ernesto's right hand yet unwittingly sharpen Ernesto's view. The judge may deport Ernesto, but he cannot map Ernesto's future.

The "room" of this project might be a rehearsal room, a space in which to sound out and play with possibilities that are latent in the room and might be reactivated through scene study. Now that the handcuffed-hand-raise gesture is circulating among us, the possibilities are in our hands.²⁰ If we were all participating in a rehearsal process, what would we do? Perhaps we would use our bodies to duplicate Ernesto's experience. We would tilt down and to the right, multiplying the handcuffed-hand-raise gesture, multiplying the number of those who possess a slanted perspective on the room. And then suddenly the calculus of humiliation would change. Suddenly it is no longer Ernesto isolated by that painful posture but the judge isolated by his singular exclusion from the slanted view. Perhaps, as we collectively linger in this posture, we are no longer asking, what does the law see in Ernesto? How can we make a system that is fundamentally hostile to racialized noncitizens care about and appreciate this particular man? Instead, we might be thinking that whatever this judge determines, Ernesto will have his freedom—whether through an upright appeal to the law's meager offerings of sanctioned humanity or at a slant to those categories and their hypocrisy. Maybe he will go around the law this time, like he already has.

Mise-en-scène is rooted in concrete observations, yet it aims to illuminate the multiplicity, indeterminacy, and plasticity of lived experience. How might this sensibility contribute to decolonial and abolitionist movements? As I explain in chapter 2, many attempts to dismantle the carceral system and the deportation machine struggle with problems of representation. Communities and scholars working in these areas identify twin issues of *invisibility* and *hypervisibility*. Either the realities produced by those systems remain "in the shadows" and invisible, or they become *hypervisible*

(i.e., culturally saturated to such a degree that they begin to seem inevitable and impossible to change).

While invisibility and hypervisibility seem like opposite problems, they both stem from a similar scenographic predicament. They both imply a world in which our subject-object relations are stuck. Some people are watching and others are being watched. Some people are affected by these systems and others are assumed to be unaffected. Some people are inside and others are outside. All of these assumptions contribute to the sense that we are trapped in a fixed social order. In contrast, the process of scenographic experimentation that takes place in performance rehearsals often involves quite different assumptions. When one dancer continuously repeats the same movement, or when one actor plays multiple roles, or when a sound technician projects a performer's voice from a point in space far away from the performer's physical body, these acts imply that social positions and embodied actions are not the exclusive property of *that* moment or *that* person. Instead, scenographic experimentation treats reality as a set of spatial and temporal relations that can be lifted from their context, rearranged, and cast over and over again onto new people and objects.²¹ First we try the scene facing upstage and then we try it facing downstage, or first we have a performer whisper a line alone and then we have a small group shout it as a chorus. This experimental sensibility might be a useful tool in decolonial and abolitionist struggles because it invites us to resist the isolating effects of social violence and treat those effects, instead, as the dispersed material of a predicament that is ongoing and shared. By doing so, we might break down barriers between the affected and the supposedly unaffected, the subject and the object, the inside and the outside.

The Rooms

Disappearing Rooms is organized as a journey through several immigration courtrooms. Each room was chosen because it encapsulates a particular contradiction in the staging of immigration law.

Chapter 1 focuses on a place ominously called the *Removal Room*. At the time of my participation in an accompaniment program, the Removal Room occupied one floor of a crowded multipurpose government building in Manhattan. In this room, (im)migrants were expected to “check in” with ICE officials. Those who appeared at check-ins were sometimes detained and deported, but the room was designed to shield the event of

deportation from view. The central contradiction examined in chapter 1 is that the work of “removing” people requires putting on a show. I analyze the scenographic design of the room as a theater of disappearance, a nauseating type of state theater that aims not only to remove people but also, paradoxically, to make their removability visible. The first half of the chapter examines how this complex combination of appearance and disappearance manifests in the scenographic details of that room.

The second half of the chapter retraces some of my journeys through the Removal Room during the time I participated in an accompaniment program run by the New Sanctuary Coalition of New York. Volunteers accompanied (im)migrants as a form of moral support and as a way to signal our stance against deportation. Accompaniment involved the difficult work of apparently doing nothing: holding still, holding silent, and holding oneself back from any unplanned action. Analyzing the evolution of the accompaniment program in 2017, this section describes the collective scenographic experimentation we undertook in an effort to shift the dynamics of the room.

The prison abolition movement has long argued that reformers’ attempts to make prison more humane, gender-sensitive, and participatory tend not to diminish the institution but to expand it (Kaba 2014; Murakawa 2014). This contradiction has been especially pronounced in the type of immigration imprisonment known as family detention, where humanitarian reforms spurred what some call an “immigration detention improvement complex” (Morris 2017, 51). In chapter 2 I examine the cycles of resistance and reform that took place in the institution of family detention in the post-9/11 period.

These cycles of resistance and reform led not only to the expansion of family detention but also to the creation of blurred spaces in which humanitarian and eliminatory impulses coincide. The second half of chapter 2 documents my experience at the South Texas Family Residential Center, where I volunteered as a Spanish-English interpreter helping detained women apply for a preliminary form of political asylum. I analyze the *mise-en-scène* of an immigration courtroom built inside the detention center: a retrofitted trailer where the immigration judge was broadcast on a screen. The judge, in this instance, was literally a no-show—absent from the courtroom over which he supposedly presided. This scene testifies to the bizarre theater that ensues when the seemingly benevolent act of refuge offered by asylum law is nested inside a detention center built on a history of racial elimination. Like the *Requerimiento*, these two projects

cannot coexist without undoing each other. They cannot coexist without breaking the room.

The final contradiction I explore in this book is that while the immigration courtroom treats (im)migrants as supplicants dependent on the state's recognition, many of the people seeking legal recognition in immigration courtrooms arrive in the United States through their own acts of unsanctioned, autonomous movement.²² Chapter 3 conducts a kind of rehearsal process that pays attention to the freedom of movement and freedom of conscience that, though suppressed, are always present in the room. In order to conduct this thought experiment, the chapter changes our perspective on the scene. While the first two chapters study these rooms from the perspective of (im)migrants, translators, and accompaniment teams, chapter 3 studies the asylum office from the perspective of asylum officers tasked with interviewing asylum seekers and determining whether to grant asylum. The premise of such interviews is that some people have legitimate claims to asylum and others do not, that some people are credible and others are not, and—although this is unlikely to be stipulated in any official handbook—that some people are special and others are not. The scene of the asylum interview thus gives us an entry point into the good/bad immigrant binary—the moral distinctions between people to whom the state grants protection and those from whom the state supposedly protects itself. Chapter 3 examines the range of familiar cultural formulas used by these officials to make sense of their work: the liberal plot of a special individual rising above his or her society, the melodramatic trope that good can be thoroughly wrested from evil, and the forensic appetite to sift truth from lies.

While these basic plotlines dominate the asylum interview, they do not represent the totality of the scene. Rather, the term *mise-en-scène* points to the fact that the sense of a scene is a product of the constant interplay between background and foreground, onstage and offstage, what happened and what might have happened.²³ Even if the framing of a scene aims to exclude certain realities, those realities persist—or “insist,” in Gilles Deleuze’s terms (1983, 17). Chapter 3 applies this sort of scenographic sensibility in order to sustain a double feeling, a flicker between the official drama of the asylum interview and the suppressed presence of all it excludes. Alongside the apparently urgent work of classifying (im)migrants into categories of good and bad and real and fake, immigration remains a heterogeneous, unpredictable, and unruly phenomenon. As we imagine sitting in the asylum officer’s chair, we ask what it would mean to

hold on to the *autonomy* of mobility: the fact that racialized (im)migrants move in unpredictable ways, for their own reasons, according to a transnational consciousness that the state can neither understand nor control. What would it take to make this unspecial, unknown terrain of human mobility more compelling than the drama of individual recognition? What would it feel like to offer refuge from recognition, rather than recognition as refuge? What would it mean to shelter the unknowability of the refugee?

Finally, in the coda, this book leaves the confines of the courtroom altogether and also leaves behind geometric space and linear time. We return to the question of accompaniment, but this time as part of a wider geography of (im)migrant disappearance. In accompaniment, physical presence is not a metaphor. Accompanying another person means sharing space with them, moving with them wherever their journey leads. But what if we cannot share space with another person because we cannot find that person on any map? What if we cannot move with them because we do not know whether they are in motion? The coda tells the story of a woman who disappeared while crossing the US-Mexico border and her family's search for answers. Drawing from musical ideas of accompaniment, it ponders how the searchers and the searched for accompany one another outside space and time.

.....

As I sat in these strange corners of the state, these back alleys of government, I thought: If people outside knew what goes on in these rooms, the rooms themselves would change. Just by exposing the contents of these rooms, the law has already lost its power to seal a colonial microcosm behind closed doors. As we move to chapter 1, we enter the terrorizing design of the Removal Room, but by doing so together, we open a window.

DUKE

UNIVERSITY
PRESS

Introduction

1. In employing the term *(im)migrant*, I follow a group of scholars who aim to disrupt assumptions about human mobility built into terms like “immigrant” and “migrant” (Escobar 2016, 21). In this book, I use “(im)migrant” as an inclusive term encompassing those who might choose to seek permanent residency in the United States and those whose mobility is more transitory, circular, or not yet defined.

2. See Faudree (2012) and Taylor (2003, chap. 2) for intricate theorizations of the *Requerimiento* as a legal performance.

3. The dynamics of imported colonialism have also been described as a revolving door. At various points in US history, the government has facilitated the recruitment of particular groups of (im)migrants to serve as a transient and disposable workforce, only to criminalize and expel them once political conditions have changed. As migration scholar Nicholas De Genova (2013) theorizes, the illegalization of (im)migrant labor is highly productive from the standpoint of capital. Although the spectacle of border policing projects the image of absolute exclusion, the state is typically less invested in excluding racialized (im)migrants than in including them *as illegal*—in other words, available for purposes of labor, yet disciplined and subordinated by the threat of deportation.

4. It has been difficult for (im)migrants and their supporters to communicate the complex violence of immigration law because doing so requires deconstructing the popular assumption that recognition and racism are opposed processes. Some migration scholars have tried to break through this conceptual impasse by documenting the deep historical entanglement between colonial legacies and humanitarian immigration policies (see, e.g., Fernando 2016; Loyd and Mountz 2018; Razack 1998). By pointing to the ongoing colonial patterns that shape global human mobility, these scholars denaturalize the idea of (im)migrant vulnerability that allows the humanitarian state to stage itself as a benevolent protector. Shannon Speed’s *Incarcerated Stories: Indigenous Women Migrants and Violence in the Settler-Capitalist State* (2019)

argues that Indigenous Central American (im)migrants to the United States are not naturally vulnerable but rather *vulneradas* (i.e., rendered vulnerable through long enduring settler-colonial dynamics exacerbated by immigration policy). See chapter 3 of this book for a discussion of the powerful critique of recognition mounted by a decolonial lineage of thinkers that includes Frantz Fanon, Audra Simpson, and Glen Coulthard.

5. Almost all of the Central American (im)migrants whose courtroom experiences are analyzed in this book would likely identify as Latinx or Hispanic, but many would also identify as Indigenous, Afro-Latinx, or both. In particular, some of the people I worked with or accompanied were Garifuna Hondurans and Guatemalans whose language and cultural identity reflect a history of encounter between Carib, Arawak, and African communities. If I refer to the “colonial project” writ large, it is because the colonial systems that shape Central American (im)migrants’ courtroom experiences are multiple and overlapping. While centuries-old processes of settler colonialism in Central America continue to influence contemporary patterns of displacement, racism, and gendered violence, the neocolonial flows of transnational capital intensify the theft of ancestral lands and maintain the asymmetrical economic relations that drive transnational migration (on Central American (im)migrants’ experiences in the United States, see Cárdenas 2018; for an introduction to the historical forces shaping contemporary migration, see Chomsky 2021). Meanwhile, when Central Americans arrive in the United States, many find their racial identities reconfigured within a US racial matrix—a process Devon Carbado (2005) calls “racial naturalization.” Thus, while Garifunas may find themselves newly racialized as Black and subject to overpolicing and other forms of criminalization on that basis, Central Americans of all backgrounds may find their racial identities reconfigured as they enter highly racialized industries or segregated neighborhoods in which they are seen generically as Latino or even—not uncommonly—as Mexican (Arias 2003). Truly, then, there is an irreducible complexity to the historical processes of overlapping racialization faced by the people whose courtroom experiences are described in this book. Thus, I use terms such as “racialized (im)migrants” to refer to this complexity, and I draw from Latinx studies, Black studies, and Native studies to elucidate issues of criminalization, coloniality, and abolition. My use of the term *racialized (im)migrant* differs from its use in other works on US immigration politics, in that *Disappearing Rooms* does not focus on racial identity as such. Instead, it focuses on the scenographic arrangements that racialize people by subjecting them to colonial displays of criminalization, paternalistic rescue, or disappearance. Rather than the racialization of identity, the term designates a physical position within a scene. It designates the racialization of the room.

6. A report by the American Immigration Council (2021) provides data on the increased spending for immigration enforcement operations over the past thirty years during both Republican and Democratic administrations. The annual budget of the US Border Patrol increased from \$263 million in 1990 to nearly \$4.9 billion in

2021 (2). Since the establishment of ICE in 2001, the budget for that agency also grew steadily, from \$3.3 billion that year to \$8.3 billion in 2021 (3).

7. Since the 1990s, the US government has intentionally funneled (im)migrants crossing the border into physically hostile terrains (De León 2015; Nevins 2010; Rosas 2006). As Karma Chávez explains, “The rationale for what the University of Arizona Binational Migration institute describes as the ‘funnel effect’ was that both the deaths that would undoubtedly occur as well as the danger posed by the desert would be enough to prevent people from making the clandestine journey” (2012, 53).

8. The good/bad immigrant binary arguably dates back to the inception of immigration law, but the contemporary variation was consolidated through a series of policies in the 1990s and 2000s. As immigration scholar Alfonso Gonzales shows, the legislative history of this period was discursively dominated by what he terms the “anti-migrant bloc,” a coalition of antimigrant forces that drew on criminal stereotypes and war-on-drugs imagery to construct the image of a “bad immigrant” who deserved detention and deportation (2013, 6). The powerful criminalizing discourses of this period led (im)migrants and their allies into a corner, where they needed to present particular (im)migrants as exceptionally vulnerable, innocent, or upwardly mobile (thus playing into the idea that others were undeserving criminals). From the 1980s to the time of this writing in 2020, no pro-immigrant policy proposal at the federal level has been considered politically viable unless it limits benefits to those populations considered exceptionally innocent or deserving and unless it promises to ramp up enforcement activities against those defined as “bad”—generally by increasing spending for border policing and detention. Even the Development, Relief, and Education for Alien Minors (DREAM) Act—which would have legalized the status of undocumented youth—was initially introduced as a border security initiative (Fernandes 2017, 107). While writing this book, as I watched the 2020 debates among the candidates for the Democratic presidential nomination, it was clear that the good/bad immigrant binary was alive and well. When asked about immigration policy, every candidate passionately denounced the detention and separation of families. Yet, when pressed by the moderator to state whether this stance indicated support for open borders, every candidate rushed to reaffirm the importance of border security and deportation. Joseph Biden made the good/bad immigrant binary particularly explicit when he spoke of “cherry pick[ing] from the best of every culture” while characterizing undocumented (im)migrants as criminals who should be deported. The transcript of this debate is available at <https://www.nbcnews.com/politics/2020-election/democratic-debate-transcript-july-31-2019-n1038016>.

9. Undocumented youth in the early 2000s pushed for the DREAM Act, national legislation that would have granted temporary residency and a pathway to permanent residency for undocumented youth who had migrated to the United States as children. Young activists undertook this legislative campaign in collaboration with politicians and Democratic Party strategists, who steered the movement toward narratives of exceptionality, innocence, and assimilation—that is, the “good immigrant” story (Fernandes

2017; Gonzales 2013). Over the course of several years, the DREAM Act was replaced by Deferred Action for Childhood Arrivals (DACA), a more limited measure that lacks a pathway to citizenship. At the same time that legislative solutions were weakened, undocumented activists saw their political demand for legalization on the basis of exceptionality, innocence, and assimilation was co-opted to legitimize the criminalization of their parents and others who fell outside the “good immigrant” narrative (Nicholls 2013). Some of those who received the benefits of DACA spoke of adverse consequences, including increased surveillance (Mena Robles and Gomberg-Muñoz 2016). These developments spurred a period of intense reflection about the inadequacy of measures based on individual status to address the deep criminalization of (im)migrant communities, and various sectors of the youth movement reorganized under more inclusive, coalitional terms (see Movimiento Cosecha, <https://www.lahuelga.com/#header-eng>).

10. To get a deeper sense of the widespread frustration over recognition politics among (im)migrant activists, see “Call for (a Different Type of) Solidarity,” produced by the No Name Collective (reprinted in Chávez 2013, 109). At first glance, the document looks like a traditional call for solidarity produced by immigration justice organizations in support of individuals facing detention or deportation. The reader’s attention is drawn to the bold letters that say, “Sign Jose’s Petition” and the hand-drawn, cartoonish sketch of an individual labeled “Jose.” However, upon closer inspection, the document contains a powerful critique of the individualizing format of such activism. A section called “Biography of Worthiness” states: “Here is where we would typically tell you all the ways in which Jose is good and worthy unlike the ‘unworthy’ immigrants. . . . And here, while advocating for one of the ‘worthy ones,’ you would implicitly accept the system that condemns the rest.” The document calls on Jose’s supporters not to tacitly accept a system that divides people against one another but to remain committed to a vision of liberation that includes everyone.

11. For more on the recent evolution of the (im)migrant justice movement, see Martínez et al. (2020). The authors, all of whom are longtime activists, reflect on the limits of state-based recognition and legislative campaigns and describe their re-orientation toward a broader abolitionist struggle.

12. See the website of the organization Otros Dreams en Acción (<http://www.odamexico.org/>) and Fernandez and Olson (2011).

13. See Tamez (2012) for a historical account and theoretical discussion connecting genocidal acts against Ndé people to the contemporary militarization of the border. On resistance by members of the Tohono O’odham nation, see the nation’s official website: <http://www.tonation-nsn.gov/nowall/>.

14. Performance theory holds that institutional arrangements of bodies in space concretize otherwise abstract social processes, making those processes visible and available to common perception and social transmission. These institutional scenes

are thus “scenographic models of sociometric process,” in Richard Schechner’s words (2003, 184). For instance, the staging of social hierarchies in a court of law is reflexive: we are both the subjects and spectators of those arrangements. In this vein, Barbara Myerhoff offers the phrase *showing ourselves to ourselves* to describe the political function of mise-en-scène (1982, 105). Scene study contemplates the theatrical means by which societies hold their own value systems up for observation.

15. See Schechner (2003) on the distinction between “doing” and “showing doing.”

16. In his analysis of the macabre ritual of the death penalty, performance ethnographer Dwight Conquergood observes that the “regular rehearsals, precise stage directions, and obsessive planning” of these rituals actually reveal their “fragile and volatile nature” (2002, 362). The primary “performance challenge” of these events, as Conquergood puts it, is for participants to act *as if* the death penalty were a medical event rather than an act of judicial murder. Thus, the state’s meticulous attention to staging these rituals indicates neither certainty nor self-assurance. Rather, it represents a fragile attempt to fabricate a reality other than what is taking place. Drawing from Conquergood, *Disappearing Rooms* treats the minute staging decisions that take place in immigration courtrooms not as unthought hand-me-downs of tradition but as indicators of the ongoing attempt, by state officials, to resolve the contradictions embedded in their mission.

17. Wendy Brown might argue that both the Requerimiento and the hidden theaters of immigration law operate beyond the pale. The “pale” was originally a fence used by British colonists to demarcate the boundaries of their colonial territories in Ireland (as well as a term for the entire territory itself). The phrase *beyond the pale* captures two enduring facets of the colonial worldview: on the one hand, the space beyond the pale is conceived as external to the protected sphere of civilization; on the other hand, it is a “threshold beyond which the law does not hold.” The space beyond the pale is therefore a space of hypocrisy. It is “where civilization ends” and “where the brutishness of the civilized is therefore permitted” (W. Brown 1995, 45). My reference to *nobodies* and *somebodies* draws from Denise Ferreira da Silva’s (2009) discussion of legal racialization. Her term *no-bodies* expresses the fact that “that which should happen to nobody, to ‘no human being,’ has consistently delineated the existence of so many human beings” (234). Per Silva, legal racialization produces a class of people whose killing does not generate an ethical crisis because their death is already legally defined as necessary for the self-preservation of the nation-state.

18. Indeed, one of the primary ways US immigration law has justified its deportation and detention policies is through an array of legal fictions by which (im)migrants who are physically present in US territory are legally treated as if they never arrived. See *Fong Yue Ting v. United States* (149 US 698, 1893) for an early example of this reasoning and Volpp (2013) on the enduring use of spatial fictions in immigration law.

19. See, for instance, immigration activist Marco Saveedra's reflections about his experience of being detained in Martínez et al. (2020, 38).
20. I am grateful to Rebecca Schneider, from whom I lifted the phrase *in our hands*. Her extensive work on the topic inspired my thinking regarding the transmission of gesture.
21. Such observations about the temporal life and social transmission of performance have been subject to extensive theorization and debate in the field of performance studies. For more on the political implications of theatrical casting processes, see Joseph Roach (1996), theorizing on the manner in which individuals inhabit social roles. For more on the scene as a lens for understanding historical process, see Diana Taylor (2003), who proposes the "scenario" as a vehicle of both repetition and change.
22. Here, I draw from the constellation of perspectives that combined to create the "autonomy of migration" approach. This approach follows in the wake of the Sans-Papiers movement in France, which spurred new interest in theorizing on the freedom of movement. To some extent, autonomy of migration draws on autonomous Marxism, a branch of Marxist thought centered in Italian workerist communism. Just as that branch of Marxism foregrounds the self-activity of the working class, the autonomy of migration approach posits the constitutive power of precarious migrant laborers within the transnational labor-capital relation. Although focused on the economic aspect of migration, the autonomy of migration approach is more broadly an attempt to decenter statist perspectives on human mobility. Dominant approaches foreground institutionally recognized citizenship as the ultimate object of noncitizens' mobility. In contrast, the autonomy of migration approach treats migration as a primordial element of human experience that conceptually precedes the nation-state. In order to change the way we conceive migration, scholars following this approach have worked to deconstruct the statist vocabulary that naturalizes an insider-outsider relation. As De Genova notes, "even to designate this mobility as 'migration' is already to collude in the naturalization of [borders]" because if "there were no borders there would be no migration—only mobility" (2017, 6).
23. Some modes of theater are particularly interested in highlighting the gap between what happens onstage and what might have happened. The Brechtian theater tradition, to name a prime example, attempts to show that whatever action is ultimately undertaken by the characters is not inevitable and that all possibilities coexist in the same scene (Brecht 1964). This type of theater may offer the plot of an individual protagonist as the seductive center of meaning, yet it continuously employs devices of mise-en-scène to point at the limits of representation itself. The dialectic between onstage and offstage space (as well as onscreen and offscreen space) has also been a persistent site of scenographic exploration in film. For instance, Noël Burch describes how glances directed offscreen and narrative events elided by the camera turn the experience of film into a dialectic between onscreen space and the "espace-hors-champ [out-of-field space]" (1969, 36).