

Undocumented Activism and Minor Politics: Inside the Cramped Political Spaces of Deportation Defense Campaigns

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Abstract: Undocumented activism is on the rise. In response to the expansion of immigrant policing, detention, and deportation, immigrant rights organizers have increasingly deployed a longstanding approach to anti-deportation activism called “deportation defense campaigns” (DDCs). DDCs seek to disrupt the deportation regime by preventing or delaying individual deportations and providing immigrants a path to temporary or permanent legalization on a case-by-case basis. Yet in the process, campaigns must address questions about when and how to challenge dominant discourses and institutions while also achieving short-term goals. We examine DDCs through Deleuze and Guattari’s notion of the “minor” to examine how campaigns navigate difficult decisions about when and how to employ tactics that are typically characterized as either disruptive or conformist. Indeed, we argue that disruption and conformism should be understood not as a static evaluative framework, but as strategies that condition, and are conditioned by, the contexts in which undocumented activism unfolds. Using ethnographic methods, we examine two DDCs to show how the campaigns strategically navigated the cramped political spaces of undocumented organizing in the months following the new Trump administration’s surge of anti-immigrant policies. We find that DDCs simultaneously draw upon and subvert dominant forms of citizenship and belonging in order to pressure ICE to exercise legal discretion and stop deportation. We conclude that DDCs unfold under historically and geographically specific conditions that not only shape what counts as disruptive and conformist, but may call into question any easy division between the two altogether.

Keywords: undocumented activism, deportation defense campaigns, minor politics, immigrant rights, immigration

Introduction

On March 1, 2017, Dany Vargas spoke with clarity and determination before a mass of microphones and cameras at an immigrant rights press conference in Jackson, Mississippi. Just days before, agents from Immigration and Customs Enforcement (ICE) arrested her family in their home, leaving Dany, who had come

to the United States from Argentina as a child over 15 years prior, as their lone advocate. Dany used her platform to speak out not only for her family, but for other immigrants, as well:

Given the chance, Dreamers can increase the US economy by \$329 million. A path to citizenship is necessary for DACA recipients, but also for the other 11 million undocumented people with dreams. Today my father and brother await deportation while I continue to fight as a Dreamer to help contribute to this country, which I feel is very much my country.¹

Just moments after the conference ended, ICE agents pulled Dany's vehicle over and handcuffed the 22-year-old. By the end of the day she found herself 150 miles away at the La Salle detention center in Louisiana, one of the largest immigrant prisons in the country, where she faced imminent deportation (Schmidt 2017).

One month later, on April 5, 2017, Maribel Trujillo Diaz, a 15-year resident of Cincinnati, Ohio, was also arrested by ICE outside her home. Maribel, who came to the United States in 2002, was a working mother of four who had been fighting to stay with her US citizen children since immigration agents had raided the chicken factory where she worked 10 years prior (Pilkington 2017). Maribel had filed for asylum, citing evidence that her family had been targeted by drug cartels in Mexico for extortion and fearing for her children's lives and her own should they be forced to return. Maribel was in the process of litigating her asylum case. She showed up regularly for ICE check-ins and complied with the demands of deportation officers. Nonetheless, ICE agents arrested her unexpectedly in front of her house as she left home one day. ICE detained Maribel in a nearby county jail with plans to quickly deport her to Mexico.

In response to these imminent threats of deportation, friends, activists, and community leaders from Dany's and Maribel's respective communities came together to campaign for their freedom by deploying an immigrant rights strategy known as a "deportation defense campaign". Deportation defense campaigns (DDCs) rely on a variety of tactics that aim to temporarily or permanently prevent non-citizens from being deported. Tactics include online petitions targeted at regional ICE officers or elected officials, media reports that humanize immigrants' stories, direct action such as rallies and sit-ins to pressure members of Congress, and legal advocacy to create a lawful path out of removal proceedings. Indeed, both of the authors had supported successful DDCs in the past.

Yet in the early months of the Trump administration, it was unclear whether strategies such as the multi-pronged DDCs that had proved effective during previous administrations would remain viable. President Trump's restrictive executive orders about immigration during his first week in office eliminated the Obama administration's scheme for de-prioritizing many deportations and allowing for some cases to be closed (American Immigration Lawyers Association 2018; Pierce 2019).² A growing number of immigrants who were previously considered low priorities for deportation or granted temporary relief were suddenly arrested and placed into the deportation pipeline (Kocher 2018). Moreover, immigration attorneys believed they saw a change of "attitude" in their interactions with ICE

officers and judges who became suddenly less likely to consider appeals for discretion.³ All of this foreshadowed new questions about the effectiveness of DDCs in the Trump era.

Although the Trump administration's approach to immigration enforcement was not a radical deviation from the Obama years, the sudden change in substance and tone generated widespread fear and generalized anxiety throughout immigrant communities about the role of political activism at this precarious historical juncture. Everyone was suddenly a priority, regardless of criminal background, length of time in the US, or other mitigating factors (Wadhia 2019). And when everyone is a priority, the ability for DDCs to successfully pressure ICE to exercise case-by-case discretion is very much in question.

The authors shared this concern. Austin Kocher, whose dissertation research focused on immigration enforcement in Ohio, observed and participated in several DDCs between 2013 and 2018 as part of his dissertation research and as a board member of the Central Ohio Worker Center, including the one that called for Maribel's release. Angela Stuesse, whose research on immigrant workers and six-year collaboration with the Mississippi Poultry Workers' Center (Stuesse 2016) had led to a long-standing relationship with Dany and her family, played a key role in the campaign that pushed for Dany's release and tentative legalization. Our collaborative participation in these campaigns as politically engaged ethnographers accompanying communities in struggle (Hale 2008; Stuesse 2015) piqued our interest in understanding and theorizing the organizing strategies of undocumented activists, particularly in the volatile early months of the Trump administration.

In this article we draw on our comparative knowledge of and experiences with DDC organizing as well as the growing anti-deportation activism literature to reflect on the opportunities and limitations of the disruptive-conformist framework that undergirds this special issue. As is explored elsewhere in the issue (a literature we also review below), there has been much scholarly debate on whether undocumented activism critiques traditional notions of citizenship, disrupting dominant regimes and opening up new claims/spaces of belonging, or reifies and conforms to these regimes and their disciplinary apparatus. Rather than theorize DDCs as either disruptive or conformist, a dualistic framework we've struggled to apply in a satisfactory way, we argue for the relevance of "minor politics" for understanding undocumented activism and, in particular, DDCs. Proposed by Deleuze and Guattari (1986) and taken up by critical scholars (Aroles 2018; Katz 1996, 2017; Secor and Linz 2017), the "minor" allows us to account for the highly circumscribed or "cramped" political spaces (Walters and Lüthi 2016) in which DDCs emerge amid highly unequal power relations as we think through the ways in which DDCs simultaneously exploit and subvert dominant discourses of belonging.

We begin by providing an overview of DDCs as an immigrant rights strategy. We emphasize that, at their core, DDCs are animated by two countervailing characteristics: although DDCs generate *opposition* to ICE's regular practices of deportation, DDCs nonetheless *depend* on ICE's favorable use of discretion, which ICE has the power to decline. Next, we argue that due to this unique characteristic, the dual concepts of disruption and conformism are not up to the task of

capturing the tactics that DDCs deploy to prevent deportations. Instead, we view DDCs through minor politics, which we view as a mode of undocumented activism that seeks to undermine dominant discourses of belonging by simultaneously appropriating and transforming them from within.

We develop this analysis through our ethnographic research with the DDCs that emerged in response to Dany's and Maribel's detentions in early 2017. Dany's DDC presented her as a hard worker; yet rather than argue that she should be allowed to remain in the United States due to her exceptional qualities, the campaign argued that her routine exploitation at the hands of the market and the immigration system could—and should—be remedied by suspending her deportation. Maribel's DDC emphasised her identity as a mother and her relationship to her children, aspects of her story that were systematically excluded in her immigration hearings, to highlight ICE's cruelty and press for discretion. Together, Dany's and Maribel's campaigns illustrate the potential for minor theory to more fully capture these nuanced activist strategies.

The Strategy and Politics of Deportation Defense Campaigns

Undocumented activism is on the rise. In response to the dramatic expansion of immigration enforcement practices in North America and Europe (Coleman 2009; De Genova and Peutz 2010; Provine et al. 2016; Van Houtum and Pijpers 2007), immigrants and citizens alike are challenging deportation as a form of legal violence (Menjívar and Abrego 2012). Immigrant advocates have pushed municipalities to adopt sanctuary city policies in an attempt to limit cooperation between police and ICE (Darling 2010; Lai and Lasch 2017; Ridgley 2011). Immigrant communities have developed transportation and communication networks to avoid risky encounters with law enforcement (Johnson 2004; Stuesse and Coleman 2014). Immigrants have developed creative strategies of resistance that emphasized their humanity over their deportability, even within detention centers (Gill et al. 2014; Tyler 2013). Immigrant communities have actively resisted aggressive enforcement programs such as 287(g), Arizona's SB 1070, and the 2006 Sensenbrenner Bill, all of which make immigration enforcement a part of everyday policing (Boyce et al. 2017; Gonzales 2014; Strunk and Leitner 2013; Voss and Bloemraad 2011).⁴ Immigrants have used direct action such as public demonstrations, marches, and sit-ins to demand legislative or executive action on immigration reform (Ataç et al. 2016; Marciniak 2013; Morales 2018; Tyler and Marciniak 2013). Dream activists successfully pushed the Obama administration to create protections for immigrants without lawful status who came to the US as children (Gonzales 2008; Nicholls 2013; Nicholls and Fiorito 2015; Unzueta Carrasco and Seif 2014). Indeed, immigrants are not passively affected by immigration enforcement policies, but instead are active political subjects who resist the deportation-centric agenda of the current US immigration system.

Deportation defense campaigns have become recognized by researchers as a core strategy immigrant rights movements in both North America and Europe

(Anderson et al. 2011; Ellermann 2009; Lewis 2014; Nyers 2003; Patler and Gonzales 2015; Tazreiter 2010; Unzueta Carrasco and Seif 2014). In fact, anti-deportation organizing has existed for decades in the United States. Buff (2018) traces the subaltern history of immigrant rights activism through the American Committee for the Protection of the Foreign Born, which organized many DDCs between 1932 and 1982. During a campaign for Stella Petrosky in the mid-1930s for instance, organizers pressured local officials to reduce her bail, provide her with legal support, and eventually convinced the government to end their deportation efforts against her. Although much of the history of immigrant rights activism remains, as Buff says, “hidden”, and although the legal and political landscape of DDC organizing has evolved considerably, DDCs today remain indebted to a long history of anti-deportation efforts, including partnerships between undocumented workers and unions (Buff 2018) and collaborations with “rebellious” legal strategies of immigration attorneys (Coutin 2001; Kawar 2011; López 1992; Ong Hing 2016).

Although DDCs have been around for decades, in the 21st century, through their systematization in manuals and trainings, they have become a staple of immigrant rights organizing. One training manual created by the UK organization No One is Illegal (2007:3) describes anti-deportation campaigns as a means of “fighting back politically” using demonstrations, petitions, and media outreach when the law alone is “not enough to stop deportation or removal”. Training documents created by a coalition including Detention Watch Network and Families for Freedom similarly describe DDCs as a way for immigrants to protect themselves using a campaign model to build public support to stand up against deportations (Immigrant Defense Project 2010:75). Given the role congressional representatives can play in DDCs, the United We Dream Network created a guide specifically for elected officials who can put pressure on ICE to adhere to its own internal enforcement priorities (United We Dream Network 2014).

These training manuals describe a relatively consistent set of organizing tactics that can be used in a “toolbox”-like fashion to disrupt the process of deportation. DDCs use the impending reality of deportation as a “moral shock” (Nicholls 2015) to prompt community members to political action, by, for instance, calling elected officials, signing petitions, and holding public marches, vigils, and rallies, and, when necessary, escalating to more direct actions such as protests and sit-ins. A premium is placed on securing coverage on local news stations and in print and online news outlets. Religious leaders from various faiths are often invited to participate in public events; if the individual facing deportation is a member of a faith group, their religious leaders are encouraged to participate in or lead public events (PICO National Network 2018). DDCs have successfully called upon elected officials, such as governors or congressional representatives, to use their influence to pressure ICE not to follow through with deportation. In successful cases, DDCs are able to generate enough pressure on ICE that agents decide to postpone a deportation, release a person from detention, or even provide a path to temporary or permanent legal status.

The essential pre-condition for DDCs, emphasized in each of the training manuals, is ICE’s broad legal discretion over if and how to detain and deport a non-

citizen, or whether to end removal proceedings altogether. Discretion can occur at many places in the deportation process, from ICE's decision to start removal proceedings in the first place, whether to contest a non-citizen's asylum claim, if and for how long to detain someone, and whether to execute a removal order that has been issued by a judge (Ong Hing 2013; Wadhia 2013; Zatz and Rodriguez 2014). Indeed, over the years, ICE's selective use of discretion has become a routine way to prioritize its efforts given its limited budget and the political agendas of various presidential administrations. However, given ongoing criticism of its inconsistent and overly-narrow application of discretion (Ong Hing 2013; United We Dream Network 2015; Wadhia 2014), DDCs seek to capitalize on both the openings in the law and growing public opposition to enforcement practices to compel ICE to exercise discretion favorably in a particular case.

DDCs also include less visible and less public goals and secondary benefits. DDCs often provide a mechanism for fundraising, which allows families facing deportation to pay for immigration attorneys or compensate for loss of income. DDCs may serve as an organizing tool for immigrant rights groups seeking to expand their broader impact or allow them to build "intersectional coalitions" (Adam 2017) with other social justice movements by testing out new organizing strategies, recruiting new members and leaders, advancing pro-immigrant policies, or shaping popular opinion about immigration. Indeed, DDCs are better understood not as mere one-off events, but as "the result of a coordinated social movement" (Patler 2018:98). Even when DDCs are not successful at preventing a deportation, they may provide a sense of dignity and "grieveability" (Butler 2006) by generating public opposition to ICE and political support for the detained or deported person. As one training manual describes it, a DDC "means fighting back politically. It means becoming active ... If you have to leave, don't leave quietly!" (No One is Illegal 2007).

What counts as success in DDC organizing is dependent upon case-specific factors, but to successfully stop a deportation DDCs must deftly navigate an intrinsic duality. They attempt to politicize and confront the legal violence built into ICE's routine deportation operations, critiquing the very legal structures and political institutions themselves. Meanwhile, campaigns must convince ICE decision-makers to choose against deportation, a choice which officials are capable of refusing. DDC organizers thus find themselves strategically navigating the minefield of generating political pressure on ICE while, at the same time, advocating for action within the current scope of ICE's (written and unwritten) criteria for exercising discretion.

It is precisely this characteristic of DDCs which provides us a unique opportunity to explore what the editors to this special issue identify as a tension between conforming to the disciplinary apparatus of citizenship (Inda 2008; Marciniak 2013; Ong 2006) and disrupting these regimes through more transgressive tactics (Campesi 2015; Gill et al. 2014; Rygiel 2016). On the one hand, reframing conceptions of citizenship beyond white, straight, and heteronormative and enacting these forms of citizenship through everyday practices may *disrupt* traditional conceptions of citizenship (Luibhéid and Cantu 2005; Turner 2016) and enact new insurgent forms of citizenship (Leitner and Strunk 2014). On the other hand, the

strategic deployment of citizenship narratives they rely on may *conform* to and reproduce hegemonic notions of who counts as a “good immigrant” (Patler 2018; Patler and Gonzales 2015). The dilemma facing DDC organizers underscores the reality that even when undocumented activists’ aims are disruptive or even radical, the terrain of DDC organizing is fraught with incentives to “differentiate and stratify the undocumented population by their degree of deservingness” (Nicholls 2013) in order to meet immediate objectives of stopping a deportation.

Yet as much as we recognize disruption and conformism at work, we also find these concepts limiting when it comes to theorizing DDCs as a strategy and analyzing the evolution of campaigns on the ground because, by themselves, they cannot account for the highly circumscribed or “cramped” political spaces (Walters and Lüthi 2016) in which DDCs emerge, particularly as it relates to ICE’s use of discretion. Indeed, as a result of the “asymmetric power relations” between undocumented activists and ICE (Prieto 2018:11), strategic decisions about how to deploy personal narratives, which elected officials to target, or where and when to protest are not made freely. Rather, DDCs unfold under historically and geographically specific conditions that not only shape what counts as disruptive and conformist, but may call into question any easy division between the two altogether.

To account for the “crampedness” of DDC organizing and account for the dilemmas DDCs face as they unfold, we turn to the concept of the “minor” to think through undocumented activism in ways that do not conform to oppositional frameworks. By theorizing DDC through the lens of minor politics, we re-interpret conformism and disruption as defined in a variety of context-dependent ways, which require undocumented activists to proactively and strategically navigate and “game out” the consequences of various tactics that make up DDCs while simultaneously balancing multiple interests and goals.

DDCs, Undocumented Activism, and the Minor

Deleuze and Guattari (1986) explore the notion of the “minor” and the “major” in their short treatise *Kafka: Towards a Minor Literature*. The book is primarily concerned with theorizing the oeuvre of Franz Kafka, a Jewish writer in Austro-Hungarian Prague at the turn of the last century, who, perhaps given his idiosyncratic (“Kafkaesque”) description of modern bureaucracy, has become a frequent source of inspiration in immigration research (Akram 1999; Aronson 2011; Bhartia 2010; Heeren 2014; Saitta 2011; Wu 1996). Deleuze and Guattari argue that Kafka’s unique socio-historical position as a marginalized person writing in a dominant language (German) characterizes the relationship between minor and major literature. Minor literature, they argue, “doesn’t come from a minor language; but rather it is that which a minority constructs in a major language” (Deleuze and Guattari 1986:16).

For Deleuze and Guattari the relationship between the minor and the major is not characterized by oppositional tension, such as disruption and conformism, but by immanent, internal, and mutually constitutive tension. Kafka is a minor writer not because he writes in a minor language (e.g. Yiddish, Czech) nor

because he is fundamentally opposed to the hegemonic language of the day (German). Rather, Kafka is a minor writer because he writes in German in a way that “appropriates it for strange and minor uses” (Deleuze and Guattari 1986:17). Moreover, Kafka’s writing, even when apparently apolitical, is born out of the “cramped space” (Deleuze and Guattari 1986:17) of the minor and forces his work to transcend purely individualized concerns and “connect immediately to politics”. For minor writers like Kafka, everyday incidents are saturated with “an entire oppressed history struggling to come out” (Gilliland 1994:17).

Despite the wide-ranging implications of Deleuze and Guattari’s highly conceptual work, what we take away is a practical theory about undocumented activism as a form of minor politics that compels DDC organizers to learn the dominant languages of the state (e.g. immigration law, citizenship) and deploy these in ways that pressure ICE to exercise discretion while at the same time calling into question the legitimacy of state violence. If disruption and conformism function as opposing concepts, the minor and the major function for us as proximate and mutually constitutive concepts that belie any easy opposition yet also acknowledge the unavoidable power inequalities that shape the minor-major relationship. The minor is fluid and experimental, seeking to opportunistically exploit cracks in the major, which also makes the minor a risky concept: it remains open to the possibility of contesting or reshaping the major, but also dances close to the precipice of being consumed by it. Despite (or because of) this inherent risk, the minor incites a process of novel and critical re-appropriation of the major in ways that are irreducible to conformity.

The role of minor politics in undocumented activism is succinctly illustrated in an argument Judith Butler makes in *Who Sings the Nation State?* (Butler and Spivak 2007). Butler takes the phenomenon of undocumented immigrants who sang the US national anthem on the streets in 2006 to protest the draconian enforcement proposals in the 2006 Sensenbrenner Bill.⁵ What does it mean, Butler asks, for immigrants to sing the anthem of a country that is trying to make their lives unlivable? Is this a radical, disruptive act, or a moment of conformism and compliance? Butler’s answer is that when undocumented immigrants take up a dominant—or major—language, they rework it, deform it from within, and enact performative contradictions which may advance the political projects of marginalized groups (Butler and Spivak 2007:66). Although all national anthems are bound to the nation-state form, it nonetheless matters a great deal who is singing the anthem, where it is being sung, and when.

We employ the minor in our study of Dany’s and Maribel’s DDCs in order to examine the ways in which the campaigns contested deportation within the limitations of the political space available to them at the specific historical and geographic conjuncture where they occurred. Rather than evaluate the tactics used in their respective campaigns as either disruptive or conformist, we focus on how each campaign repurposed dominant narratives of moral and legal authority in order to build support and how each campaign exploited openings within the state’s own institutions to pressure ICE to stop the deportation process.

#FreeDany

When Dany was taken into custody as she was leaving the press conference on 1 March 2017, she was already known to the local ICE officials arresting her. Just two weeks prior, they had carried out an early-morning raid on her home, where they detained her father and brother as the two left for work. Realizing what was happening, Dany managed to shut the agents out of her home and retreated to her closet. After several hours attempting to gain entry, when the agents did finally enter and learn that the young woman hiding inside was a DACA beneficiary, they opted not to take her.

By the time agents detained her following the press conference, a network of advocates and legal representation already in place facilitated quick action. Dany had been working closely with a team of Jackson-based immigration lawyers representing her detained family members. So, when Angela received the call from Dany's girlfriend, still stopped on the entry ramp to the highway where ICE had pulled her over, she first called the Vargas family's lawyers. Then she called the Mississippi Immigrant Rights Association (MIRA), which pledged to contact the local ICE office and political allies from Mississippi immediately. They publicized the phone number of the ICE office over social media and encouraged supporters to flood the lines and demand Dany's release. After speaking to Dany's mother, Angela called the family's former pastor, a fierce advocate for the rights of undocumented communities who was, himself, an immigrant. He agreed to drive down from Memphis to visit with Dany as soon as we could locate her.

With Donald Trump's inauguration just days prior, many immigrants and their allies had been questioning whether the new US President would uphold DACA's protected status. Their concerns were made tangible through Dany's detention, when she became the second DACA recipient detained under the new administration. With DACA under threat, her detention and its outcome could be precedent-setting. Advocates feared that the lives and livelihoods of nearly 800,000 young people hung in the balance.⁶ National attention turned to Dany's case.

By day's end, Dany's DDC was taking shape. Strategy calls between lawyers, activists, and elected officials were crisscrossing the country. Senator Dick Durbin (IL) and Congressional Representative Bennie Thompson (MS) had already issued public statements. The Associated Press was preparing to release a story. National organizations with the top minds in immigration and civil rights law had pledged to support Dany and help her legal team craft the strongest possible strategy. And United We Dream (UWD), an organization founded and run by undocumented young people, with an impressive track record of elevating DDCs to the national level, was preparing to lift up Dany's story through an online petition demanding her release.

UWD worked with an artist to render an online photo of Dany into a compelling image that would come to represent the campaign (see Figure 1). Featuring Dany's head and shoulders under block letters reading, "#FreeDany", Dany's dark eyes stare straight into the viewer's. Her unmistakable beauty mark and pursed pink lips belie her coifed, masculine hair. Both her name and her appearance suggest a gender neutrality, perhaps even an unspoken queer politics.⁷ Meanwhile, in the background of the image, behind Dany, a mass of supporters



Figure 1: The online petition created by Dany Vargas' deportation defense campaign featured a stylized image of her with the hashtag #FreeDany [Color figure can be viewed at wileyonlinelibrary.com]

hold signs. Their presence evokes the collective solidarity undergirding the #Free-Dany DDC.

Overnight, Dany Vargas became a recognisable name for many in the struggle for immigrant rights and a bellwether for how the administration would treat the precarious class of DACA recipients nationwide. National news coverage and social media shares exploded, and the petition rapidly garnered 25,000 signatures.⁸ Supporters held public marches and vigils, both in Mississippi and at the national ICE headquarters in Washington, DC, where a delivery of the petition and signatures in hardcopy took up 10 file boxes that stretched across the sidewalk.

In our consideration of the minor politics of DDCs, it is fruitful to examine the public centerpiece of Dany's DDC, the #FreeDany petition. Explaining that Dany's arrest took place following her participation in a press conference, the petition praised her courage in overcoming the fear and trauma of her family's detention in order to speak out. It also depicted Dany as hard working ("she is a manager at a small store") and as working toward an education that would allow her to contribute positively to society ("... [she] dreams of becoming a math teacher"). Signatories to the petition added their names to a letter addressed to John Kelly, then Secretary of the US Department of Homeland Security and lead Trump official overseeing ICE operations, making the moral claim that "DACA should have protected Dany from deportation—and no one should be punished for being a low-income worker". The petition also presented a critique of the high expenses associated with maintaining DACA status, implying that, while Dany's status had temporarily lapsed, this was due to the unreasonably steep DACA renewal fee. Dany had saved up and had already submitted her renewal application and paid the \$500 by the time of her detention, the petition explained, suggesting that she was doing her best amid difficult circumstances. As articulated by the petition, Dany's character demonstrates the American values of hard work, frugality, bravery, and commitment to community.

Moreover, her detention was framed as an uncalled-for response to a small "technicality" in which "ICE tracked her down, and put her into the deportation pipeline". A crowdfunding effort that emerged the next day underscored this critique, stating, "Daniela (Dany) Vargas is facing an extraordinary injustice,

detained by immigration agents despite being a DACA recipient". To remedy these actions, the petition demanded Dany's release, the renewal of her DACA status, and that Secretary Kelly "declare to [his] agents in no uncertain terms that DACA will remain the strong protection from deportation".

As the petition gained momentum, Dany's team of lawyers considered legal strategies for securing her release. Meanwhile, United We Dream led efforts to increase political pressure in support of Dany's freedom. Communication with Dany in detention was tricky, even for her legal team several hours' drive away. But with Dany and her father calling Angela daily from detention and with Dany's family's abilities to take action on her behalf extremely attenuated, Angela became an important communication node in the coordination of efforts to secure Dany's freedom. Other local relationships, including religious leaders, friends, and social service organizations on the ground near the detention facility, in addition to the involvement of the Argentine Embassy, also proved key for facilitating the review and signing of documents and communication among the various parties.

Particularly key was the interest of national and international media in Dany's story. Because it was precedent-setting, much attention was paid to her detention and the efforts to secure her release. In the US, CNN, Univision, the Washington Post, the Associated Press, and other high-profile news outlets picked up her story. In Argentina, TV and print media clamored for information. The coverage resulted in Dany's selection as the recipient of the Ridenhour Truth-Telling Prize in 2017.⁹ Together, these efforts were key in focusing the nation's attention, mounting political pressure, and ultimately, 10 days after she was detained, securing Dany's release.

#MercyforMaribel

Maribel was arrested suddenly in front of her home in early April 2017 under circumstances that added fuel to the formation of her DDC. The fact that Maribel never missed an immigration court hearing or an ICE check-in, never failed to produce documents relating to her case, and even, upon ICE's demand, purchased a plane ticket to leave the country led many within the campaign to view her arrest as a tactic designed to intimidate the immigrant community rather than simply take Maribel into custody. They began referring to it not as an arrest, but as an "abduction". Adding to the outrage was the timing of the arrest. As mentioned above, Maribel was initially denied asylum. But just days before her arrest, Maribel's attorneys filed a request to reopen her case so that the judge could consider additional threats against her in Mexico. As Maribel's DDC took shape, it drew support from community activists and people in the faith community who interpreted ICE's arrest as the agency's attempt to manipulate the legal process and deport her before she could contest her case in court.

Together, the network of organizations and community members deployed many DDC tactics mentioned above to pressure ICE to stop Maribel's deportation and gain her release. The priest of Maribel's parish, Father Pucke, represented the campaign at public events and spoke to reporters.¹⁰ The AMOS Project and the

Catholic Legal Immigration Network (CLINIC)¹¹ created an online petition which described Maribel's case and invited the public to sign. The petition, which emphasized Maribel's role as a Catholic lay leader and the organizations' connections to the broader religious community in Ohio, asked Senator Rob Portman (OH) to call on ICE "to suspend the cruel, immoral detention and deportation of Maribel Trujillo Diaz".¹² Members of Maribel's DDC shared the petition and news of Maribel's detention online through the hashtags #FreeMaribel and #Mercy-forMaribel, wrote opinion pieces in local newspapers, and called elected officials. The Archdiocese of Cincinnati, representing over 500,000 Catholics in the region, issued a public statement urging ICE to favorably apply discretion in Maribel's case and encouraging members of the church to call on elected and administrative representatives including the White House to exercise what they called "mercy" (Archdiocese of Cincinnati 2017a, 2017b). Maribel's attorney explained to the public through television reporters that ICE's use of discretion in this case would be consistent with how they processed similar cases under the Bush and Obama administrations (WCPO 9 2017).

A central discursive trope of Maribel's campaign was her identity and social responsibilities as a mother, a theme which wove together the theology of many of her supporters and the legal justification which the campaign used to attempt to convince ICE to release her. Back in 2010, Maribel told an immigration judge that she was afraid to return to Mexico due to widespread violence and fears for her personal safety. But she went further. The court transcripts show Maribel, at the end of her asylum hearing, interjecting politely yet assertively to request that the judge allow her to make additional comments about her children. When permitted to speak, Maribel emphasized not just her own fear, but her fear for her children: "My oldest child loves [this] country. He says that he doesn't want to go to Mexico. He's afraid". Maribel's emphasis on her concerns as a mother in court was reflected in much of the messaging in her public campaign. As Maribel's DDC would come to repeat, her deportation would have an immediately damaging effect on her immediate family, especially her children, all of whom were US citizens. Maribel would be forced to take her children back to a place she believed unsafe or concede to being physically separated from them.

Maribel's online petition reinforced these concerns through language and imagery that constructed Maribel's as non-threatening and acquiescent, and in doing so it undermined ICE's recalcitrance and use of force as dubious, malicious, even absurd. It described her as a "mother of four children" and, using a mix of religious and political language, argued that "mothers are due honor and protection, not detention and deportation". Maribel's motherhood was also shown prominently in the photograph that accompanied her petition and was shared with the press. In the photo, Maribel is sitting on a chair holding the youngest of her four children while her three older children are standing around her and her husband, who is also seated (see Figure 2). The image reinforced a statement from the Catholic church that emphasized her children's US citizenship and described how Maribel's youngest daughter, three years old in 2017, had health concerns which only Maribel was fully trained to care for (Archdiocese of Cincinnati 2017a). The



Figure 2: Traditional media outlets and the online petition created by Maribel Trujillo Diaz’s deportation defense campaign featured an image of her surrounded by her family [Color figure can be viewed at wileyonlinelibrary.com]

campaign argued, implicitly, that it wasn’t just Maribel that ICE was hurting—it was the whole family.

Using these tactics Maribel’s DDC successfully generated media attention, and public support for her release grew quickly. National immigrant rights organizations such as United We Dream supported the campaign by sharing details of Maribel’s case on social media and through press releases. *The Guardian* released the first full-length feature on Maribel with a heading that reflected the tone of the campaign: “Mother of four to be deported to Mexico in sign of Trump policy shift” (Pilkington 2017). Elected officials weighed in, as well. Senator Sherrod Brown called ICE personally to encourage reconsideration of the case (Graves 2017). Ohio Governor John Kasich publicly opposed the deportation, expressing regret that Maribel’s deportation could “break up the family and scare the kids” (King 2017). Maribel’s initial concerns about her children shaped the language of the campaign, and the campaign shaped the language of elected officials and the media.

The campaign organized several direct actions, too. First, after initially receiving no response from Senator Portman, the target of the initial online petition, the

campaign held a public protest outside his Cincinnati office. Second, supporters also held vigils outside the ICE office in Columbus, where Maribel's deportation officer worked, which allowed the campaign to grow support and media attention beyond Cincinnati. Third, and most significantly, parishioners led by Father Pucke marched from their church to the Butler County jail where Maribel was held while saying the prayer of the Rosary, a liturgical practice of the Catholic church that is typically reserved for private or religious settings. Organizers for the action justified it as an attempt to mobilize the faith community around Maribel's campaign and to bring public attention to the specific institutional sites that they viewed as complicit in the deportation pipeline. After the march to the county jail, however, ICE transferred Maribel to a smaller and much more rural detention center in Morrow County, Ohio, 50 miles north of Columbus and 150 miles away from Maribel's parish, a move which supporters interpreted as retribution for their march.

Despite the effectiveness of the DDC to generate media attention, gather online signatures for Maribel's petition, organize public actions, and generate support from some elected officials, Maribel's transfer to Morrow County was a sign that the campaign was losing its fight. On 10 April, as Maribel's attorneys escalated their legal battle to the federal courts by asking a judge to reopen her asylum case, campaign organizers learned that ICE planned to move Maribel from Morrow County to LaSalle Detention Center in Louisiana—the same facility where Dany was held weeks earlier—and then on to Mexico. In response, the campaign organized one final action.

A contingency of Maribel's campaign from Cincinnati and members of the Columbus immigrant rights community met outside a church in Columbus on the day Maribel was scheduled to be transferred. Supporters stood in a large circle in the parking lot, many holding candles as the sun set, to sing, to pray, and to advocate for Maribel as a symbol of the threat facing immigrants in Ohio, while the media watched nearby. Following the vigil, about 50 supporters drove to the detention center where Maribel was being held. Outside of Morrow County jail well after dark, members of Maribel's campaign gathered again to voice their support for Maribel, and several immigrants also shared their own fears of deportation. Maribel was transferred and deported to Mexico just days later.

Although Maribel was deported in April 2017, her campaign did not end, nor did it end in failure. During her time in Mexico, Maribel continued to stay in contact with her parish, her legal team, and reporters. Then, in September 2018, after 17 months of living in Mexico, Maribel surprised members of the parish by showing up unannounced at Sunday mass. In January of that year, a panel of judges agreed with Maribel's attorneys that ICE deported Maribel prematurely and that the government should have considered new evidence submitted but ignored in her asylum appeal (Reynolds 2018).¹³ Maribel was allowed to pay an immigration bond and reenter the United States on parole to testify in her immigration hearing and await the final adjudication of her case. At the time of this writing, Maribel lives with her family in Ohio. Her legal existence is precarious, and her future is open but uncertain.

Analyzing Dany's and Maribel's DDCs through the Lens of the Minor

Dany's and Maribel's campaigns provide fertile ground for analyzing undocumented activism and DDCs as an immigrant rights strategy through the lens of minor politics. Given our unique vantage points on Dany's and Maribel's DDCs, our analytical shift away from an oppositional conformism/disruption frame toward an embrace of minor politics helps us better theorize the ways in which discursive strategies of immigrants as economically beneficial, as hard workers, as mothers, function in multiple, even contradictory, ways at once. Reflecting on the ethnographies presented above, we use the minor to examine how Dany and Maribel were represented in each campaign and how these representations were used to frame the injustice of these women's detention and impending deportation.

The framing of both Dany's and Maribel's campaigns demonstrated how the DDCs took control of the public narrative surrounding the cases. They attempted to outmaneuver ICE on its own terrain by using Dany's and Maribel's stories to undermine the agency's legitimacy to enact their deportation. The campaigns partially embraced common tropes of citizenship, yet simultaneously subverted them by calling into question *who* qualifies for citizenship as well as *who decides* who qualifies for citizenship.

Dany's DDC presented her as a courageous, hardworking young person focused on bettering herself through education so she might contribute positively to society. It sought to cast her as a benefit to the nation, contradicting ICE's often-used trope of immigrant criminality, lack of legal status, and expense to the state, in an effort to convince ICE to exercise discretion and allow her to remain in the country. This reframing attempted to create space for Dany's legally excluded, queer body to assert belonging and membership to the polity through claims of deservingness. Further, by working in the language of citizenship to subvert it, Dany's DDC effectively claimed that the community, represented by the DDC, were better equipped than ICE to decide whether Dany should be deported or not.

Dany's campaign illustrates how DDCs risk merely reframing but not wholly undermining citizenship in ways that have been roundly critiqued by many in the immigrant rights movement. If Dany were elevated as a young immigrant based on her exceptional performance and aspirations, this could have implied a large underclass of low-performing, underserving immigrants, including the parents and community members of the presumed "more deserving" Dreamers (Nicholls and Fiorito 2015; Weber-Shirk 2015). Although Dany's DDC did elevate her as worthy of staying and belonging in the US, the campaign justified this not by emphasizing Dany's exceptionality, but by emphasizing how her identity as a wage-earning working class person was, itself, the tool of her illegalization that prevented her from maintaining her DACA status.

The #FreeDany petition roundly critiqued the workings of the very state to which it appealed for Dany's reprieve. It also suggested that, in detaining Dany following her public speech that was critical of US immigration policy, the state had retaliated against Dany and thus violated her right to free speech. In doing

so, the campaign again sought to exploit the tensions within to the US legal system itself in order to move the public narrative as one in which ICE was enforcing the law by detaining Dany to one in which ICE was itself violating the law. In addition to condemning the corruption of the US immigration system, her DDC publicly criticized individual actors in the new Trump administration, suggesting that Mississippi ICE agents had taken unnecessary action based on a small “technicality” and were thus responsible for an “extraordinary injustice”. In this way, Dany’s DDC scaled up a critique of ICE to the national level by portraying Dany not only as an individual case but as an archetype of things to come if ICE were not held to account and compelled to follow the law.

To remedy this situation, the #FreeDany petition implored the Secretary of the Department of Homeland Security to unequivocally instruct ICE officers to continue to uphold DACA as a protected status. The risk here, as noted above, is that by seeking to outmaneuver ICE on the terrain of law, Dany’s campaign may also contribute to shoring up the legitimacy of law and of law-and-order narratives. Most detained immigrants cannot claim that their detention is merely a technicality; in this regard, Dany was exceptional. Similarly, focusing on individual actors and the Trump administration is risky because it can shift the focus away from the largely impersonal violence that takes place within the US immigration system (Menjivar and Abrego 2012). Nonetheless, by reappropriating the law for immigrant rights purposes, Dany’s DDC challenged ICE’s monopoly on who should be detained and deported.

Dany’s campaign successfully reframed Dany’s case from being about *her* violation of *America’s* laws, but about *America’s* exploitation of *her* labor which made her legally vulnerable. By undermining ICE’s authority and legitimacy through this reframing, the goal of the campaign—stopping her deportation—appeared not merely as an appropriate use of ICE’s discretion, but an effective remedy that Dany was owed after all she had been through. In our view, the entangled politics of Dany’s campaign illustrate the limitations of characterizing these strategies as *either* disruptive *or* conformist and reinforce our use of the “minor” to understand DDCs.

Maribel’s campaign similarly drew upon and subverted notions of motherhood and family, while also reintroducing parts of Maribel’s life that were excluded during the deportation process. For instance, in her asylum hearing, Maribel expressed fear of returning to Mexico not only because she feared for her own safety, but because she also feared for the safety of her children and their future. Yet in the asylum process, Maribel was required to win her case on her own merits, and her concerns for her children could play no part. Although the concerns about her children would not have necessarily disqualified Maribel, neither would these concerns have advanced her case. The asylum process reinforced a legal boundary between Maribel and her children and silenced those parts of her story that pertained to her motherhood, the parts of her story that she, Maribel, took pains to emphasise in her hearing with the immigration judge. Yet by organizing a DDC, Maribel and her supporters created a platform where the parts of her identity that were excluded from her legal case could be reintegrated. The emphasis on Maribel’s motherhood during the campaign served both to

galvanize support, particularly among women of faith, who took a lead in organizing many of public actions, and also pressured ICE to exercise discretion.

Maribel's emphasis on motherhood is not a new strategy. In Buff's analysis of the DDC that started in 1935 for Stella Petrosky (discussed in the opening of this article), a Polish woman working in the coal mining region of Pennsylvania who the government accused of being an anarchist. A key part of Petrosky's campaign included producing a pamphlet with the cheeky title, "A Dangerous Woman: Stella Petrosky Held for Deportation", which featured a photograph on the cover of Stella sitting demurely surrounded on all sides by her several children—precisely the same arrangement as Maribel's photograph. Like the organizers of Maribel's DDCs, Buff (2018:35) describes the emphasis on "maternal decency" as a "self-conscious" and "largely successful" strategy to counteract the threatening and dehumanizing portrayals of her by the government.

The emphasis on Maribel's (and Petrosky's) motherhood could be viewed as simply conforming to patriarchal and heteronormative discourses within immigration law that create an incentive structure for immigrant women who represent themselves as good wives and good mothers. And, no doubt, it could be argued that participating in these incentive structures raises ethical questions about the effects of such strategies on non-normative identifies (queer, trans women, unmarried, childless, etc.). Indeed, campaign organizers were well aware that the emphasis on Maribel's role as a mother, as well as the effects of her possible deportation on her children, could be viewed as creating a moral hierarchy of deservingness. Yet the public emphasis on Maribel's motherhood during her campaign was itself a form of resistance to its previous exclusion, a way of reinserting the parts of Maribel's social life that were effaced during her legal proceedings and undermining the individualizing effects of the deportation process. Like the undocumented activists who waved American flags in 2006, Maribel's campaign articulated her case within the dominant language of the law's discretionary parameters, and yet by doing so, simultaneously undermined it.

The ways in which Maribel's motherhood was emphasized in her campaign illustrates our argument for minor politics and why we do not see a way forward with the concepts of conformism and disruption. The role of Maribel's motherhood during the DDC cannot be straightforwardly categorized either as disruptive or conformist. The campaign did not fundamentally call into question the gendered nature of immigration law, but neither did Maribel nor the campaign simply conform to the existing categories and values of the immigration system. Rather, Maribel's expressions of motherhood were already politicized, not by the campaign, but by the immigration system targeted by the campaign. The representations of Maribel as a mother, as compliant with ICE, as a lay leader in her parish—these representations worked both within and against the immigration system's own discourses of deservingness and sought to expose the cruel capriciousness behind ICE's system of discretionary relief.

Maribel's campaign also drew upon the religious authority of the Catholic church and theological paradigms that view the family as sacred, sacred and so, as her DDC claimed publicly, set apart and even above the civil laws that ICE was enforcing while at the same time in a practical relation to ICE's discretionary

authority. This is best captured in the campaign's frequent evocation of "mercy"—mercy for Maribel—as a concept which connected the religious world-views of many of her supporters with immigration law. Mercy, a principle of granting leniency where it is due, was used to both explain how ICE's prosecutorial discretion worked and to urge ICE to exercise that discretion favorably. Maribel, her campaign claimed, deserved mercy and ICE had a responsibility as a matter of principle to grant it. As Maribel's campaign shows, religious language and institutions play a significant role in immigrant rights organizing in the United States, where religion, particularly Christianity, remains bound up with politics in complex and often problematic ways (Coutin 1993; Ehrkamp and Nagel 2017; Freeland 2010). But from the perspective of campaign organizers, relying on notions of the sacred or mercy in Maribel's campaign provided a way to quickly expand her campaign and to pressure ICE into suspending her deportation.

Dany's and Maribel's campaigns did prevail, albeit in different ways. After sustained organizing by both campaigns, Dany was released from detention, and Maribel was (eventually) able to return to the US and continue her fight for asylum in court. Yet the immediate success that came from the two DDCs is bounded by the temporality of the analysis: even as they both continue to actively participate in social and economic life in the United States, we will not know, perhaps for years, whether Dany or Maribel will obtain permanent legal residency or ever be on a path to formal citizenship.

Beyond the personal, securing Dany's freedom was a major win for the immigrant rights movement. It signalled that DACA might continue to provide protection from deportation at a time when millions of Dreamers across the country needed hope, and it energized the fight for DACA in the months and years to come.

Maribel's campaign also led to an unexpected outcome. Because the campaign was forced to work with organizers and religious leaders in Columbus, a loose coalition formed out of Maribel's campaign while she was in Mexico centered in part around Columbus Mennonite Church, the church that hosted the final vigil for Maribel the night she was deported. Shortly after Maribel's campaign ended in 2017, the church took a more activist role in the local immigrant rights movement when it provided sanctuary to Edith Espinal, another Mexican woman whom ICE sought to deport (Renault 2017). Since ICE has designated places of worship as "sensitive locations", immigrants living in side churches are afforded a measure of protection against deportation (Coutin 1993; Freeland 2010). The Solidarity with Edith campaign, which soon became a hub of immigrant rights organizing in the state, adopted many of the strategies in Maribel's campaign, including emphasizing Edith's motherhood through her relationship with her three children through news stories and images of her with her family. Like Maribel, Edith is still living in Ohio in a state of liminal legality, not yet deported and not yet certain that she will eventually be allowed to remain in the United States.

Conclusion

In this article we have theorized undocumented activism through the lens of minor politics by drawing on our ethnographic participation in deportation

defense campaigns (DDCs) for Dany Vargas and Maribel Trujillo Diaz in the early days of the Trump administration in 2017. The “minor” in minor politics indicates the ways in which DDCs both today and in the past have attempted to both draw upon and subvert dominant (or “major”) forms of citizenship and belonging in order to pressure the US government to exercise legal discretion and stop a deportation. Through the minor, we argue for more attention to the highly constrained or “cramped” context in which decisions about undocumented activism are made, as well as a deeper awareness of how undocumented activism operates both with and against dominant discourses of citizenship and law.

Our use of the minor developed out of our engagement with the concepts of disruption and conformism. In our respective work within and alongside deportation defense campaigns, we have seen first-hand how organizers struggle with the tension between disruptive forms of activism that are essential to building political power and conforming to common tropes of citizenship and “worthiness” that ICE and the immigration courts demand in exchange for short-term, individual benefit. However, we discourage the application of evaluative frameworks to undocumented activism that fail to take into account the strategic decisions about how to deploy personal narratives, which elected officials to target, or where and when to protest. DDCs unfold under historically and geographically specific conditions that not only shape what counts as disruptive and conformist, but may call into question any easy division between the two altogether. What we seek to open up in this article, therefore, is an understanding of undocumented activism as a messy and sometimes contradictory process that is rooted in unique case-specific contexts, and which develops and unfolds over time and space.

For Katz (1996), the minor can be characterized as “working in a vocabulary in which one is not at home”, a formulation that tracks closely to how Deleuze and Guattari (1986:19) describe immigrants as examples of “people today that live in a language that is not their own”. These formulations help us understand the paths of the undocumented activists we worked with, who, like many others involved in DDCs, became activists out of necessity rather than political conviction. Through their DDCs, they attempted to take up new vocabularies as they sought to build movements against deportation. In the process, these activists worked to communicate their needs and desires using the language of the quasi-juridico-legal immigration system both figuratively by strategically adopting and rejecting certain discourses of citizenship and belonging, and literally by speaking out in public and to news reporters, lawyers, judges, and others in English.

Taking up these new minor vocabularies does not necessarily imply conformism. Rather, doing so required them to enter into exquisite and mobile tension with the major, struggling to occupy an interstitial space they were forced to navigate in real time, as the people at the center of the campaigns facing the threat of deportation. It is this inherently messy, embodied, “relentlessly transformative and inextricably relational” quality of minor politics that allows for the possibility of rupture, of escape, of becoming (Katz 1996:489). And it is in this way that Dany and Maribel became unlikely activists whose DDCs produced oppositional theory that led to their own liberation and inspire others to do the same.

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Endnotes

¹ The DACA program, announced by President Obama on 15 June 2012, shielded from deportation immigrants who came to the United States as children (commonly referred to as "Dreamers"), had no criminal history, and who met additional residency and educational criteria.

² The official text of Executive Orders 13767, 13768, and 13769 are available in the Federal Register: <https://www.federalregister.gov/presidential-documents/executive-orders>

³ Reported by immigration attorneys in research interviews conducted by Kocher at the time.

⁴ Section 287(g) of the Immigration and Nationality Act permits non-federal law enforcement officers to incorporate immigration enforcement into routine policing using Memoranda of Understanding with ICE on an agency-by-agency basis. Arizona's SB 1070 bill sought to increase the immigration powers of state and local law enforcement officers. It passed in 2010, but parts of the law were struck down by the Supreme Court in *Arizona v. United States* (2012). The Sensenbrenner Bill (HR 4437) proposed a wide-ranging series of anti-immigrant measures, including criminalizing otherwise civil federal immigration law. When the bill passed the House in late 2005, it prompted public protests in major cities around the United States.

⁵ The protests achieved their strategic objective: the Sensenbrenner Bill, which passed in the House and prompted the protests, subsequently died in the Senate.

⁶ According to researchers at the Migration Policy Institute, 793,026 people had been granted DACA status from the start of the program in 2012 until June 2017 (Zong et al. 2017).

⁷ The vibrant relationship between the undocumented and queer youth movements, both of which employ the language of "coming out of the shadows", has been documented in recent years (Seif 2014; Terriquez 2015).

⁸ <https://actionnetwork.org/petitions/release-daca-recipient-daniela-now-freedany>

⁹ <http://ridenhour.org.wpengine.com/?p=3123>

¹⁰ The AMOS Project is a federation of congregations in Greater Cincinnati dedicated to promoting justice and improving the quality of life for all residents (Faith In Action 2020).

¹¹ CLINIC, an organization that plays a significant role in local and national immigration advocacy, is a network of about 2300 legal service providers that provides low or no cost legal support for immigrants.

¹² <https://actionnetwork.org/petitions/fee-maribel-trujillo-diaz>

¹³ *Trujillo Diaz v. Sessions*: <https://www.opn.ca6.uscourts.gov/opinions.pdf/18a0012p-06.pdf>

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