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Queer(y)ing Permanent Partnership

THREE

QUEER(Y)ING PERMANENT PARTNERSHIP

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With the U.S. Supreme Court's June 2013 overturning of a key provision (Section III) of the 1996 Defense of Marriage Act, many queer couples are now poised to incorporate fully into the nation. And yet, only one month prior to that landmark decision, the Uniting American Families Act legislation allowing queer U.S. citizens to sponsor immigrant partners for citizenship, had been (once again) swiftly rejected as a component of comprehensive immigration reform. As a result of this mixed juridical message about LGBT equality, queer binational couples must now be (or cross state lines to become) married in one of the sixteen states where the federal government recognizes gay marriage in order for legal sponsorship to take place. This complicated political and legal moment in which the LGBT population observes one hand of the state rebuffing and the other beckoning its incorporation may be a critical time to pay attention to the dangerous complexities of the queer desire for the state's desire.

This article hones in on the discourses surrounding the push for the Uniting American Families Act. Although the UAFA will not be re-introduced for consideration and debate for some time¹, I argue that an explication of the most recent discursive strategies used to galvanize support for the bill may provide crucial insight into the current trajectory of homonational citizenship. I locate the UAFA within a decidedly shape-shifting political history of an exclusionary and normalizing immigration apparatus (Benhabib and Resnick, 2009; Somerville, 2005; Luibheid, 2007; Canaday, 2009) and against a current landscape of neoliberal governance and heightened national security. I borrow and build upon Aihwa

Ong's formulation of neoliberal governmentality as that which "relies on market knowledge and calculations for a politics of subjection and subject-making" (Ong, 2006, p.13) and I draw upon Jasbir Puar's conception of homonationalism (Puar, 2007) in order to situate the past several years of LGBT immigration advocacy within the broader set of current and ongoing neoliberal assimilationist practices.

Federal recognition of gay marriage is a very recent development. From 1996 until its (partial) overturning on June 26, 2013, the Defense of Marriage Act (DOMA) had explicitly defined marriage between a man and a woman, a hot button issue that for the past decade has dominated the gay rights agenda. A lesser known political injustice, however, has been that as a result of DOMA. LGBT relationships have not been legally recognized as a way for foreign-born same-sex partners to gain legal permanent residence; "the right to have rights," (Arendt, 1986) in this case, the right of spousal sponsorship has been clearly predicated upon the privilege of heteronormative citizenship. First introduced into Congress on February 14, 2000 (and last re-introduced and defeated in May of 2013), the Uniting American Families Act (UAFAs) is intended to compensate for this inequality. Immigration Equality, the nation's largest LGBT immigration advocacy organization whose mission is to "end discrimination in U.S. immigration law" (IE, 2013) has been at its helm. Importantly, because Immigration Equality explicitly and strategically resisted challenging DOMA, the bill proposes amending the Immigration and Nationality Act to add a separate category called "permanent partner" to the existing language of "fiancé" and "spouse." The injustice that the UAFAs legislation has attempted to redress thus hovers at the real and symbolic crossroads of two deceptively indistinct processes of border drawing: those governing entrance into the nation-state and, on the interior, those regulating differential statuses of membership and belonging; queer immigrants seeking admission as residents through family reunification have been positioned precariously at the intersections where these multiple borders of inclusion,

exclusion and preclusion converge. However, because the legislation represents *assimilation into* rather than a *challenge to* the existing exclusionary criteria for entrance, its proposed category of “permanent partnership” simultaneously reifies the normative apparatus of the state while producing a population of immigrants whose membership is tied to and dependent upon LGBT citizens (who, until recently, bore second-class status).

In elucidating the limitations and costs that this kind of legislation perpetuates, this intervention first aims to disrupt the broader teleological narrative of inclusive equality advanced by professionalized advocacy groups who shape the discursive and strategic field of action for immigration activism. I suggest that LGBT assimilation (under the banner of *equality*) into an exclusionary immigration apparatus that has historically (re)produced a matrix of *inequality* works to perpetuate these exclusions, reify the authority of the state to define kinship, and preclude the political affiliations necessary for re-framing questions of national membership and belonging. To this end, I am concerned with exploring how homonational narratives have been mobilized by and for queer binational couples in ways that promise the (re)production of obedient neoliberal citizens and would-be citizens and, accordingly, a dampened political activism. I argue that the category of “permanent partner” constructs a set of these homonational subjects: patriot-citizen and alien-partner, discursively designed to fit the bill.

To make this claim, I take several analytic steps. First, I examine the language of the UAFPA, asking how the production of “permanent partnership” (re)produces differing levels of vulnerability between and among U.S. citizens and immigrants. In short, what categories of in/dependence and norms of citizenship are re-iterated and of the permissible, desirable and deserving human being promoted-more broadly? Secondly, I analyze the discourses and campaign tactics deployed by those supporting the legislation, as well as the stories of binational couples, asking how

these work collectively to produce a patriotic narrative of obedience and discipline and an equal rights frame that de-centers the immigrant. Third, I consider how these kinds of homonational discourses, particularly in such a complex political moment for queers within the nation, might work to re-enforce the power of the state to authorize what counts as kinship and to define national belonging: What sets of exclusions might be advanced and what possible alliances might be precluded, by these single-axis identity-based strategies? What tensions between and within subordinated groups might be exacerbated by relying on the state's authority to legitimate a new class of acceptable human while continuing to ignore the plight of other queer and non-queer legal residents, asylum-seekers and undocumented immigrants, many of whom already live, work, love and/or have created kinship networks in the United States?

Finally, and particularly in light of the recent overturning of DOMA, my hope is that this kind of intervention might caution against an overly celebratory and uncritical embrace of this burgeoning homonational moment. Instead, I ask how a queer analytic lens might direct us away from continued political advocacy work that participates in the exclusionary harms of neoliberal governance, and towards alternative practices of citizenship. What fissures in the nationalist architecture of normative rules of kinship, as well as broader values demanding contestation, might the discourses around the UFAA legislation reveal and, accordingly, how might immigration and/or queer activists seize upon these apertures as sites of potential coalition moving forward?

Immigration Equality: The Case of Shirley and Jay

“They are exactly the kind of people you want living in this country” Rachel Tiven, Executive Director, Immigration Equality (2009)

According to Siobhan B. Somerville, nation-state immigration policy has been actively invested in “heterosexualizing” the nation since World War II, “constructing potential citizens as monogamous, heterosexual and married (or marriageable).” Jasbir Puar, however, extending Lisa Duggan’s critique of homonormativity (Duggan, 2002), has recently articulated an emerging “homonationalism,” a term that she argues “complicates the dichotomous implications of casting the nation as only supportive and productive of heteronormativity and always repressive and disallowing of homosexuality” (Puar, 2006, p. 68). This particular brand of U.S. “sexual exceptionalism” allows the temporary suspension of a “heteronormative imagined community to consolidate national sentiment and consensus through the recognition and incorporation of some, though not all or most, homosexual subjects” (Puar, 2007, p. 3). The most recent UFAFA discourses, directly prior to the overturning of DOMA, demonstrate this strategy of making demands for sexual rights complicit with neoliberal demands for free markets, individualism, and patriotic obedience.

Importantly, however, this incorporation does not come without significant cost to those unable, un-allowed or unwilling to “incorporate.” As Puar argues, “any single-axis identity politics coagulates around the most normative construction of that identity,” in this case, the homonational citizen and permanent partner. Thus, UFAFA’s complicity in the “folding in of queers” into the “biopolitical management of life” is a simultaneous “folding out of life” of other populations (Puar, 2007, p. xii), those who are rendered, as we will see, at turns invisible, undeserving, immoral, suspicious, undesirable, and deportable.

Although Immigration Equality has done, and continues to do, some important work for immigrants in the United States, I focus on the UFAFA as a centerpiece of this analysis, for several important reasons. One, the struggle of binational queer couples, and hence this piece of legislation, is one that disrupts the

boundaries between the politics of immigration, citizenship, race, ethnicity and sexuality, exposing these fields as profoundly interlinked. Bringing these scholars and activists into conversation, I seek to demonstrate how intervening in sites of homonationalism, in this case facilitated by a professional advocacy group speaking in the name of queers and immigrants, can productively inform critiques of single-axis assimilation models and equal rights-based rhetorical frames. Most importantly, it is my hope that these kinds of critical interventions might contribute to re-framing the terms of these struggles for belonging, and point us towards alternative modes of political action and even unauthorized conceptions of citizenship.

Immigration Equality first galvanized the UAFA with binational poster couple “Shirley and Jay.” In *People Magazine*, they are depicted as a “suburban” couple. Shirley Tan, the immigrant-partner, is “a typical stay at home soccer mom” who volunteers at her “adorable twin boys” school and “looks after her mother-in-law” while Jay Mercado, the citizen-partner, “works at an insurance firm”; they are “churchgoing, school-fundraisers and choir members.” In the article, “A Gay Mom Faces Deportation,” Immigration Equality director Rachel Tiven announces proudly: “they are exactly the kind of people you want living in this country” (Young, 2009, p. 92). Tan’s partner and children, the story is quick to point out, are all citizens while Shirley is carefully characterized not as illegal but as a responsible mother who, after falling in love, overstayed her visa. In 2009, immigration authorities “took her away in handcuffs.” The moral of the story, as construed by Immigration Equality and its media mouthpiece, is that if not for DOMA (and corresponding discrimination in immigration spousal laws), “the couple would never have been threatened” (Young, 2009, p. 92).

In essence, the affective fixation on this wholesome LGBT family posits Shirley’s situation as a quirky flaw in an otherwise functioning system and diverts attention from Shirley’s

commonality with other vulnerable populations. As Judith Butler rightly posits: “discourse itself enacts violence through omission” (Butler, 2003, p. 45). Thus, the details that the story conveniently glosses over, in an effort to shape a homonormative narrative, demand further analysis. First, Shirley, after fleeing what she called a “life-threatening situation” in the Philippines twenty-three years prior, had been denied asylum. Rather than interrogating her consequential vulnerable status as an “illegal,”ⁱⁱ at the hands of the immigration apparatus, the story is replaced by a discourse about her relationship status with regard to her citizen partner’s unjust lack of legal rights. Secondly, the homonormative portrait of this couple ignores issues of labor entirely; rather than an illegal immigrant without recourse to legal employment opportunities under safe and non-exploitative conditions, Shirley is portrayed cheerfully as a “stay at home mom” who is the attentive caretaker of her mother-in-law. Thirdly, the article claims that immigration officials should be focusing energy on deporting fugitives, not harassing “non-criminals” *like Shirley*. Criminality, however, based upon illegality or even suspected illegality- as well as perhaps the need to be undercover in certain arenas- is precisely what Shirley shares with all undocumented and even some legal immigrants- soccer moms, beloved partners, caretakers or otherwise.

The narrative of Shirley and Jay clearly evinces the crucial task of problematizing how the conjoined regimes of immigration and citizenship function as a regulatory, disciplining, xenophobic and clearly heteronormative set of technologies. I contend however that it is equally urgent to interrogate in what ways assimilationist strategies like the UAFA not only intersect with but also bolster the cultural and economic logic of neoliberal immigration. In what follows, I re-read the legislation through its import for how, and to what extent, the UAFA’s production of permanent partnership, fostering norms of self-discipline, responsibility and obedience works to animate neoliberalism’s particular version of security. As I will demonstrate, this risk-averse discourse encompasses a wide

range of internal border securing: privatization of fiscal risk, reification of heteronormative marriage (straight couples may not sponsor as permanent partners), reinforcement of patriotic duty and homeland security, and disciplining the political activities of citizen and immigrant subjects alike. Immigration Equality's strategy itself, while succumbing to a "market-fundamentalist" (Somers, 2008, p. 95) immigration apparatus has also clearly played on re-securing the United States progress narrative of increased inclusion, diversity, and equality. My concern, however, in querying this site of political advocacy, is less to ask whether or not this policy might have secured a measure of relief for some LGBT binational couples (moving forward, this sub-group would include those citizens who do not live in states touched by the DOMA ruling); after all, it is evident that the policy is *intended* to ease queer peoples' lives. Instead, I seek to dig deeper into its political effects, unpacking the (likely unintentional) ways that this model of assimilation, while benefiting some, also renders some human beings' lives less secure and some not worth advocating for at all.

Pacifying the Homonational Alien

"Immigration law worked beautifully back in the 1950's... they would agree to learn American history, speak English, they had money in their pocket, and most importantly they wouldn't become a burden to the American tax payer."

Michelle Bachmann (2012)

I have set out to argue that Immigration Equality has instrumentalized a homonational narrative as a primary tool of assimilation into a neoliberal immigration structure, asking: What set of docile subjectivities are produced by and through this disciplinary legislation and surrounding discourses, what exclusions are produced and/or reified and what opportunities for solidarity are foreclosed or made more difficult? Although the UAFB was rejected in May, according to the Human Rights Campaign the bill sits quietly poised to be re-entered into another

round of debate in the near future. Thus, this is as an important moment as any to ask after its political effects. Nicolas Rose, following Foucault, claims that investigating any form of governmentality must entail following “the formation and transformation of theories, proposals, strategies and technologies for ‘the conduct of conduct’” ostensibly designed to “achieve certain ends” (Rose, 1999, p.3). In this section, I begin to trace the implications for queer binational couples like Shirley and Jay, particularly for Jay (the alien partner), of incorporating into, rather than challenging an immigration apparatus that both relies on heteronormative values and is governed by neoliberal rationality. I suggest that UAFA’s proposed story of admission into the nation-state not only works to stamp particular sets of subjects as undesirable from the outset but also produces a highly vulnerable and dependent alien partner, constraining her capacity for engaging in political contestation and, in this way, limiting her possibilities for forming alliances with those she might otherwise seek commonality in struggle.

Rose contends that under ‘advanced neoliberalism,’ entrepreneurial individuals, rather than the state, are encouraged to take on responsibility for themselves and their families, (Rose, p.142-144) while “ensuring ample availability of skilled labour, acting against inhibitions to the freedom of the market” and “sanctions for those who not exhibit potential for self-actualization” (Rose: 144). Similarly, Margaret Somers proffers that United States citizenship operates increasingly in the form of “contractualization” where “the right to have rights” is now conditional upon one’s market value. According to Somers, this strategy of market-authorized governance establishes internal borders between now stateless and right-less citizens and the rest of the “personally responsible population” (Somers, 2008, p. 91).

A close reading of the UAFA reveals the proposed legislation as a bridge between this conceptual shift toward neoliberal citizenship and its corollary immigration policies. In 1996 (incidentally, the

same year that DOMA was passed), legislation called the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) placed a series of restrictions on both poor citizens and immigrant rights. Additionally, the PRWORA instituted a new chain of disciplining contracts- aimed at reducing the risk of foreigners, like its poor citizens, becoming a “public burden.”

In accordance with these neoliberal norms, the language of UAFA complies with a string of entry requirements that, while articulated as a logic of responsibility, implicitly shape preclusions and exclusions: first, the sponsor must provide proof of financial “stability,” demonstrating that his/her income level is 125% of the federal poverty level.ⁱⁱⁱ In addition to this stringent fiscal requirement, the binational queer couple must evidence their monogamous lifelong commitment via their “intermingled assets”: joint bank accounts, shared credit cards, property, and insurance policies. Thus, even partners who have been living independently for years are forced into economic (inter)dependence, a condition as I will demonstrate that is particularly problematic for the immigrant in light of UAFA’s extensive sculpting of her dependence.

Despite these strict requirements, The Center for Immigration Studies has launched accusations about the risk that the UAFA poses to national security testifying before the U.S. Senate Judiciary Committee that without marriage there is no way to prevent against “sham permanent partnerships” or fraud by either “Third-World gold diggers” or “terrorists and criminals” (U.S.J.C Testimony, 2012). Against these accusations Immigration Equality has repeatedly emphasized the difficulty of the process and “substantial safeguards,” like fines, imprisonment, and deportation, “protect against illegal immigration” (IE, 2011). Importantly, these safeguards work to deliver a burden of proof to queer binational couples that is significantly weightier than that of heterosexual binational relationships. Without a marriage certificate to prove their monogamous (read: responsible) devotion, the couple must

provide a framework that rigorously imitates heterosexual commitment: “evidence of a commitment ceremony,” “photographs of shared vacations and holidays with extended family” and “affidavits signed by family and friends” (IE, 2011). Thus, one is produced as a “permanent partner” through these testimonies, assigned this new status in the official relationship taxonomy, and stamped legitimate by the expert examination of this ‘evidence’ (Luibheid, 2002).

While it may be argued that all bi-national couples seeking a green card are subject to similar kinds of governmentality, for a bi-national queer couple, this demand for proof is greatly exacerbated by the homophobia that may be contended with (either by the immigrant in his/her home country or for the U.S. citizen or both). Further, a couple that has not been legally allowed to share residence may or may not have this kind of documentation at the ready. In drawing out the tension here between domestic discrimination (legal, political and/or social) and heteronormative conceptions of kinship, one consequence of producing a homonormative policy is exposed. Moreover, contra the notions of the legislation’s authors (who based their legal argument upon the right to privacy established in *Lawrence v. Texas* (Ayoub and Wong, 2006) this extra-scrutiny invites a profound and sustained state intervention into both partners’ lives.

As obedient strategists working within the neoliberal regime, neither Immigration Equality nor the Human Rights Campaign (HRC), the largest LGBT civil rights organization in the U.S., hesitated to fortify the second-class citizenship, or stricter disciplining and surveillance, of LGBT couples. Immigration Equality has remained emphatic about this separate but equal status, insisting not only that the UFAFA “is not the equivalent of” nor does it “redefine marriage,” but also promising that “a successful application would confer no benefits other than immigration status for the permanent partner” (IAEF, 2011). Likewise, HRC reassuringly asserts that the structure of the bill is

“consistent with the basic principles of U.S. Immigration law, does not challenge DOMA” and instead “creates ‘permanent partners’ *as another class of persons*” (HRC 2011. Italics mine). The Log Cabin Republicans, the Stonewall Democrats and the bill’s primary proponents all reiterate this claim. As a result, while the UAFAs may help queer immigrants to permeate the bounded “hard shell” of exclusion, these “permanent partners” of U.S. citizens living in states not recognizing gay marriage will still be legal strangers in the eyes of the nation-state. In Linda Bosniak’s terms, the conjoined statuses of the “alienage of the citizen,” who due to the salmagundi status of gay marriage in the U.S., is not completely “out” of citizenship and the “citizenship of the alien,” who is not completely “in,” reveal the compounded vulnerability of this new “class of persons,” a subject whose “right to have rights” is contingent upon those of her partner.

Producing Precarity: Joining the Disciplined Ranks

While the UAFAs define a “permanent partnership” as “the relationship between two permanent partners” (IEAF, 2011) careful explication of its complicity with technologies of neoliberal governance reveals the profoundly different statuses it confers upon, and unequal implications for, the foreign-born and citizen partner. As Eithne Luibheid points out, “being admitted as a legal immigrant is not a one-time event, but, rather, a process that situates immigrants within long-lasting, normalizing and disciplinary relationships.” (Luibheid, 2008, p. 84). In effect, the legal and conceptual language of “permanent partnership,” which makes the foreign-born partner’s status contingent upon his/her citizen partner, produces a dependence that puts non-citizens on vulnerable terrain in multiple ways.

The Affidavit of Support requirement, introduced as part of the 1996 Personal Responsibility Act, operating as a distinct technology of control (Rose, 1999, p. 52), perhaps most clearly demonstrates how the right of conditional inclusion for the

immigrant is traded for a new imperative of responsibility and self-governance on the part of both partners. According to Wendy Brown, this neoliberal rationality might also be seen as the “remaking of the state on the model of the firm” (Brown, 2010, p. 97). Essentially, a legally binding contract between the citizen and her/his government, the Affidavit of Support commits the citizen to financial sponsorship of his/her foreign partner for up to ten years, even if the partnership ends during this time. Such a system transfers, one might say even *subcontracts out*, the “risk” of immigration onto the citizen who becomes the new mini welfare net. This arrangement might even be aptly characterized as a partial privatization of immigration control, a configuration of “public/private partnerships characteristic of neoliberal governance” (Rose, 1999). According to the Senate Committee Report finalizing this shift to the Affidavit system, it also works to reinforce a new narrative of self-sufficiency in a diminishing welfare state: “Before the welfare state, if an immigrant could not succeed in the U.S., he or she often returned to the ‘old country’. This happens less today...” (SCR 104, p.49).

Opening both citizen and immigrant up to continued surveillance, this measure also functions as a new neoliberal technology for shaping the subjectivity of both partners (Luibheid, 2005, p.70). For one, it allows the government to sue the citizen if the foreign-born partner “accesses means-based benefits” before accruing ten years of work or before being naturalized.^{iv} If the alien is forced on public assistance, becoming a “public charge,” the U.S. citizen is required to reimburse the agency: “Just as we require deadbeat dads to provide for the children they bring into the world, we should require deadbeat sponsors to provide for the immigrants they bring into the country (Senate Report 104-249, p. 49). Conceived of in this way, the immigrant’s subordinate relationship with the state is filtered through her “benefactor’s” relationship, rendering the alien a profoundly infantilized and undesirable step-child of the U.S. government; it is a relationship that, not incidentally, resembles a neoliberal brand of coverture.^v

The contract itself remains in effect until the immigrant departs the country, naturalizes, puts in ten years of work, or dies (Wygonik, 2004). Consequently, once admitted to the country, and subject to the intense scrutiny of the state, neoliberal criteria play an important role in conditioning both partners as responsible subjects. As Rose contends, “in a society of control, a politics of conduct is designed into the fabric of existence itself... a web of incitements, rewards, current sanctions and forebodings of future sanctions which serve to enjoin citizens to maintain particular types of control over their conduct” (Rose, 1999, p. 246). In this case, the LGBT citizen is implicated in keeping her own partner obedient, a good (and contributing) immigrant, rather than, to borrow from Bonnie Honig, behaving as a “taking foreigner” (Honig, 2001, p.8). In this way, the UAFSA legislation works both to reward and promote the equally self-disciplined homonormative LGBT citizen, the one politely requesting (separate but equal) rights within the heteronormative legal discourse of kinship and citizenship; the couple dependent upon permanent partnership status while patiently awaiting the federal right to marry, can be counted on to be well-behaved.

Additionally, under the Immigration Marriage Fraud Amendments (IMFA), prior to applying for legal immigration status, the foreign-born partner is granted only a two-year “conditional residency.” Because both partners need to apply for legal status, the alien is bound to her/his sponsor at least until this time. IMFA specifies that if the relationship ends before this time, the status of the foreign-born “permanent partner” “comes under review” and he/she faces possible detention and/or deportation (Melloy, 2009). The personal consequences of this contingent partnership status are significant, not least among them the likelihood that the foreign-born partner might be compelled to stay in violent, abusive, or otherwise unhealthy relationships.

In addition to this entrenched dependence, the precarious nature of

“conditional residency,” particularly in a time of heightened national security, requires that an alien-partner submit to a particular brand of “good moral conduct” if s/he is to become eligible for citizenship in the future. In particular, she must evidence that she is “well disposed to the good order and happiness of the United States.”^{vi} Hence, despite her legal right to free speech, the threat of arrest-which could easily jeopardize the ability to remain in the United States- works to discipline the alien-subject, (Luibheid and Khokha, 2001, p.83).As a result, active civic engagement or practices that might be considered contentious or un-disciplined, including protesting her own conditions or speaking out in solidarity with other immigrants or queers, are precluded.

Linda Bosniak explains this contradiction implicit in the national border’s function as the “regulatory locus of the admission of foreigners, and, correspondingly, of their exclusion.” (Bosniak, 2000, p. 126). While “hard” boundaries arguably provide for the possibility of equal citizenship, Bosniak contends, they are also what produce “the status of alienage” and impose upon non-citizens the “social and political disabilities” that leave them vulnerable; thus, once “fully in,” the ‘soft norms’ of democratic citizenship that might govern on the interior do not. (Bosniak, 2002). In this reading, the alien-partner carries an indefinite badge of membership and, importantly, as Bosniak argues, it is one that strengthens the distinctions between, and heightened surveillance of, the borders between citizen and immigrant: The government’s deportation power and membership authority are intertwined: the power that “permits it to pursue, arrest, and expel aliens” reifies its authority to “set the terms of procedures and procedures for the naturalization of aliens.” This “plenary power doctrine” Bosniak continues, renders immigration authority a virtually uncontested terrain and, with little recourse to judicial protection, leaves even legal immigrants exceedingly vulnerable (Bosniak, 2000, p. 50).

Because the U.S.A PATRIOT Act grants the attorney general

unprecedented authority to detain and/or deport any immigrant, he alone “certifies” as a threat to the United States (Purdy, 2001). The behavioral categories considered “undesirable” and thus “deportable” are shape shifting, increasing and unpredictable. Among the classes of “deportable aliens”, are those convicted of a changing panoply of criminal offenses, those engaged in activities ambiguously cloaked as “endangering public safety” or that pose a potential risk to national security,” highly subjective classifications that are left in the hands of the plenary power of the Attorney General.^{vii} (Ngai, 2004, p. 268-269).

Additionally, Homeland Security technologies of INS surveillance increasingly pit not only immigration authority but also citizens against both legal residents and unauthorized immigrants; thus, “permanent partners” once inside are exposed to the flip side of patriotism: xenophobic surveillance of, and even violence against, those perceived as foreign (Luibheid, 2008, p. 179). In particular, the PATRIOT Act works to formulate a particularly divisive brand of patriotic loyalty, wherein American citizens are not only encouraged, but also *legally authorized* to “pursue patriotism and suspect the suspicious” (Alexander, 2006, p.212). Given these new provisions, M Jacqui Alexander argues, the “distinction between terrorist and non-terrorist metamorphoses into a demarcation between citizen and immigrant” (Alexander, p. 212). The conditions of Homeland Security in this way breed “Homeland Vulnerability” ,blurring the clear distinction between legal and illegal status, and placing all non-citizens in a condition of “permanent probation” (Ngai, 2004, p.268-269).

Given the myriad policies in place that stoke xenophobic fervor and limit access to protection for aliens, Immigration Equality’s promise that the “UFAFA will help loving same-sex couples keep their families together *without living in fear of harassment or deportation*” (italics mine) simply on the basis of a partnership status alone is simply not a promise that can be kept. Moreover, because the immigration system, conjoined with a regime of

neoliberal governance works “in delimiting the permissible, punishing the deviant and setting the stage for subjectivation” (Smith, 2001, p. 305), the partner of conditional status is constructed as a self-policing and obedient subject. As I demonstrate in the next section, this work is accomplished in large part by mobilizing a narrative of the queer homonational, attached to the responsible citizen, who respects borders of all kinds; importantly, she is cast in stark opposition to the suspicious and border-defying criminal subject.

Affective Constructions: Crafting The Exception

Lisa Duggan’s insights about how the LGBT agenda has increasingly depoliticized queer activism and recoded ideas like freedom and equality to mean “access to the institutions of domestic privacy, the ‘free’ market, and patriotism” (Duggan, 2002, p. 179) allow me to situate Immigration Equality’s strategy in a flourishing moment of homonormative political advocacy. As this activism has expanded from domestic struggles over the right to marriage and to serve in the military to the domain of immigration, the equal rights rhetoric of the good neoliberal citizen has been paired with a homonational narrative that has de-emphasized and at times, virtually extinguished the immigrant partner. Additionally, by framing queer rights in terms of a normalizing discourse of political obedience and affective relations, the UAFA’s discourses collectively work to dampen any potential threat or risk posed by LGBT people and their foreign partners. Simultaneously, these narratives reify the category of undocumented immigrants as disobedient, potentially dangerous and illegitimate subjects.

If it is unclear how LGBT subjects self-police in order to fit within the former parameters, the strategies deployed by Immigration Equality bring the discursive crafting of the citizen and permanent partner front and center. In the following two sections, I examine the primary tropes surrounding the most recent push for the

UAFA, turning first to Immigration Equality's family values discourse, as evidenced by their website and media outreach campaign, stories in their book *Family (Un)Valued*, and those circulated by an organization called The Love Exiles Foundation. Next, I examine the language of Immigration Equality's neoliberal-informed strategy: the Business Coalition. Together, these sources, which I read alert to underpinnings of nationalist patriotism, claims to non-deviance, productivity, and responsibility, provide considerable traction for what Puar calls the homonational narrative of "exceptional incorporation" (Puar, 2006, p. 69).

Family (Un)Valued

As Lauren Berlant suggests, "immigration discourse is a central technology for the reproduction of patriotic nationalism" (Berlant, 1997, p. 195) and in this case, it is a technology that, according to Puar, homonational subjects do not hesitate to "enact in the name of their own normalization" (Puar, 2006). Immigration Equality's family values discourse relies on an affective framing of dual commitments and corollary broken hearted-ness: citizens are torn between "the love of your life and the love of your country." Importantly, it is a narrative that not only places the focus squarely on the issue of *sponsorship rights* for LGBT Americans, rather than protection or justice for immigrants but also realigns the citizen with other obedient patriots. The frame ties together national and romantic love, while narrowing the issue of immigration justice to this unthinkable choice for citizen patriots.

Immigration Equality's promotional video representing the "typical" hardships of binational couples features the Statue of Liberty in the backdrop, the penultimate heart-tugging music of Enya soaring in the background and text in the form of graphic fireworks, delivering the patriotic plea: "If a fellow American was purposefully excluded from pursuing a life of happiness... someone would speak up, right? America protects her own" (IE,

2012). Again, this focus on affective relationships has a profoundly depoliticizing effect, one that is particularly ironic, as well as particularly telling, for an organization called Immigration Equality: Americans must protect the equal right to commitment, love, and happiness of their fellow Americans. IE's focus on the stories of obedient LGBT citizens employs an equality discourse that clearly distances the pursuit of citizens' rights from the rights of immigrants and from social justice questions more broadly construed.

Family (Un)Valued, Immigration Equality's promotional book featuring individual stories of binational couples asserts that the UAFAs is a "fix to the system" that will "only strengthen our nation" (IE, 2006, p.144). One story in particular unabashedly highlights this patriotic progress narrative: "our small town is a patriotic town" citizen Alex claims, "On the Fourth of July, the climax of the calendar year here... how do you think I feel? My partner and I are law-abiding people that simply want to live our lives together... we're not asking for the whole world to change..." (p. 44).

Like Alex, the other partners in *Families (Un)Valued* are quick to offer assurance that they are not only patriotic, but are committed to cohabitation and family life rather than political disturbance. One couple apologetically offers that advocating for their own rights is a distasteful necessity: "We'd rather spend our energy helping the kids with their homework...worrying about normal financial issues... to have a normal life as a family and do what normal people do, just have the freedom to be like everyone else" (IE, 2006, p. 113). A different couple reiterates: "We're normal, nice people who don't do much out of the ordinary" (p. 75). Another citizen Glen promises: "changing the law would not, as social conservatives might fear, undermine traditional moral or religious values. It would simply allow *people like me* to live our lives peacefully and productively" (italics mine, p. 42).

These “docile patriot” homo-portraits are also circulated by Immigration Equality’s media outreach campaign, couples meticulously selected by the organization for this very purpose: “Glance through the snow-framed windows of Vermont homes and you’ll see couples like Sissi and Janet poring through seed catalogues and dreaming of spring.” Together, the couple has a British-born cat named Mitten Muff who unlike British-born Janet, can live in Vermont without a hassle. Soon, however, this couple of twenty-five years we are reminded will not be able “to continue worshipping together at their Episcopal Church” (Price, 2009).

Meanwhile, gay citizen Joshua, with Venezuelan partner, Henry, who is awaiting deportation, clarifies for *ABC News* that he is “the studious type who has rarely embraced activism.” Stripping even his professional politics of politics, he continues: “I am a scholar of ancient Greek Political Thought and the Renaissance and Politics... I never intended to be an activist. But I have to do what is necessary to save the marriage and to keep the one I love in this country” (Donaldson, 2011).

Importantly, as Puar contends, for the homonational patriot this “pining for National love” is unrequited; it is the queer citizen’s very longing for America’s recognition that ensures homonormative subjects remain “in the folds of nationalism” while xenophobic discourses are simultaneously fostered (Puar, p. 26-27). Thus, it is not insignificant that President Obama recently went on record saying that while he “supports the bill in concept,” he is concerned about the “potential for fraud and abuse of the immigration system” (Carragher, 2009). Responding to this national security rhetoric, the homonational patriot discourse also works to assuage these fears of fraudulent, terrorist and illegal subjects. Immigration Equality’s new media campaign called “My Family. Together,” proffers a slogan-guarantee that all binational couples want is the “simple right to be lawfully together in the country they love” (IE, 2012).

These narratives, however, work carefully to construct the binational couple as innocent targets of misguided, though crucial, technologies of national security; it is the illegal “other,” as well as those without normative kinship ties that should be surveilled and/or excluded. In the first aired interview of “My Family. Together,” IE “clients” Bradford and Makk are outraged that “every year, 25,000 lottery winners, *strangers to the United States* with no ties or family ties are given green cards *carte blanche*” while they, a loving couple both “devoted to this great country” are denied equal treatment under the law (IE, 2012, italics mine). Another outraged citizen exclaims: “Neither of us are terrorists or criminals of any sort... my partner is from Germany!” Similarly as a U.S. citizen in London exclaims on IE’s website: “We have been careful to abide by every law and hurdle placed in front of us and we are still being treated as criminals... In the meantime, Homeland Security runs a green-card lottery for the world, including Islamic countries and the Middle East- and Osama Bin Laden is on the loose...” (IE, 2012).

Jay, an American citizen, expresses disbelief at what he labels the “punishment” he and his partner have received despite being contributors rather than takers and obediently pursuing the American dream: “I started out in the projects. And I did all that stuff you’re supposed to; I didn’t ask for anything special. We didn’t take a dime, asking for assistance... I pay my taxes. I’ve never been in jail... I’ve played by the rules and this is what I get” (IE, 2006, p. 124). Another US-Iceland binational couple complains on the Immigration Equality website: “why do we allow asylum-seekers and refugees but not same-sex partners permission to stay in America? I am a legal citizen. I hope someday, I can go back home to the land I call home-home of the free.” (Ibid, p. 42).

Immigration Equality also draws upon language borrowed from the threats faced daily by unauthorized immigrants, exile and statelessness. As one U.S. citizen in *Family (Un)Valued* notes: “I felt and I feel like a person without a country” (IE 2006: 124). Lavi

Soloway, attorney and co-founder of Immigration Equality has begun to circulate this language in the national media circuit, calling self-exiled citizens “refugees,” while Andrew Sullivan (IE board-member and conservative gay activist) labels the movement a “spousal diaspora” (Soloway, 2011).

Immigration Equality also has clearly set the discursive stage for the multiple satellite organizations of binational couples that rallied around the UAFA. The *Love Exiles Foundation*, an advocacy group representing “GLBT couples who have chosen or are considering exile in order to be together,” emphasizes how U.S. citizens in particular are “forced to leave home, career and country” (*LE*, 2013). Founder Martha McDevitt-Pugh documents her story as a self-exile in an article titled “The Mobility of Corporate Lesbians:” As a citizen who had “built a career in Silicon Valley,” Martha was forced to “relocate” to the Netherlands to be with her partner where she maintains she was “forced to develop her social capital—the networks, relationships and trust... from scratch” (McDevitt-Pugh 2011, p. 803). An additional sampling of Love Exile stories, written primarily by citizens with partners from, and self-exiling to, The Netherlands, Germany, Great Britain, Australia and Canada, tell of leaving behind a “fantastic job opportunity” and “my rung on the employment ladder,” all after “using up all of our frequent flier miles,” “wracking (sic) up a ton on the credit cards,” and “having pursued all legal options and being unwilling to commit a crime” (*LE*, 2013).

The important point to be made here, of course, is not to devalue these couples’ struggles but rather to emphasize that these citizens (as well as many of the immigrants) have not actually been living without a country (i.e.: stateless), that leaving and re-starting a flourishing career is not akin to struggling under conditions of undocumented labor nor is self-exile the same as forcible deportation. Moreover, while important connections are there to be made, this discourse is instrumentalized by organizations whose

legislative aims are neither directed towards nor will benefit immigrants who are currently living without the right to have rights.

As Yasmin Nair posits: “can we work with stories that provide no comfort about the goodness of our land and the fairness of the American Dream” (Nair, 2010, p. 34)? Would stories of the economic exploitation of illegal immigrant partners, for example, resonate as profoundly for the Senatorial Hearings (and fellow Americans) for whom these narratives were constructed? What about narratives describing the vulnerability of non-partnered immigrants who maintain conditional residence- those not tied to the legal homonormative citizen- afraid to speak out for fear of deportation, afraid to visit sick relatives back home in case they are refused entrance upon return? Where are the tales of queer refugees or asylum-seekers turned “illegal” immigrants, like Shirley Tan who, instead of being resuscitated as homonational partners on the pages of *People Magazine*, currently live undocumented in the shadows of the immigration authority?

In light of these absences, the homonational narrative of patriotic citizen facing “self-exile” from her beloved homeland obscures the plights of the immigrants for whom Immigration Equality claims to advocate while separating their struggles from those with whom they might share precarious conditions upon entry. Meanwhile, the emphasis upon the legal avenues pursued by this set of disciplined population emphasizes the deviant other-ness of those unauthorized immigrants already living and struggling in the United States. While politically troubling, these affective stories compartmentalize these couples’ struggles into individual and obedient pleas for assimilation while the myopic focus on *citizenship equality* disables a structural critique of the effects of the immigration system *upon immigrants*.

Discrimination is “Bad Business:” The Homonational Exception

Aihwa Ong identifies emerging spaces of neoliberal governance wherein “market-driven calculations” pervade the political realm and drive population management, while abandoning those who do not fit neoliberalism’s normative criteria. For Ong, neoliberal rationality roots its claims in two arenas: economic (efficiency) and ethical (self-responsibility) (Ong, 2006, p. 11). In this section, I demonstrate how Immigration Equality works strategically to assimilate into immigration control as a regime increasingly informed by the selection and production of potential citizens based on this rationality and its attendant principles of discipline, obedience and security.

While not abandoning its “family values” discourse, in 2013 Immigration Equality re-directed its efforts at building support for the bill through what it terms its Business Coalition; this model quickly transformed how the organization articulates what it came to call simply *The Problem*. “Americans are being forced abroad, taking their tax base, their talent, their enterprise to a growing list of more than twenty-five countries” (IE, 2013). Ong argues that the neoliberal exception can be understood as “a positive exception to include selected populations... as targets of ‘calculative’ choices and value-orientation associated with neoliberal reform” (Ong, 2006, p. 5). Hence, Immigration Equality’s newest strategy is to illuminate that outright discrimination against LGBT “entrepreneurial” subjects is simply not convenient for the maximization of profit.

While for Wendy Brown, playing into this neoliberal rationality discourse transforms “complex moral subjects” into “specks of human capital” (Brown, 2010, p. 97) Immigration Equality does not seem to share this concern: “These individuals are a valuable asset to the market and a resource that many businesses want to retain. Many Fortune 500 companies have lost skilled Americans to foreign competitors.” The Business Coalition itself, whose founding members include prominent multinational corporations

like Nike, Pfizer, and American Airlines, released the following statement: “Corporate frustration with American immigration restrictions is at an all-time high. The inability to hire and retain the right people is fueling relocation to Canada and Europe, a loss to U.S.-based companies. Their official lobbying letter to Congress, penned by Immigration Equality, states: “We endorse this legislation not only as a matter of fairness, but because we cannot afford to lose our most precious resource: talent.”

Immigration Equality has even coined the term “gay drain,” complaining that: “the U.S. is losing more and more professional gays and lesbians due to conservative social policy.” Importantly, the phrase is pitted against the rapidly proliferating concept of “gay gain,” the reverse economic opportunity from which “progressive” and diverse-friendly countries like Canada stand to benefit (Wygonik, 2011).

In response, LGBT citizens shape entrepreneurial narratives that corroborate this story of corporate loss. Advertised on Immigration Equality’s homepage, “I was a partner at a Big Four accounting firm and I took early retirement so that I could be with my partner.. I would rather be working and productive...” (IE, 2012). Another couple from the Love Exiles Foundation explains: “the American government has lost my partner’s college education knowledge, personal business and future tax dollars” (LE, 2013). Pulling on the country’s capitalist heartstrings, these narratives evince an economic affect that is eerily akin to the “love exiles” discourse. One couple writes: “We are both highly educated in areas sorely needed in technology and education. Does the world really not want us” (LE, 2013)? As Nikolas Rose points out neoliberal citizens are those “self-regulating” subjects who have internalized the norms and goals of his/her neoliberal government (Rose, 1999, p. 393). Here, citizens and immigrants alike are not only framed, but also frame themselves, as social capital crucial to *securing* economic development.

Meanwhile, the U.S. immigration apparatus is scolded to stop lagging behind ideologically; its outdated homophobia must catch up to the new neoliberalism- one in which, for an “exceptional” subset of entrepreneurial subjects, sexual preference takes a backseat: “America is losing valuable talent- and the driving force behind many small business-to foreign competitors. Of the top ten largest trading partners with the United States, six of them offer this opportunity, as do 59% of OECD countries, our main international competitors” (IEAF, 2012). In return, the U.S. is promised the LGBT subject’s neoliberal (re)productivity: her “market virility,” entrepreneurial spirit, renewed faith in her country’s core values, and no more than the demands of a single-axis politics of recognition, complete with a safely subcontracted immigrant partner.

IE’s Executive Director Rachel Tiven has not been shy about circulating this exclusionary narrative in the media for the past several years, arguing on *International Business Times* television: “This is a business issue... a talent recruit and detention issue” (IBT, 2012). Importantly, discursively constructed as a “business issue,” rather than a “labor issue,” Immigration Equality makes its single-axis strategy, its clientele priority, as well as its choice of coalitional allies, nothing less than explicit. Indeed, Barack Obama’s new initiative “Fixing the Immigration System for America’s 21st Century Economy,” which claims to be committed to “strengthening our economic competitiveness by creating a legal immigration system that reflects our values and diverse needs,”^{viii} confirms a nice match for Immigration Equality’s choice of corporate ally. Clearly an assessment of this current neoliberal moment, this strategy simultaneously reveals some queers as more intelligible, valuable, and deserving than others: Asylum-seekers, poor and working-class citizens and immigrants, simply do not fit the bill of this entrepreneurial definition of citizenship. Unable to prove they can hold up their side of this newly marketized exchange that also defines immigration, these “contractual malfesants,” (Somers, 2009, p. 72) are discarded as superfluous in

advance.

Exclusionary Discourses

Puar asks: “how do queers reproduce life and which queers are folded into life? How do they give life? To what do they give life? How is life weighted, disciplined into subject-hood, narrated into population, and fostered for living” (2007, p. 36)? In other words, what work is this strategy of incorporation doing and for whom is it working? Studying the previous discourses in tandem, one is forced to ask not only whose but what kind of “equality and fairness,” Immigration Equality is choosing to represent. The citizen is the one torn between country and lover, the citizen denied equal rights of sponsorship and equal pursuit of happiness, the citizen borrows the language of self-exile in order to “follow her heart,” the citizen’s financial contribution and business know-how constitute the potential “gay drain” on the economy, the citizen is not asked to compromise her sense of safety and security. In this discursive and legislative strategy, the privilege of citizenship itself goes unacknowledged while xenophobia, classism and nationalism (working in tandem) go un-interrogated. Puar claims these dynamics as “a special facet of the white liberal alibi” that allows one to disaffiliate from even the remote possibility of the perpetration of such violence” (2007, p. 128). Meanwhile the homonational identity itself “proffers a much coveted return to American citizenry that was lost with the taking on of a non normative sexual identity” (p.128). For the immigrant appendaged to these citizen discourses, however, this fractioning of identity, which “cleaves it away from other homosexual racial and class alliances it might otherwise encompass,” contains a great loss.

For Puar, demands to produce good citizenship are undergirded not only by patriotism but also by the family values rhetoric attached to *heteronormativity*. I would argue, however that because UFAFA’s contribution to the neoliberal subject renders “hetero” status less crucial to its production, it emboldens the neoliberal

criteria for “normativity;” as a result, while “homo” becomes less alien and more attached to nationalism, “alien-ness” itself is increasingly saturated with foreign-ness. In short, in homonational immigration discourse one set of risk and deviance (formerly represented by the queer subject) is traded for another (represented by the immigrant subject).

The immigrant partner straddles these shifting borders; her alien-homo body stands at the crossroads between needing to demonstrate her capacity to be a “docile patriot,” en route to “naturalization,” while bearing the legal and perhaps racialized marker of citizen’s “other.” In an effort to de-alienate her presentation, the UAFA discourses work to disassociate this “permanent partner,” via her attachment to the docile patriot citizen, from illegal, single, poor, sexually deviant, suspicious, welfare (burdensome), and/or activist bodies; it is a “quarantining,” Puar warns, “of those they (the homonational subjects) narrate themselves against” (2006, p. 140). Meanwhile, this de-strangering and hence estranging narration the alien partner’s capacity for beginning the difficult work of seeking alliance with these latter populations, with whom she might share the experiences of the precarious: xenophobic attacks, labor struggles, fear of deportation and of visibility. Periodically, as we have seen, the immigrant partner is erased from the binational struggle altogether.

Beyond these discourses, the language of the UAFA itself not only further authorizes the current immigration structure to define what counts as normative kinship, but also reaffirms that one’s right to belong is only as good as one’s relationship with a well-off and docile patriot. As family visas are by far the most prominent channels for legal immigration, responsible for 75% of immigrants who enter the U.S., which sets of migrant queers might be missing from this normative family portrait that proponents of the UAFA are painting?

Clearly, binational queer couples in which neither person is a U.S.

citizen have no recourse to membership under this legislation. Even couples in which the immigrant's visa has run out or who has missed asylum application deadlines, incidentally like Immigration Equality's own exemplary Shirley Tan, are also likely to face difficulties. What about those immigrants who are *un-partnered*? Even Marta Donayre, co-founder of *Love Sees No Borders*, a group that has consistently fought for the rights of binational couples, declared in a 2006 article called "Who Are the Illegals?" she had experienced a political awakening around the UAFA strategy (Donayre, 2006). As a lesbian, she attests the LGBT community does not speak for immigrants. As an immigrant, the singular platform of queer immigrant advocacy no longer represents her needs: "Unless I, as an immigrant, am the appendix of an American citizen whose rights are violated I do not count at all" (Donayre, 2006). Moreover, where does the bill leave queer undocumented victims of hate crimes, domestic violence, job and/or housing discrimination or anti-LGBT bullying, harassment, or violence, who would easily face deportation if they sought legal advice/justice?

A recent case sheds light on the troubling conditions produced by these differing levels of alien-ness, an analysis that Immigration Equality's UAFA discourses have assiduously tended to avoid. David Gonzales, a gay Costa Rican undocumented immigrant was recently spared deportation based on his marriage to a U.S. citizen, however he is still not legally allowed to work in the U.S. While Immigration Equality optimistically calls this case "an important milestone in the push for equal rights in the LGBT community," Gonzales's continued and entrenched dependence upon his partner paired with an inability to earn a living, speak volumes to the contrary. Moreover, in Immigration Equality's limited (and limiting) frame, the condition of vulnerability that Gonzales might share with other undocumented workers- partnered or not- is lost; these former populations do not stand to be saved by love or by business.

Importantly, participation in this kind of exclusionary strategy might resonate as a particularly disturbing activity for the LGBT subject- who for decades served as a pinnacle of discrimination in the immigration apparatus. As Luibheid reminds us, “the incorporation of sexual categorizations into exclusion laws, as well as the development of procedures to detect and deter entry by those who fit the categorizations, is a key piece of how the immigration system came to exclude individuals on the basis of sexuality.” (Luibheid, 1998, p. 479) Thus, while the very need for the legislation (*even now* in this post-DOMA moment) reveals how sexual deviants have been continually punished inside the state, it is legislation that itself perpetuates this very exclusion through its single-axis focus.

Conclusion: Resisting Secure Politics

If you’re in a coalition and you’re comfortable, you know it’s not a broad enough coalition... Most of the time you feel threatened to the core and if you don’t, you’re not really doing no coalescing
Bernice Johnson Reagon, *Coalition Politics: Turning the Century* (1983)

It is undeniable that the LGBT domestic battle against second-class citizenship and fight for social recognition has been a long one. In the domestic sphere, full marriage equality throughout the nation stands as one of the remaining, and likely temporary, barriers to equal legal rights for LGBT citizens. Moreover, with the overturning of several key provisions of DOMA, those binational couples living in the sixteen states where gay marriage is legally recognized seemingly face more secure conditions. If the UAFA is re-introduced and ultimately passed, as the Human Rights Campaign suggests is next on the LGBT agenda, many more binational couples may also benefit from the strategy of incorporation.

What I have argued, however, is that examining what assimilationist strategies *do not do* is also a crucial question for

immigration activists concerned with social justice: its inattention to interrogating how economic privilege works in immigration policy or challenging the neoliberal terms of the subcontract as a mode of membership; the ways in which a liberal equal rights rhetoric obscures the immigrant partner and the precarious conditions of her belonging; and, importantly, its complicity with delimiting or restricting the “right to have rights” of subjects who already live in this country. Instead, incorporating into the neoliberal logic of contractualization, the legislation works to produce economically dependent, socially vulnerable and politically obedient conditional residents whose capacity to contest these conditions en route to naturalization is severely restricted. Importantly, this new class of “permanent partner,” produced through exclusionary discourses, fosters distance between queer and immigrant populations who might otherwise find common ground in which to root a more contentious politics and perhaps “strategic solidarities” (Alexander, 2006, p. 228).

Moreover, at the level of advocacy work, Immigration Equality’s discursive framework narrows the complex terrain of immigration debate from social justice and a dire need for (re)evaluation to a constrained vocabulary of normative kinship, family values, and meeting the (high-end) demands of the neoliberal market. In short, if the UAFA legislation and discourses demonstrate Puar’s contention that “queerness is under duress to naturalize itself in relation to citizenship, patriotism, and nationalism” (Puar 2006:86), then I am arguing that the potential ‘gains’ achieved for some of these queer subjects must be read critically alongside the duress that befalls those who ‘fail’ to *naturalize*- in the multiple senses of that term: to perform the duties ascribed to the homonational and neoliberal subject as well as to achieve legal recognition and/or citizenship.

In this article, I have sought to demonstrate how the UAFA discourses have functioned as part of a broader set of homonational discourses focused on security, homonormative families, and

neoliberalism, one that works only by pitting citizens and immigrants against one another including, importantly, the binational lovers the legislation seeks to protect. The limitations of the legislation evidence the need for a salient critique of normative conceptions of citizenship and immigration, as well as one that theorizes possibilities for transformation of- rather than accommodation or assimilation into- “existing social structures of nation-making and citizenship processes” (Phelan, 2001, p. 80).

As Jacqui M. Alexander argues: “If the very terms upon which we organize are constituted through the ideology of the secure citizen- the very construct that the state deploys to position the loyal patriot- then we will continue to make invisible the widespread detention of immigrants and their criminalization and the ways these ‘work’ to secure the mythic secure citizen” (Alexander, 2006, p. 229). Thus, instead of relying upon obedient interventions like the UAFSA, preserving the normative principles of citizenship and immigration while reifying the state’s ability to regulate its membership, how might we begin thinking toward practices that depend less on an uncritical “desire for the state’s desire”? (Butler, 2004, p. 105)? I am not suggesting that binational queer couples, or other currently excluded populations, should not take advantage of the overturning of DOMA or of sole legislative initiatives like the UAFSA (should it pass in the future). What I am insisting is that we must *simultaneously* begin to challenge rather than only make the choice to belong to these normative discourses that construct our divisions (Chavez 2012).

I argue that a queer analytical lens- a queerness that differs profoundly from the well-funded public voice of LGBT professional advocacy groups- may assist in theorizing practices that resist relying upon the state and in this way resist actively dispossessing or subordinating other subjects. For Michael Warner, “‘queer’ rejects a minoritizing logic of toleration or simple political interest representation in favor of more thorough resistance to regimes of the normal” (Warner, 1999, p. xxvi),

placing an emphasis on transformation rather than accommodation. Cathy Cohen has also argued that the “radical potential of queer politics” allows us to forage for those “interconnected sites of resistance from which we can wage broader political struggles” (Cohen 1997, p. 441). Importantly, for Cohen this difficult work of coalition does not entail collapsing our histories or equating our struggles but rather finding commonality in our “shared marginal relationship to dominant power that normalizes, legitimizes, and privileges” while it “largely dictates our life chances” (p. 440). In what follows, I provide a few examples of efforts to rethink political activity surrounding immigration activism without relying upon “sacrificial victims for its achievement” (Elshtain, 1981, p. 301).

In 2010, over twenty LGBT groups released a statement against Arizona Measure S.B. 1070, arguing that LGBT citizens know what it is to be discriminated against “on the basis of appearance,” to be targeted for harassment and violence, and to be subject to policies tearing apart families (Lambda Legal, 2013). LGBT testimony also served as an important voice in the public discourse that resulted in the Los Angeles County Board of Supervisors vote to boycott Arizona over SB 1070. More recently, Equality California, a non-profit group advocating for the rights of “all LGBT people” held a forum to discuss the dual challenges faced by undocumented gay people: “the struggles are very similar: the discrimination, the bullying coming out as undocumented or lesbian” (Olson, 2011). One young queer undocumented immigrant Javier Hernandez contributed to the dialogue about what he called his “double stigma,” revealing that he wears his “I Am Undocumented” T-shirt in Pomona-- but is called anti-gay slurs-- and is “openly gay in Claremont”-- where he dare not wear the T-shirt (Olson, 2011).

On March 12, 2012, groups of immigrants took the risk of this kind of multiple stigmatization to the streets with the Walk Against Fear, a multi-pronged coalition effort to “raise consciousness,

change hearts, and bridge the gaps between immigrants and other historically oppressed communities.” Importantly, members of the Undocumented Queer Immigrant Project (UQIP), offered their reason for participating with this succinct and resounding message: “Faggot, illegal, dyke, wetback, pervert and alien” are some of the insults directed at both the LGBT and immigrant communities.” As one participant claimed: “I cannot keep my queer undocumented identity private, not until me and my brothers and sisters are publicly protected.” “Because if not us,” the UQIP asks directly “then who?” (UQIP, 2012).

Importantly, however, the kind of political work that I am proposing does not allow those forced into positions of alterity and subject to the state’s coercive practices to bear the risks of disobedience alone. As Bosniak makes clear, the “admissions policy” that controls the internal composition of the nation-state is also one that promotes a type of “membership imperialism” (Bosniak, 2002, p. 39). For this reason, I argue that those queers currently carrying the passport of citizenship, and increasingly state-authorized rights such as marriage as well, must adopt with these rights a political responsibility that differs profoundly from the neoliberal conception of responsibility advanced by Immigration Equality discourses. How might we use these privileges to contest the coercive authority of the state and instead work with “critical practices that resist the pulls of recognition... to be legible in neoliberal terms” (Spade, 2011, p. 224)? In other words, how might we keep the following question in play: *for whom, for what, and on whose terms do we desire to be legible and what practices might allow us to co-authorize one another to take these risks?*

What political opportunities might be gleaned by pairing state-authorization with the queer experience of civic strangeness in order to resist strategies that rely upon the disciplining production of “obedient” immigrants? Additionally, what sorts of affinities might emerge when the paradigm of kinship is exposed both as

shared site of struggle and in dire need of interrogation? Might diverse forms of queer and immigrant relationships that challenge the current paradigm of heteronormative, and increasingly homonormative, kinship offer alternative narratives about political affiliation (Phelan, 2001, p. 80)? The organization Queers for Economic Justice provides an initial template for thinking through these possible connections. In opposition to Immigration Equality's reliance upon the affective draw and institutional legitimacy of an established family reunification discourse, QEJ's "Vision Statement" (which has been circulated around the websites of various local grassroots immigration groups) first advocates for an expanded definition of kinship ties; current definitions, the statement avers, abandon "those who do not define themselves within conventional relationships like marriage or conjugality" (QEJ, 2012). Secondly, they argue, the current definition of family in immigration law excludes not only the larger family structure of "aunts and uncles, grandparents, cousins, nieces and nephews, siblings..." as well as "the broad universe of non-heteronormative family units created by LGBTQ immigrants" (QEJ, 2012). Beyond challenging this narrow definition of family reunification, the discourse strategically emphasizes the rights of whom the UFAFA discourses ignore: those of the immigrant herself.

Rather than simply *expanding existing rights*, QEJ explains the immigration system itself as "constructed," "tiered," and classist" and thus centers its work upon the "undocumented worker." As a result, part of their mission entails battling the Real ID Act, which mandates that all states comply with Homeland Security's regulations (DHS, 2012) and fighting for public benefits for individual immigrants. Finally, in underscoring the detrimental impact of "policing the border," QEJ's narrative implicitly works to contest a neoliberal discourse of responsibility; pointing instead to the state's *irresponsible* criminalization policies and border militarization, the QEJ holds the government accountable for increased violence against people of color and countless deaths. In this way, by centering the question of whose lives are made

difficult or impossible to live, the QEJ vision statement serves what Judith Butler calls the “critical function” of “scrutinizing the action of delimitation itself” (Butler, 2004, p. 107).

It is precisely this level of scrutiny, as I have here tried to demonstrate, that provides a crucial foundation for truly justice-informed conversations around immigration and citizenship. I anticipate charges that neither the pragmatic realities of immigration reform nor the current political climate are forgiving enough to allow for anything less than piecemeal strategies aimed at incorporating one population at a time into the given framework. I also acknowledge that the current climate of immigration activism, rife with varying degrees of homophobia, racism, and xenophobia, serves as a less than commodious backdrop for the already complex work of alliance building. To be certain, the suggestions that I am mobilizing carry with them ethical dilemmas and political risks. As queer immigration and citizenship scholars have made plain, however, the history of immigration apparatus in this country, paired with U.S. Immigration Customs and Enforcement’s terrifyingly fitting new home within the Department of Homeland Security,^{ix} renders the prospect of relying solely upon the state’s authority to mete out justice equally disquieting. While critiques like this one do not provide immediate answers, my hope is that they might provide a point of departure for conceptualizing alternatives to the alienating production that is currently at work.

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ⁱ The Human Rights Campaign claims it is currently collecting a “record number of co-sponsors for the bill” and that they are “further advocating for a hearing to gain more attention on this issue” (HRC Federal Legislative Team, “RE: UAFA,” personal correspondence, November 8, 2013).

ⁱⁱ Asylum-seekers have a one-year deadline in which they must legally file for asylum status. After this year, they automatically become illegal aliens.

ⁱⁱⁱ This stringent fiscal requirement, while clearly a class-based exclusion, might also be seen as bound up in distinctly racialized and gendered implications (Liubheid, 1997; Cantu, 2009).

^{iv} Ibid.

^v Linda Kerber (2004), among others, has provided historical texture about this liminal status and potential for statelessness from the perspective of women- whose national identities (green cards, citizenship) depended solely upon- and fluctuated with- their husband’s status.

^{vi} [8 U.S.C. 1427 (a)(3)]. Since 1996, misdemeanor convictions, including theft of \$10 value may shut the door to full membership or result in deportation [8 U.S.C.1101]

^{vii} INA: Act 237. This act was used to “arrest and detain over 1,100 aliens after 9-11, many without charge and in secret” (Ngai, 2004, p. 268-269). Additionally, the IIRIRA allows for the deportation of asylum-seekers who did not apply within a year of entering the U.S. and now allows for deportation on the grounds of minor crimes committed in the past (Luibheid 2002, p. 28).

^{viii} This new set of disciplinary policies also includes: “more boots on the ground,” “stepping up surveillance,” “the responsibility to learn English before getting in line for citizenship,” “restoring responsibility and accountability.”

^{ix} Before 9/11, the INS was part of the Department of Justice. In 2003, it became part of the DHS and was re-named the USA Citizenship and Integration Services. INS was then combined with US Customs to create US Immigration and Customs Enforcement-

hence, immigration policy and administration is now directly linked to national security. [US Immigration and Customs Enforcement, 2011] See whole history at: <http://www.ice.gov/>