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**Ambivalent Subjects in Neoliberal Times:
Non-Governmental Organizations and Binational Same
Sex Couples in the United States**

by

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M.A., Applied Anthropology, University of North Texas 2007

DISSERTATION

Submitted in Partial Fulfillment of the Requirements for the
Degree of

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ABSTRACT

This dissertation is a critical examination of the increasingly intimate relationship between the neoliberal state, non-governmental organizations (NGOs), and their constituents through the lens of NGO-produced advocacy for “binational same sex couples” in the United States. I analyze how neoliberal political and economic ideologies are reconfiguring the role of NGOs, entities traditionally understood as outside state power, as well as the aspirations of their constituencies, within the United States. In particular, I interrogate how NGOs are an increasingly important site in the (re)production of normative gay and lesbian subjects, and illustrate how LGBTQ-identified individuals negotiate these conditions as they seek to secure certain rights and protections for themselves. This project tracks the discursive production of the binational same sex couple. I analyze the role of NGOs in this process, and show how the binational same sex partner was constructed as a subject through intersecting norms about sexuality, gender, race, class, nationality, and immigration status. In doing so, NGO advocacy efforts worked to include certain lesbian and gay citizens without interrupting the racialized dividing processes inherent in the regulation of immigration and citizenship. Further, I also draw on ethnographic research with individuals in relationships considered binational same sex to demonstrate how various individuals were able to tap into the discursive strategies and spaces made available by NGOs to form themselves as subjects and articulate their own demands on the state; even when they had critiques of these strategies and spaces, or when their own histories, relationships, and identities exceeded the normative bounds of NGO discourse. Participants often described an ambivalent attachment to NGO advocacy efforts, and I argue that this ambivalence makes visible how

NGOs' commitment to neoliberal politics of recognition can structure and shape individual agency.

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Introduction

Intimate Relationships in Neoliberal Times: The State, NGOs, and Their Constituents

Introduction

Over the past 50 years, the non-governmental organization (NGO) sector has flourished in the United States as an important source of service provision and advocacy for marginalized and/or minoritized populations. Lesbian and gay-rights groups in particular have made use of the non-profit organization (one type of NGO) as a vehicle to create and provide community support and to make claims on federal, state, and local governments to rights and recognition. At the same time, feminist and queer scholars and activists have argued that institutionalization into NGOs has reframed LGBTQ political activism, prioritizing certain bodies and relationships while pushing queer others further to the margins. My dissertation research critically examines this process through the lens of NGO-produced advocacy for binational same sex couples, i.e. same sex couples where one partner holds U.S. citizenship or Lawful Permanent Residence and the other does not.

Prior to 2013, same sex couples were ineligible for immigration benefits that were accorded many married heterosexual couples. Like many other areas of lesbian and gay rights activism, NGOs developed to advocate for, provide services to, lesbian and gay immigrants, and several of these came to focus around the issue of binational same sex couples. In this dissertation, I show how advocacy efforts were largely produced by NGOs, and did not simply describe, but rather produced the binational same sex partner as a normative subject that could be recognized by the neoliberal state. In doing so,

NGOs helped to include some lesbian and gay citizens and immigrants into the nation without disturbing the fundamental, racialized dividing processes inherent in the regulation of immigration and citizenship.

Further, I bring ethnography to bear on this process to describe how encounters between NGOs and their constituents influenced how individuals who were marginalized by the law came to understand, and craft, themselves as subjects (for instance, here, the binational same sex partner). Ethnographic research with binational same sex couples reveals how individuals tapped into the discursive strategies and spaces made available by NGOs to form themselves as subjects and articulate their own demands on the state, even when they had critiques of these strategies and spaces; or when their own histories, relationships, and identities exceeded the normative bounds of NGO discourse. I analyze what I call participants' ambivalent attachment to NGO advocacy efforts, and I suggest that this ambivalence reveals the complex and intimate relationship between the state, NGOs, and their constituents in neoliberal times.

Intimate relations: The state, NGOs, and their constituents

I hurry towards the entrance of the Sheraton Hotel in Pentagon City near Washington D.C. on a muggy Thursday morning in May 2013. I am slightly out of breath; I accidentally got off the metro a stop early and had to nearly run the mile plus distance to the hotel to arrive on time. I stop in the lobby next to a large, dark wood reception desk to pull myself together and take a look around. Next to the elevator there is a sign with Immigration Equality's logo, directing people to the 16th floor. I step into

the elevator and press the button, smooth my hair, and take several deep breaths as I am carried up.

Today, I am attending a team leader training for Immigration Equality's Lobby Day in support of binational same sex couples. The purpose of our Lobby Day is to facilitate meetings between binational same sex couples and their Congressional representatives. In these meetings, couples are to ask their Congressperson to support the inclusion of binational same sex couples in immigration reform legislation, and/or to co-sponsor the Uniting American Families Act (UAFAs). Thus, the goal of this event was to gain new, as well as reinforce existing, political recognition and support for binational same sex couples.

The timing of this Lobby Day was particularly exciting because it took place during a critical moment for both immigration reform and same sex marriage rights efforts. It was merely weeks before the so-called "Gang of Eight," a bipartisan group of U.S. Senators, would suggest a new plan for comprehensive immigration reform legislation. Further, oral arguments had already been presented in the Supreme Court case *United States v. Windsor* (2013)¹, and legislators were anxiously awaiting the Court's decision that would come that summer. Not surprisingly, advocates for binational same sex couples saw this political moment as particularly crucial in eliciting support for same sex couples in the immigration context.

Later in the afternoon, nearly 100 individuals in binational same sex relationships will join us, and we will group together by state to prepare for the following day's excursion to Capitol Hill. However, this morning's training is for "team leaders,"

¹ *United States v. Windsor*, 570 U.S. __ (2013). This case overturned section 3 of the federal Defense of Marriage Act (DOMA), a decision that paved the way for the legalization of same sex marriage in the United States.

individuals who will accompany each group and help facilitate their encounters with state officials. Because I lived in New Jersey at the time, I was designated the team lead for the New Jersey contingent of constituent-couples. Our group was particularly significant because we were scheduled to visit one of the members of the “Gang of Eight,” Senator Bob Menendez (D-NJ), whose support was critical for the inclusion of same sex couples into any proposed immigration reform legislation.

Soon after I arrived, the team leaders gathered around three or four of the nearly twenty white tablecloth-covered round tables, which were arranged around a raised stage set with a podium, projection screen, and microphone. A young woman in her mid-twenties, professionally dressed in a dark gray skirt suit, stepped onto the stage. She introduced herself as an Immigration Equality staff member who would be leading the day’s training, with the assistance of Immigration Equality’s policy director. She immediately launched into a Power Point presentation that guided the morning session. While she spoke, servers in white button down shirts, black pants, and cummerbunds moved about in the back of the room, refreshing coffee and setting out morning snacks.

The presentation was professional; it provided general background information about Immigration Equality, and outlined the organization’s expectations for team leaders. The lead trainer also asked different audience members to join her on stage to participate in role-playing activities, wherein individuals self-consciously acted out for the audience various possible meeting scenarios. Although certain responses sometimes provoked a laugh or a catcall from the audience members, the lead trainer’s praise and admonitions about participant behaviors in these scenes made clear the parameters for

appropriate and inappropriate responses in our encounters with state officials and bureaucrats

The mornings' activities taught team leaders how to help marshal couples' personal experiences into a narrative form that Immigration Equality staff explained would be most likely to be effective in face-to-face meetings with government actors. This narrative was structured through a teleological storyline that detailed three components, including the initiation of the couples' relationship, their struggle to stay together, and a focus on their futures. First, team leaders were advised to instruct couples to open their statement with their "relationship story," in which they should touch on topics such as how they had met each other, when they fell in love, and the length of their relationship. The trainers emphasized that this part of the story should focus on the couples' committed relationship, with emphasis on its duration, quality, and intensity. Leaders were taught to encourage couples to use sentimental terms to convey feeling and a sense of urgency; however, we were also simultaneously cautioned that storytellers should not become overly emotional, as that would lessen their effectiveness. Next, couples should highlight how current immigration laws have impacted their lives. For instance, the trainers suggested that team leaders ask couples to consider how immigration restrictions have influenced where they live, their financial security, and/or familial relationships. Finally, couples were to articulate the ways that current legislation continues to impact their everyday lives and their futures. Trainers suggested themes such as uncertainty about the future, concerns about where the couple might live, fear about immigration status for the foreign national partner, as well as issues related to work and children.

In addition to learning the appropriate narrative frame, team leaders were also taught how to help members of our groups integrate particular political messages into their personal stories. Organizational representatives provided three talking points that could be modified to fit the situation, which included: “Americans should not have to choose between family and country;” “forcing Americans into exile in order to stay with their family hurts American families, business, and communities—and our country;” and “our families cannot be left behind, we must be included in any immigration reform legislation.” Team leaders were to encourage participants to think about how these phrases fit into their personal stories, and to help them actively incorporate them into their narratives in their encounters with government representatives. For instance, a constituent might describe how immigration laws have prevented their partner from living in the United States, and because of this the speaker is considering moving out of the United States to be with their partner. The speaker could then follow up with this statement, “forcing Americans into exile in order to stay with their family hurts American families, business, and communities—and our country.” In this way, political messages are transformed into personal experiences to which state actors would ostensibly relate.

I read this training session as more than simply a “grassroots” effort to gain political recognition for a disenfranchised group. Rather, it also functioned as a vehicle for ideological communication amongst NGOs, their constituents, and the state. The event worked to recruit individuals in same sex relationships where one person does not hold U.S. citizenship into the political category of the binational same sex partner. The Lobby Day event, and particularly the professionalized instruction about the form and content of the narrative, worked to a) teach participants the parameters of belonging to

such a group, b) illustrate to participants how to fashion themselves to be legible to the state, and c) connect individual couples to a wider constituency through shared experiences of legal marginality. This ethnographic moment thus captures the processes and relationships that are uncovered and analyzed in this dissertation, as it highlights the increasingly intimate interactions between state actors, NGOs, and their lesbian and gay constituents in the United States. Further, this vignette also crucially points to the extreme stakes involved in this intimate relationship between these groups—that is, nothing less than the rights that come with state recognition and national inclusion.

Building especially on the work of transnational feminist theorists and queer scholars and activists, I argue in this dissertation that NGOs that work with minoritized and disenfranchised populations, such as those serving binational same sex couples, do not sit not outside state processes of recognition, but rather are increasingly supplemental to neoliberal² processes of inclusion and exclusion that are often attributed to the state (Alvarez 1999, Bernal and Grewal 2014, INCITE! 2007, Kwon and Nguyen 2016). Further, I bring ethnography to bear on this process to highlight how the encounter between NGOs and their constituents can significantly influence how individuals who see themselves as marginalized by the law come to understand, and craft, themselves as subjects, or as represented by/reflected in an abstracted category of personhood that can be recognized by the state (for instance, here, the binational same sex partner). Together these analyses reveal that the NGO sector in the United States is not only an increasingly

² Neoliberalism, a set of ideologies that developed in the 1970s due to a crisis in state-centered markets, is made material through political and economic policies that emphasize individualism, strong property rights, free markets and free trade, with (theoretical) limitations on state actions and roles within these institutions (Evans and Sewell 2012, Harvey 2005).

important mediator between the nation-state and its inhabitants, but also, is a crucial site for the production and surveillance of a normative citizenry.

More specifically, this project interrogates how NGOs participate in the (re)production of normative gay and lesbian subjects as that which can be legible to the state, and it illustrates how LGBTQ-identified individuals negotiate these conditions as they seek to secure certain rights and protections for themselves. Indeed, the context of political advocacy for binational same sex couples is an ideal site to examine this process because the issue intersects debates about immigration regulation and LGBT rights, was directed in large part by NGO actors, and it foregrounds the high stakes of government recognition through the possibility of removal, or deportation, of the foreign national partner. In this dissertation, I trace the development of the binational same sex partner subject, and I show how it was constructed through intersecting norms about sexuality, gender, race, class, nationality, and immigration status³. I demonstrate how NGOs working with binational same sex couples used a sentimental politics to construct the binational same sex couple as includable in the nation, especially through their investments in normative family structures and in the economy⁴. Further, I argue that NGO activities such as these described here help to reproduce neoliberal imaginings of the nation that work to include normative lesbian and gay citizens without interrupting the racialized dividing processes inherent in the regulation of immigration and citizenship.

³ I mean to indicate the ways in which norms about gender, sexuality, race, ethnicity, class, and nationality, etc. are read through, and contingent upon, one another. For example, a white, wealthy, heterosexual male is differently positioned in relation to power than an undocumented female migrant laborer from Mexico in multiple respects concurrently.

⁴ i.e. as monogamous, marital partners and as laborers and conspicuous consumers

At the same time, ethnographic research with individuals in relationships considered binational same sex also reveals how the discourses produced by NGOs play a significant role in the ways that some LGBTQ-identified individuals make meaning about their position in relation to the state, and shape how some individuals formulate their own claims to state rights and recognition. Importantly, I neither intend to suggest that this is an overdetermined process nor desire to take away agency from those with whom I worked. Rather, in this project I show how a variety of individuals were able to tap into the discursive strategies and spaces made available by NGOs to form themselves as subjects and articulate their own demands on the state, even when they had critiques of these strategies and spaces, or when their own histories, relationships, and identities exceeded the normative bounds of NGO discourse. Further, interviews with couples often revealed an ambivalent attachment to NGO advocacy efforts, and I argue that this ambivalence makes visible how the conditions of neoliberal politics of recognition structure and shape individual acts and agency.

In this introduction, I offer a brief history of the development of political advocacy for binational same sex couples. This history demonstrates first and foremost the significance of NGOs to the development, and articulation, of political advocacy for binational same sex couples. The history of political advocacy in this context is completely imbricated with the formation of NGOs that were focused on this population. We can also see from this history that from the very beginning, political goals for binational same sex couples were framed by NGOs within a discourse of legal and political inclusion in existing state institutions/processes. Next, I locate my analysis within three main areas of critical inquiry: NGOs in the United States, queer migrations

and the politics of family, and LGBTQ citizenship and belonging in the United States. I continue on to discuss the project design and the multiple methods that I used in research, and I situate this project as a queer, engaged anthropological analysis. I conclude with a description of each chapter.

A Brief History of Political Advocacy for Binational Same Sex Couples

In telling the story of binational same sex couple history, NGO organizers often begin in 1975, when Richard Adams, a U.S. citizen, and his partner Anthony Sullivan, an Australian national, obtained a marriage license in Colorado. Adams filed an immediate relative family petition (I-130) for his spouse with the (then named) Immigration and Naturalization Services (INS). The INS denied his petition, crudely stating in their response that the respondents “failed to establish that a bone fide marital relationship can exist between two faggots.”⁵ Adams appealed this decision, and in 1982, the United States Court of Appeals for the 9th circuit upheld the INS ruling. One of the significant rationales the 9th circuit offered in their decision was the fact that “another provision of the [INA] allows for total exclusion of homosexuals from the United States.”⁶ So, if LGBT-identified (or suspected) immigrants were excludable as such, so too were their relationships with LGBT-identified U.S. citizens. This case both rested on a history of exclusion of immigrants based upon sexuality, as sexuality is constructed through intersecting hierarchies of gender, race, class, and nationality, and it introduced a politics of inclusion as the structuring terms for future advocacy for binational same sex couples.

⁵ U.S. Department of Justice, Immigration and Nationality Service, November 24, 1975

⁶ *Adams v. Howerton*, 673F. 2d 1036 (9th Circuit 1982)

Organized political advocacy on behalf of “binational same sex couples” started in 1994 with the creation of the Lesbian and Gay Immigration Rights Task Force (LGIRTF). The Legal Director of Immigration Equality described in an interview how the group started out with informal meetings at the LGBT Community Center in New York City’s West Village, which were focused on issues that LGBT persons, especially same sex couples, faced in the immigration context (interview with V. Nielson 12-10-2010). The initial organizational model was based on a relatively autonomous operation of local chapters, but soon the LGIRTF, later re-named Immigration Equality, consolidated to build a national constituency. Despite its broad name, from the beginning, immigration rights for same sex couples were a primary focus.

Organizers and advocates saw their first real victory on the national stage in 2000, when New York Representative Jerry Nadler (D-NY) and 59 co-sponsors introduced the “Permanent Partners Immigration Act” as H.R. 3650. While this particular resolution died early in the committee stage of debate, it gained enough support that it was reintroduced the following year with nearly double the amount of co-sponsors. Notably, in 2005, the bill name was changed to “Uniting American Families Act” (UAFA)⁷. From 2005-2013, iterations of UAFA were introduced in both the House and Senate, where it slowly but steadily gained support but never moved much further than the committee review stage. By 2011, many of the couples I spoke with expressed considerable pessimism at the possibility of gaining any help through Congressional reform of the immigration system.

⁷ This Act is a stand-alone piece of immigration legislation written specifically for same sex couples. It includes LGBTQ-identified immigrants in relationships with a U.S. citizen as “permanent partners” into the spousal preference category of family reunification.

In 2006, participants in the San Francisco-based chapter of Immigration Equality decided to create their own organization, Out4Immigration, in order to dedicate efforts to creating local awareness about the issue. Out4Immigration is an all-volunteer organization that was conceived as a vehicle to provide both education and advocacy to local communities about the issues facing binational same sex couples. One of the founding members described to me, “We found that knowledge about the issue was not very well understood locally. It had national lobbyists and others talking about this issue, but... it didn’t penetrate locally” (Interview with A. Lim 7-29-2011). Out4Immigration soon became the most notable west coast-based NGO for binational same sex couples.

Indeed, for many years, Immigration Equality and Out4Immigration were the two main organizations doing advocacy and service provision for binational same sex couples. For instance, mainstream LGBT-rights groups such as HRC and Lambda Legal had limited information on their websites about immigration barriers for same sex couples, but more often than not, they referred individuals to these two organizations as the authorities in matters of LGBTQ immigration. However, Immigration Equality and Out4Immigration have not always maintained the same interests in efforts to gain rights for same sex couples. From the beginning, the goal of Immigration Equality’s leadership was to lobby for the inclusion of same sex couples into the existing immigration law structure through the preference category of family. Not only was Immigration Equality invested in immigration reform efforts as the most likely venue for change, for many years they actively counseled couples against same sex marriage as a means to fight for recognition in the immigration context.

On the other hand, while Out4Immigration has been a staunch supporter of the Uniting American Families Act (UAFAs), as well as an organized force in fighting for the inclusion of binational same sex couples into any proposed versions of comprehensive immigration reform bills, one of the organization's founders described how the Out4Immigration was started in part to help move the conversation about binational same sex couples from the immigration context to marriage equality. He elaborated that while organizers for Immigration Equality "had the notion initially that they didn't want to confuse the issue with marriage equality, we felt different locally" (interview with A. Lim 7-29-2011). Out4Immigration's localized campaign messaging thus focused on DOMA (the Defense of Marriage Act) as the significant mechanism that denied same sex couples rights, one of which was access to immigration benefits. The organization's Communications lead clarified, "it is the word 'spouse' that's keeping us from getting the full federal legal rights, and with that, the immigration rights" (Interview with K. Drasky 8-6-2011).

By 2010, same sex marriage rights campaigns were in full swing in the United States and several DOMA challenge cases were being prepared for potential Supreme Court action; same sex marriage started to gain an unprecedented cultural capital. This same year, one of the original co-founders of Immigration Equality began a new organization with his business partner. Named The DOMA Project, it was the youngest campaign in binational same sex couple advocacy, but it potentially had some of the greatest force in its impact on prevailing advocacy strategies.

As its name suggests, The DOMA Project positioned the federal definition of marriage as the major source of discrimination against binational same sex couples. The

founder explained to me in an interview that the group was designed to raise awareness about the impact of DOMA on LGBT-identified spouses. The DOMA Project thus channeled significant time and resources to the overturning of DOMA as the winning strategy for binational same sex couples. This organization's directed advocacy campaign strategy was hugely transformative for the movement, and I will show in the following chapter how it helped to shift political engagement around binational same sex couples away from immigration legislation reform and towards a focus on marriage equality.

From 2011- 2013, during the time of my fieldwork, there was an unprecedented possibility for state recognition of binational same sex couples. Legal challenges in the Courts, the increasing visibility of same sex marriage advocacy, and the public marriages of lesbian and gay couples in places like Massachusetts rendered gay marriage a political currency it had not had before. NGOs working with binational same sex couples wanted to make sure their constituents were connected to these developments. In February 2011, President Obama announced that the Executive branch of the U.S. government would no longer defend the constitutionality of DOMA. In a letter to Congressional leaders, U.S. Attorney General Eric Holder argued on behalf of the Executive branch that, "classifications based on sexual orientation warrant heightened scrutiny and that, as applied to same sex couples legally married under state law, Section 3 of DOMA is unconstitutional."⁸ DOMA provided legal teeth to the assertion made in *Adams v. Howerton*⁹ (1982, above)—that marriage in the immigration context is only legally recognized between opposite sex partners.

⁸ Holder, Eric H., Letter from the Attorney General to Congress on Litigation Involving the Defense of Marriage Act. U.S. Department of Justice, Office of Public Affairs, February 23, 2011.

⁹ *Adams v. Howerton*, 673F. 2d 1036 (9th Circuit 1982)

At the same time that Obama's administration declared DOMA unconstitutional, the immigration system also made public its new immigration enforcement priorities. For instance, in March 2011, John Morton, Director of Immigration and Customs Enforcement (ICE), issued the first of two significant memos. This first memo outlined the agency's new priorities for immigration enforcement, and made public record internal agency decisions about which "categories" of immigrants should be targeted for removal. Notably for my analysis in later chapters, these categories included immigrants who, "pose a danger to national security or a risk to public safety," "recent illegal entrants" and immigrants who are characterized as "fugitives."¹⁰ The second memo, issued in June 2011, outlined factors for agents to consider in the exercise of "prosecutorial discretion," or the ability of the prosecuting agency to decide *not* to remove an immigrant. Preferred immigrants include individuals with a long presence in the United States, those who have relationships with U.S. citizen family members, and people with significant ties to the community.¹¹ After increased pressure from NGOs such as Immigration Equality, Out4Immigration, and The DOMA Project, as well as, notably, from large businesses and other governmental actors, several months later in August 2011 ICE also publicly announced that same sex partners would be considered familial relationships for the purposes of immigration prioritization and determinations about prosecutorial discretion.

Like previous immigration policies and practices, together the two Morton memos along with Eric Holder's letter to Congress worked to include and regulate certain forms

¹⁰ Morton, John, Memo: Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and the Removal of Aliens. U.S. Immigration and Customs Enforcement memo written for all ICE employees, Policy number 10072.1, March 2, 2011.

¹¹ Morton, John, Memo: Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens. U.S. Immigration and Customs Enforcement memo written for all Field Office Directors, all Special Agents in Charge, all Chief Counsel, Policy number 10075.1, June 17, 2011.

of sexual difference while simultaneously elaborating the following racialized subjects that were to be excluded (see for instance, Luibhéid 2008, Somerville 2005). The first Morton memo outlined categories of immigrants that were to be targeted for removal, including those who were a “danger to national security” and “illegal entrants;” terms that, in post-9/11 rhetorics, carry significant racial and geopolitical connotations. The national security threat, read as Middle Eastern/Arab/Muslim, and the illegal entrant, read as Mexican, are each racialized subjects that figure prominently in contemporary immigration enforcement priorities. Conversely, the second Morton memo and the Holder letter together work to draw into the nation some LGBT-identified migrants, so long as the individual is in a marriage-like relationship with someone who holds U.S. citizen or Lawful Permanent Resident (LPR) status, has not committed any crimes and has a strong connection to their communities.

However, most mainstream NGOs that worked with binational same sex couples, including the ones described in this dissertation, interpreted the two Morton memos and the letter by Eric Holder more narrowly as constituting a notable symbolic show of the potential for state recognition for same sex couples in the immigration context. For instance, in the wake of these announcements, The DOMA Project and then Immigration Equality began to submit family-based petitions for the foreign national partners of same sex couples.¹² In addition, Immigration Equality made several public appeals to the Obama administration to hold green card applications for same sex couples in abeyance¹³ pending higher court determinations about the legality of same sex marriages. Finally, in

¹² An I-130 is a “Petition for Alien Relative” and is the document that one uses to apply for immigration status for a family member.

¹³ IE asked the Executive branch to hold applications in abeyance, or to refrain making any decision about submitted cases, until a decision was made in the higher courts.

2013, Immigration Equality worked with *pro bono* attorneys to file a federal lawsuit on behalf of five binational same sex couples that challenged the constitutionality of DOMA.

In March 2013, the U.S. Supreme Court heard oral arguments in *United States v. Windsor*¹⁴, and ultimately ruled that section 3 of DOMA was unconstitutional. This meant that the federal government could not define marriage in a way that contravened state definitions, and thus could not define marriage as solely between a man and a woman. This ruling enabled some same sex couples, who could get married in a state that recognized same sex marriage, to access immigration benefits reserved for spouses.

Although this narrative might suggest a linear progression from less to increasing recognition, this dissertation considers the effects of this movement on the individuals who were impacted by it, as well as on LGBT political organizing more generally. In the following section, I situate my analysis within three areas of academic inquiry that help to tease out these relations: NGOs in the United States, queer migrations and the politics of family, and LGBTQ citizenship and belonging in the United States.

NGOs in the United States

In the past 50 years, the United States has seen a significant proliferation of NGOs, including institutions formally designated as “nonprofit organizations” [501c(3) or 501(c)4 status] as well as other tax-exempt groups (Beam 2016, Chávez 2013, Fisher 1997, Smith 2007). Over time, these organizations have become important sources for

¹⁴ *United States v. Windsor*, 570 U.S. ____ (2013). The Court ruled that section 3 of the Defense of Marriage Act (DOMA) was unconstitutional such that the federal government could not define marriage in a way that contravened state definitions.

social welfare service provision and advocacy for marginalized populations, though various scholars have pointed out how these efforts are largely dependent on funding provided by big business, philanthropic foundations, and wealthy private donors (Beam 2016, Bernal and Grewal 2014, Chávez 2013, INCITE! 2007, Mananzala and Spade 2008, Nair 2010, Vaid 1996). The development of NGOs to serve individuals in relationships considered binational same sex must necessarily be situated within the rise of NGOs more generally, and within the increase more specifically in NGOs that claim to serve and/or represent the interests of LGBTQ-identified persons and communities within the United States.

Although the name “non-governmental” presupposes its location as external to the state, feminist, and more recently queer scholars and activists have argued that the NGO “does not operate apart from the state, or its art of governance” (Kwon and Nguyen 2016, 4). Victoria Bernal and Inderpal Grewal likewise elaborate this connection when they suggest, “the NGO form produces and converts what is outside the state into a legible form within a governmentality that parallels official state power” (2014, 8). This critical approach to the study of NGOs has roots in feminist analyses of social movements that formed around women’s issues in a variety of national and particularly postcolonial contexts. In the mid- to late-1990s, transnational and women of color feminists began to analyze what they referred to as the “NGOization” of women’s social movements, especially in the global South (Alvarez 1999, Bernal and Grewal 2014, Hodžić 2014). In a recent essay, Sonia Alvarez clarified that the term “NGOization” as she and others used it then did not only signal the proliferation of NGOs, but importantly, it also foregrounded “national and global neoliberalism’s active promotion and official

sanctioning of particular organizational forms and practices among feminist organizations and other sectors of civil society” (2014, 287). These evaluations of NGOization highlighted its impact on women’s organizing in various national contexts, noting the increased bureaucratization and professionalization of social movements, the relationship between NGOs and western ideologies and practices of development, and especially the depoliticizing effects of the institutionalization of women-centered social movements in postcolonial contexts (Alvarez 2014, Hodžić 2014).

More recently, feminist and queer scholars and activists have built on these concerns in their analyses of what they term the “non-profit industrial complex,” or NPIC, in the United States. Dylan Rodriguez clarifies that the term NPIC is used to connect the emergence of the Prison Industrial Complex (PIC) to the “industrialized incorporation of pro-state liberal and progressive campaigns and movements into a spectrum of government-proctored non-profit organizations” (2007, 21). Critics of the NPIC argue that neoliberal economic and political policies create an uneasy relationship between non-profit organizers and the U.S. state, wherein the NPIC works to “maintain politics and institutions of oppression” that are promoted by the state “while pushing organizations to provide basic services that quell unrest” (Mananzala and Spade 2008, 56). Scholars and activists including Myrl Beam (2016), Karma Chávez (2013), the INCITE! Collective (2007), Rickke Mananzala and Dean Spade (2008), and Yasmin Nair (2013) have demonstrated how non-profit organizations’ reliance on private funding for operation and/or service provision ultimately privileges the voice, and priorities, of those with money, and thus entrenches the relationship between NGOs, the state, and capital.

Myrl Beam describes how this has impacted social movement organizing in the United States,

“The massive expansion of the nonprofit system in the United States since the 1950s has had a substantial impact on social movements, as activist organizations are incorporated into the nonprofit structure and therefore become reliant on corporate, state, and foundation funding for their continued existence. All non-profit organizations, even small, politically radical grassroots organizations, are implicated in this web of state power, private wealth, and the disciplining function of charity.” (2016, 3)

That is, the relationship between non-profits and capital work in tandem with state sponsored neoliberal politics of recognition to “discipline” social movements, making them more palatable to private donors, large funders, and the state. In this process, radical social justice efforts often lose their edge. Critics of the NPIC have thus both drawn on and added to the critiques of NGOization that were initiated by women of color and transnational feminists in the late 1990s.

In particular, I am interested in how these relationships have influenced specifically LGBT and queer social movements and activism. I build on the tradition of scholars like Urvashi Vaid (1995), who describes how the rise of HIV/AIDS activism in the 1980s significantly influenced the organizational turn in LGBT advocacy. Vaid (1995) notes particularly how the issue of HIV/AIDS increased the participation of upper-middle class and professional gay men and lesbians in lesbian and gay rights organizing more generally. Although Vaid is careful to affirm the contributions of these individuals, she also describes how the class and political philosophies that they brought to the organizations “made the post-AIDS movement more conservative in at least three ways: by the reformulation of the liberation-oriented goals into reform, by the substitution of institution building for movement building, and in their outright rejection

of grassroots political organizing as the best means to build gay and lesbian power” (1995, 91). For instance, Vaid tracks the development of the Human Rights Campaign Fund (HRCF), an organization that catered to middle class gay men and lesbians (and is now the most well funded LGBT organization in the United States) as an example of this turn. She concludes, “Who has the money controls the agenda. If the selfish interests of a wealthy gay elite dominate the operations and politics of national organizations, then working-class or middle-class queers lose national voice” (Vaid 1995, 93).

In *Queer Migration Politics*, Karma Chávez (2013) similarly evaluates what bodies, issues, and experiences get included and excluded in the organizational turn in LGBT/queer politics. Chávez analyzes queer activist Yasmin Nair’s critique of what they term the Gay Non-Profit Industrial Complex (GNPIC). Both Nair and Chávez are highly critical of the ways in which the non-profit model has become the only option for “legitimate” LGBT advocacy, and argue that it ultimately works to expand, rather than destroy, structures of privilege (Chávez 2013). In conversations with Chávez, Nair laments the loss of a radical queer politics as LGBTQ social movements have become trapped within the GNPIC. Nair notes the professionalization of NGO workers, the “hierarchical structure” of organizations such as HRC, and their “single issue focus” as particularly insidious workings of the non-profit industry in LGBT political organizing (Chávez 2013, 73-74). Further, like Vaid (1995) above, Nair makes visible the links between the shift to organizational structures and capital when she argues that these factors are necessarily impacted by the visions of belonging imagined by wealthy board members and funders.

Myrl Beam most explicitly connects the factors mentioned above to the trend of a normative political orientation based on inclusion in contemporary LGBT social movements when he argues that the “non-profitization of queer organizing” is “a key, and often overlooked engine of the homonormative turn in queer politics” (2016, 2). Beam (2016) explains that the institutionalization of queer social movements within the non-profit form has promoted an LGBT identity-based politics that is based on gay and lesbian inclusion in the nation routed through capitalism and kinship. Crucially, for Nair, Beam, and others, these factors are directly linked to the rise of marriage as the most important issue in LGBT political advocacy. Notably for our discussion here, Karma Chávez (2013) specifically points to how these factors led to an inclusionary form of politics in the realm of queer immigrant advocacy-- they promoted a primary interest in policy reform specifically for binational same sex couples.

These critiques start to help us to see how the relationship amongst the state, NGOs, and capital not only works to “institutionalize” and “depoliticize” the radical potential of queer social movements, but also functions to construct and police proper gay and lesbian subjects of the state. It follows, then, that in order to access state rights and recognition, LGBTQ-identified persons must fashion themselves to fit the (normative) subject position that is produced by the NGO. For instance, as we can see in the Lobby Days vignette above, individuals had to learn the proper narrative form and content in order to position themselves as binational same sex couples. Soo Ah Kwon and Mimi Thi Nguyen describe this process in greater detail, “Under neoliberalism, the nonprofit is recruited to manage the otherwise *almost* ungovernable, targeting and training those

populations to transform their conduct as well as their sensibilities so that they manage themselves as proper (civic, sexual, or laboring) subjects” (italics in original, 2016, 4).

As Kwon and Nguyen’s quote demonstrates, it is the “almost” ungovernable, those who are on the edge of national belonging, that are imagined by NGOs as potential constituencies. The completely ungovernable are not the ones who are acknowledged by NGO efforts, rather, they are indeed pushed further to the margins of recognition in part through the work of NGOs. Further, as I demonstrate throughout the dissertation, NGOs do not merely “manage” their constituencies, but rather, drawing on the work of Karma Chávez (2010), I show how NGOs that are focused on LGBT issues, especially those that engage in political advocacy activities, make use of certain rhetorics, images, and texts to *produce* the normative lesbian or gay subject that can be included in the nation.

However, I also argue in this dissertation that this process is not always already determined. Building on recent feminist critiques of the NGOization paradigm, I suggest that we have to look at specific organizations in specific locations and analyze their actions and intentions in context to understand the dynamics at play (Alvarez 2014, Sharma 2014). Further, I draw on scholars who have argued that, in addition to doing the work I have already described, NGOs may also provide conditions for the production of new, potentially unruly, subjects (Joseph 2002, Ong 2003, Sharma 2014). Aihwa Ong, for instance, draws on but also goes beyond Foucault to describe the construction of the refugee in the United States. She argues,

“There is a continual give-and-take in the power relations between the agent and the subject in the panoply of institutional contexts. The gaze of the expert or the state is never as comprehensive anywhere, including clinics and prisons. The individual is never totally objectified or rationalized by state agencies and civic associations, nor can the individual totally escape the power effects of their regulatory schemes. But Foucault too rarely tells us how subjects resist the

schemes of control, or how their tactics and outcomes are culturally creative, and frequently surprising.” (2003, 17)

Similarly, Miranda Joseph avoids an overdetermined analysis of NGO activity in relation to the formation of subjects. She explains that “as sites of performative production nonprofit practices make present multiple and multivalent individual and communal subjects. They produce diverse and particular subjects and social formations” (2002, 73-74). The analyses by Ong and Joseph provocatively indicate that, though the structural conditions may provide for normative subject production, this is not always already the outcome.

Queer Migrations and the Politics of Family

In addition to building on analyses of NGOs in the United States, this project is in direct conversation with the growing field of queer migration studies. Queer migration studies scholarship intervenes in both sexuality studies, by centering “the role of migration in constructing sexual identities, communities, politics and practices,” as well as migration studies, by considering “how sexuality structures all migration processes and experiences” (Luibhéid 2008, 171). Using this double lens, theorists have demonstrated that the U.S. immigration service did not simply describe, but rather worked to produce intersecting hierarchies of normative sexuality, gender, race, and class. Further, scholars have demonstrated that the heteronormative standards police not only arriving immigrants but also those already residing within the nation-state. Eithne Luibhéid clarifies,

“since it’s inception in the late nineteenth century, federal immigration control centrally focused on sexuality as a ground for controlling newcomers’ entry. But

sexuality always operated in tandem with gender, racial, class, and cultural considerations... it did not simply apply preexisting gender, racial, class and cultural categories to individuals, but rather actively participated in producing these distinctions and linking them to broader processes of nation-making and citizenship” (Luibhéid 2005, xvi)

Notably, the norms promoted and produced through this system are not static and immutable, but rather transform over time (Lowe 1996, Luibhéid 2002, Rand 2005).

Further, scholars interrogate how the immigration law and policies that produced normatively racialized, classed, gendered, and sexualized subjects were intimately linked with labor and capital in the United States (Cantú 2009, Reddy 2011).

U.S. immigration policies that define “family” are an important site for a queer, intersectional analysis of sexuality and migration. In our current immigration system, “family” is one of the most significant categories of lawful migration. Amidst the increasingly strict policing of borders and immigrant bodies, family-based migration accounts for over two-thirds of documented migration to the United States (Kandel 2014). Further, legal definitions of family have been a *de facto* means of excluding individuals with non-normative sexual identities, histories, and/or who have engaged in non-normative sexual practices. However, as the theorists discussed below argue, family is also a mechanism that is used by the state to produce normative citizen-subjects.

Notably, immigration policies about family are ideological. As migration scholar Catherine Lee argues, “Family reunification is an expression of what constitutes a legitimate family, which families should be united, and whether such families should be allowed to join the nation” (2013, 6). In immigration law, the concept of family is figured through intersecting hierarchies of gender, sexuality, race, class, ethnicity, and nationality (Luibhéid 2008, Yue 2008). This means that only certain families are able to take

advantage of family reunification benefits; such as those who already have an appropriate category of family member living in the United States, possess some degree of economic and cultural capital, and can adhere to heteronormative standards of monogamy, intimacy, and reproduction.

However, as discussed above, policies around family do not only describe; they are also productive. I draw in this dissertation especially on the work of Eithne Luibhéid, who elaborates how immigration law's focus on sexuality, especially as it is regulated through family, functions to construct immigrants as subjects of the state. In a special "Queer Migration Studies" edition of the journal *GLQ*, Luibhéid argues that "recognized couple relationships provide a technology for the state and its assemblages to manage the risks associated with immigration and to transform legally admitted immigrants into 'good' neoliberal citizens—while threatening those who do not measure up with potential illegalization" (2008, 180-181). Understanding this dynamic enables us to see more clearly the complexities embedded in an NGO-led political advocacy campaign that is based on gaining inclusion in existing legal definitions of family for binational same sex couples. As Luibhéid cautions, "these dynamics raise important questions about citizenship, surveillance, discipline, and normalization that merit consideration by those struggling for recognition of same sex couples within immigration law" (2008, 299).

Not only do family reunification provisions work to produce good citizen-subjects, but queer scholars of migration and citizenship also describe how family reunification policies conceal the relationship between migration and labor/capital and thereby sustain fundamental social and economic inequalities. For example, Chandan Reddy argues,

The effect of creating economic factors to pull immigrants in, while at the same time using bureaucratic categories like family reunification to code that migration as essentially produced by the petitioning activity of immigrants already living in the United States, is to meet the country's need for immigrant workers while projecting the state as either a benevolent actor that is reuniting broken families or as an overburdened and effete agent that is unable to prevent immigrants' manipulation of its democratic and fair laws (2011, 159).

Reddy highlights the continuing relationship between economic capital and migratory flows, linking the centering of family in U.S. migration policy to U.S. exceptionalism and the need for cheap labor. His analysis suggests that the marking of migration as based on family simultaneously positions it as not related to labor, a move that not only legitimates family-based migration, but also masks the actual political and economic relations at play. Activist, author, and cultural critic Yasmin Nair (2010) also points to the links between migration, family, and economics in an essay that calls out advocate's use of sentimental political rhetorics around family to argue for queer/immigrant inclusion in immigration policy. Nair argues, "The rhetoric of 'family reunification' erases the labor issues that are integral to how families work within their adopted neighborhoods and cities. By rendering the family in affective terms, we're allowed to forget that neoliberalism increasingly deploys entire families as labor" (2010, 6). Nair's critique is key for our discussion here, as it points to the crucial role of the family more generally in neoliberal societies.

This point is further elaborated by feminist and queer theorists who position the family as both the literal site of national reproduction through activities of childbearing and childrearing, and as a main arbiter between state power and free market capitalist production (Eng 2010, Jakobson 2002, Joseph 2002, Reddy 2011, Rubin 1979). Further, it is a crucial site for the production of normatively racialized, gendered, and sexualized

subjects, and it constitutes a space where individuals learn to negotiate and manage ongoing social disparities (Eng 2010). These critiques of family illuminate how existing definitions of kinship within immigration law enables a forgetting, a side-stepping of the role of capital and labor that is always already embedded in the ideology of the nuclear family and in immigration preferences; this might give cause to reconsider the advantages for LGBTQ-identified persons to fight for inclusion within it.

LGBTQ Citizenship and Belonging in the United States

To be sure, the discussion of political advocacy for binational same sex couples is a story of migration and immigration policy. However, it is also a story of citizenship and national belonging. As I show in later chapters, NGO advocacy tactics shifted during my research from a focus on immigration legislation and reform to a focus on same sex marriage. With this shift, the rights of citizenship bestowed by marriage, and particularly the rights of the U.S. citizen partner, became an organizing theme of advocacy campaigns. This type of construction of the issue works to position binational same sex couples as yet another target in a history of legal discrimination and exclusion of LGBTQ-identified persons and communities (or those with an imputed same sex sexuality) in the United States.

Much like immigration regulations, citizenship is by its very nature exclusionary. Although the exclusions inherent in citizenship are perhaps most evident in moments where citizenship is legally denied or taken away from an individual, it can also be explored through the experiences of individuals who are sometimes referred to as “second class” citizens. Linda Bosniak clarifies,

“The argument is that certain marginalized social groups may now enjoy nominal citizenship status, but their members are, in fact, afforded less in the way of substantive citizenship than other’s in society—either by way of directly unequal treatment (e.g. gays and lesbians in the United States) or through a legal system which treats certain social domains where de facto inequality prevails (e.g. the ostensibly private spheres of family, economy, and culture) as falling beyond the constraints of citizenship altogether” (2003, 14).

As Bosniak’s quote suggests, lesbian, gay, bisexual, transgender and/or queer identified persons who hold U.S. citizen status are one group that may not enjoy the full rights and privileges that are associated with citizenship. In a similar manner, Shane Phelan refers to LGBT-identified U.S. citizens as “strangers” to the nation, who “confront legal exclusions and failures of enforcement within an environment that makes those exclusions and failures less socially stigmatized than their victims” (2001, 24). In other words, theorists have described how LGBTQ-identified persons have historically been perceived as ambiguous and threatening to the nation-state, and thus are often differently positioned in relation to citizenship (Alexander 1994, Phelan 2001).

However, in the past decade alone, the United States has seen scores of “successful” claims from LGBT-identified individuals who use legal mechanisms to call for rights and recognition from the state. “Out” participation in the military via the overturn of Don’t Ask, Don’t Tell (DADT) and the Supreme Court decisions in *Windsor v. United States* (2013) and *Obergefell v. Hodges* (2015) are but a few recent historical examples of how LGBT- identified persons have claimed rights and privileges traditionally associated with citizenship. Although mainstream LGBT-rights advocacy campaigns often position these developments within a progress narrative of ever-expanding recognition for sexual minorities, queer and feminist theorists have offered alternative readings of the possibilities for, and conditions of, lesbian and gay inclusion in

the nation (Berlant 1997, Brandzel 2016, Duggan 2002, Eng 2010, Puar 2007). For instance, Lisa Duggan coined the term “homonormativity” to describe “a politics that does not contest dominant heteronormative assumptions and institutions, but upholds and sustains them, while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption” (2002, 50). Duggan’s analysis notes how gay and lesbian politics are not necessarily radical or oppositional to state practices, but rather, and importantly for the analysis here, can work to “uphold and sustain them.”

Jasbir Puar (2007) extends Duggan’s insights to analyze the shift in the relation between the U.S. nation-state and especially gay and lesbian subjects. Puar develops the concept of homonationalism to point to the intimate and complex relationship between U.S. practices of empire and the expanding legal and political rights accorded certain lesbian and gay subjects. Though access to the nation for queer subjects is regulated through intersecting racial, class, gender, and geopolitical hierarchies, Puar argues that the possibility for queer inclusion in the nation is intimately tied to nation-building projects that mark certain bodies as includable, and racialized, sexualized others as excludable. Puar clarifies, “The cultivation of these homosexual subjects folded into life, enabled through ‘market virility’ and ‘regenerative reproductivity’ is racially demarcated and paralleled by a rise in the targeting of queerly raced bodies for dying” (2007, xii). Further, Puar reveals how, in a post-9/11 world, the U.S. state uses the incorporation of normative gay and lesbian subjects into the nation to justify military and political interventions as well as other practices of empire around the globe¹⁵. Puar’s analysis of

¹⁵ Puar analyzes the increasing state-level political acknowledgement of some lesbian and gay individuals as related to U.S. military interventions and practices of empire. She argues that the inclusion of

homonationalism suggests that we give a deeper consideration of the forces, and the stakes, at play in the inclusion of same sex couples into existing immigration law, and ultimately, into “full” citizenship, through marriage. This is particularly the case if we read these changes alongside the contemporaneously increasing removal (deportation) rates of immigrants more generally¹⁶.

Doing Research in the Field

This dissertation is an extension of my commitment to social justice, particularly as it relates to immigration rights and the variety of issues that might be addressed by an intersectional model of queer political organizing. Indeed, I began this research project in large part because in the early 2000s I witnessed the struggles of a close friend whose same sex partner could not get permanent immigration status in the United States because he could not fit into existing immigration laws. The emotional insecurity, the financial costs, the mental calisthenics involved in weighing limited available legal options—the toll on both partners was greater even than I realized at the time. They were one of the “lucky” ones; the foreign national partner was able to access visas in other ways outside their relationship. Even still, I watched them cycle through various visas and renewals, look for alternative possibilities for employment, and consider moving outside the United States (again) in order to remain together. Yet, I also saw them organize and participate in advocacy efforts to fight for rights for individuals in relationships considered

homosexuals enabled the U.S. to continue to position itself internationally as liberal, tolerant of difference, and as a harbinger of “freedom” that justified its actions of torture, like Abu Ghraib, as well as its military interventions overseas.

¹⁶ During Obama’s first term as President, the immigration service reported record numbers of deportations. For instance, an annual report for U.S. Immigration and Customs Enforcement (ICE), the enforcement arm of the immigration apparatus, detailed how in fiscal year 2012, the Department of Homeland Security removed 419,000 foreign nationals from the United States (Simanski and Sapp 2013).

binational same sex, and I was moved by their passion and awed by the level of opposition they faced.

I chose New York City as the site for this research largely because it was where the headquarters of the NGO Immigration Equality were located, and thus it was the center of much of the political action for binational same sex couples. Not only did I see the organization as a useful anchor for my research within the sea of identities, politics, and experiences that can be collected under the term binational same sex couple, but also, I thought that the histories of both immigrant and LGBTQ rights activism within the city would make it an especially relevant space to meet/find potential research participants. In June 2009, I conducted preliminary field research in New York. During this brief prelude to full dissertation research, I interviewed two individuals that worked at NGOs and handled issues related to binational same sex couples: the coordinator for immigrant services at the Manhattan LGBT Community Center, and the Executive Director for Queers for Economic Justice. I also interviewed three individuals in binational same sex relationships. These loosely structured interviews consisted of open-ended questions about political advocacy for binational same sex couples to help me get a sense for the issues at stake for them. This year also happened to be the 40th anniversary of the Stonewall riots in the West Village, and the month of June saw a host of activities related to LGBTQ history and pride, which provided me with ample opportunities to be in and around LGBTQ spaces in New York City. The interviews and the moments of participant observation raised questions about the role of NGOs in advocacy and politics, the relationship between NGO discourse and individual claims to rights and recognition, and

the meaning making processes that couples used to understand their position in relation to the nation-state, which guided the research design for the larger project.

My “official” dissertation research took place from 2011-2013, and New York City was my primary fieldsite. However, because the politics around binational same sex couples operated on a national scale, and because the issue of binational same sex couples is one that is also about mobilities and migrations, I felt that the project too could not be contained within specific geographic boundaries. I thus extended my research design to include couples and organizations in others states as well as couples that lived outside the United States.

As is so often the case in anthropological research, there was a bit of luck in that I happened to be in the right place at the right time. My research from 2011-2013 also coincided with the two years leading up *United States v. Windsor*¹⁷. During this time myriad small political victories for binational same sex couples occurred; each of which operated as moments of potentiality that galvanized advocates and couples alike. These symbolic “wins” were incredibly motivating for the people involved and produced a sense that change was not located in some distant future, but rather, was imminent. This was thus a crucial period to be in the field, and it provided me an up close, real time opportunity to see both how advocates and service providers worked to construct the binational same sex couple as recognizable to the neoliberal state, and simultaneously to evaluate how couples themselves perceived and related to (or not) the figures and spaces produced by these discourses. Importantly, watching how this change moved also told me a lot about the shifting position of LGBT-rights discourses more generally within neoliberal politics of recognition.

¹⁷ *United States v. Windsor*, 570 U.S. __ (2013).

In order to get at the various levels of action and discourse in this project, I utilized multiple methodologies to access individual, organizational, and state rhetorics and practices. I employed what anthropologist Hugh Gusterson refers to as “polymorphous engagement,” which entails “interacting with informants across a number of dispersed sites, not just in local communities, and sometimes in virtual form; and it means collecting data eclectically from a disparate number of sources in many different ways” (1997, 116). Polymorphous engagement enabled me to draw on multiple sources and sites of information for this project.

First, I conducted in-depth, ethnographic interviews with at least one partner of twenty-six binational same sex couples¹⁸ as well as with ten service providers and/or advocates who work with this community. I met most of my participants specifically through a connection to an NGO, such as, at a meeting or sponsored event, through a referral, contact from a flyer placed at an organization, an email blast to a listserv, or other. This means that most people that I met and interviewed were already connected to or at least familiar with the prominent discourses around immigration reform for binational same sex couples. Although I informally talked with a greater number of individuals in relationships considered binational same sex, many were unwilling to participate “on the record” for fear of having evidence that could be against them by the immigration service, and I respected that concern. Further, I was much more successful finding participants through connections to NGOs that were focused on “gay” populations (i.e. Immigration Equality) rather than NGOs that were focused on “immigrant” populations (i.e. community, cultural, and race/ethnicity group-based

¹⁸ Due to the reality of immigration control and enforcement in the United States, all couple-participants in this dissertation are given pseudonyms to protect their anonymity.

organizations). Thus, my participant group is skewed towards those who particularly identify as lesbian, gay, or queer.

My interviews with couple-participants largely focused on their experiences moving through or around the immigration system and their opinions about political advocacy for binational same sex couples. Interviews began with questions about demographics, and moved on to questions about their relationship, their migration history, and their thoughts about rights for binational same sex couples. Although in early interviews I also asked about their relation to New York City, it soon became apparent that couples were much more interested in explicating and problematizing their position in relation to the U.S. government and talking about advocacy efforts. They often did not elaborate on questions about daily life in the city, and similarly, often attributed living there to some factor external to their relationship with each other, such as employment, education, or other life circumstance. Interviews with couples enabled me to identify the barriers that couples experienced in the immigration system, and the strategies that they used to move around them. Notably, all of the participants spent significant time explaining how they perceived their position in relation to broader debates about immigration reform and same sex marriage rights, and pointing to strategies and actions they saw as necessary in order to gain rights.

Interviews with ten individuals who worked at related NGOs focused on the history of the organization, descriptions of organizational efforts to advocate for binational same sex couples, and personal experiences in service provision and advocacy for queer and/or immigrant communities. I freely adapted interview questions to fit the

specific context and/or person being interviewed¹⁹. Interviews and informal discussions with NGO actors within the world of LGBTQ/ immigrant advocacy revealed deep divides in approaches to advocacy and particularly around the centering of strategies that are elaborated in this dissertation. NGO representatives working specifically with binational same sex couples tended to use the various discourses described in this dissertation, while NGO actors that worked with broader constituent bases often expressed concern about the framing of the issue of binational same sex couples, and the potentially exclusionary effects this framing may have on other persons and communities. These competing viewpoints also helped me to see yet another layer of complexity within advocacy discourse and practice.

Second, I combined the information I received from interviews with extensive participant observation in contexts of political advocacy for binational same sex couples. Because of the nature of my research population and field site, I did not have regular opportunities to spontaneously engage in participant observation with binational same sex couples. Immigration Equality, the most well known NGO that provided services to binational same sex couples, became the space at which I could frequently engage with the discourses and rhetorics that were being used in political advocacy campaigns. For nearly two years I volunteered weekly at Immigration Equality's headquarters in New York. Initially, I was assigned perfunctory tasks such as data entry and basic country conditions research. However, soon after I started, the organization hired an attorney that was dedicated to working legal cases for binational same sex couples. I quickly began

¹⁹ The goal of these interviews was to get the participant's opinion about current advocacy, legal, and policy efforts *as representatives of a relevant organization*, and thus when possible I avoid using personal names.

working with him, assisting him with the preparation of family-based immigration petitions for same sex couples, as well as conducting research for public talks and other advocacy endeavors. In addition to participation in the day-to-day processes at Immigration Equality, over the two years I also participated in numerous political and social events related to binational same sex couples in New York and Washington, DC. These events often were sponsored by Immigration Equality and/or other NGOs, and included taking part in Immigration Equality's 2012 "Lobby Day" in Washington DC, marching with Immigration Equality constituents in the New York Pride Parade, lending a hand at phone banks and other relevant volunteer events, attending fundraising and advocacy events, and being present at various presentations and panels that featured pertinent NGO actors across New York City.

Third, in addition to ethnographic forms of research, I also created an archive of public documents about binational same sex couples. In particular, I focused on mass and alternative media accounts about this issue as a way to both monitor the pulse of public discourse and sentiment and to understand the relationship between NGO discourse and popular rhetoric about this topic. Part of this processes also included collecting numerous governmental reports, including agency memos, Congressional statements, and judicial opinions. These documents each discuss the issue of binational same sex couples, and thus each is relevant to the political claims made on behalf of them. I analyzed these documents to understand how the subject of the binational same sex partner was produced in public and political discourse. This dissertation brings together these three levels of data (individual, organizational, and state) to understand the complex relationship between and amongst each.

A Note on Terminology, Method, and (Inter)Disciplinary Engagements

At its best, anthropology is an interdisciplinary project. Similarly, this dissertation does not fit neatly into one discipline or theoretical framework, but rather is produced in the interstices of disciplinary borders; it brings together concepts, terminology, and modes of analysis from anthropology, gender and sexuality studies, and cultural studies. Indeed, engaging these various fields and perspectives produces a unique, nuanced, and considered perspective that I hope I have given some justice to in these pages. As an interdisciplinary project that connects these various areas of knowledge production, I see this project both as a product of, as well as contributing to, the growing field of queer anthropology, and to queer studies and theories more broadly.

Yet, the term queer, especially as it is used in this project, deserves a little more attention. “Queer” as a theoretical orientation “describes those gestures or analytical models which dramatise incoherencies in the allegedly stable relations between chromosomal sex, gender, and sexual desire” (Jagose 1996, 3). Queer, as a project of destabilizing and questioning normative arrangements, is a fundamental to this analysis. That is, I am less interested in understanding or theorizing queer-as-identity, although, when a participant identifies as queer that is the designation I use in reference to them as well. Instead, I use queer as an analytic to think through the complex relationship between the state, NGOs, and their constituents. In doing so, I draw on the work of a variety of queer theorists, both within and outside of anthropology, such as gender/sexuality studies, American studies, and ethnic studies who position queer as a method rather than an object of study (see for instance, Brandzel 2016, Jagose 1996, Pérez 2003, Puar 2007, Rand 2005, Weiss 2016). Understanding queer-as-method offers

an incitement to think otherwise about the discursive production of the binational same sex couple. For instance, Erica Rand, in her “queering” of the 1986 Renovation of the Statue of Liberty states, “I intend for an approach that, instead of arguing for one particular reading of an icon... excavates the foundations, conditions, ingredients, contexts, and alternatives to such meaning making” (2005, 111). Rand’s use of queer means to refuse to offer a “true” reading, and to investigate why it is that one particular meaning comes to hold more saliency than others. Similarly, I use a queer analytic in these pages to think through the foundations, conditions, and contexts of advocacy strategies that produced the specific meanings attached to the binational same sex partner subject, and to consider why and how this subject came to hold saliency over and above other issues important LGBTQ-identified immigrants.

At the same time that I critically examine the power dynamics at play in advocacy and politics, as a (queer) anthropologist, I also strive to acknowledge and give consideration to the structural conditions that individuals in relationships characterized as binational same sex have to negotiate as they seek to secure rights and protections for themselves. At times, these interrelated concerns have seemed incommensurate at best, or antithetical and doomed to fail at worst. Yet, as Martin Manalansan asserts,

the acceptance of queer anthropology as an analytical frame and methodology should not be about its comfortable emplacement in the study of cultural things. It is, rather, about the messy and the uncomfortable enmeshment of both anthropologists and the communities they study in the lived realities of life and death, of suffering and exuberance, and therefore, of quotidian mutabilities and contingencies (2016, 597)

In many ways this project is about sitting with that messiness, offering a critique of structures and institutions while at the same time attending to the lived experiences of my participants. And it is about trying to reconcile these sometimes-disparate pieces; to

show how discourse works on multiple levels, but also, how people respond to, navigate, and sometimes contest the structures of power in which they are enmeshed.

The combination of queer and ethnographic methods and analyses that I use in this dissertation also enables me to contribute to what Shannon Speed (2006) calls a critically engaged activist anthropology. This perspective takes seriously critiques of rights discourses and practices in the west, while also simultaneously holding concern for our participants' real-life experiences of violence and marginalization. Speed draws on the work of theorists such as Wendy Brown and Janet Halley to argue for cultural critique as a form of activism, with particular attention to how "scholarly production geared to [short-term] legal goals, may actually reinforce structures and discourses of inequality" (2006, 67). Using a critical queer perspective, I offer a cultural critique of the exclusions created by advocacy and policy for binational same sex couples, while simultaneously drawing on ethnographic analysis to understand the ways that individuals in these relationships used NGO discourses to make meaning about their relation to the nation-state and make claims to rights and recognition.

Relatedly, this project is motivated by two of the three hallmarks that Louise Lamphere argues constitute an "engaged" anthropology, including an "expanded outreach to the public" and "concrete efforts to influence policy" (2004, 432). Although the dissertation-form may not fully succeed in meeting these goals, the ideas that come out of the research and writing will be put to use in white papers and a report to participants. The results of this project could be useful to NGOs that work with minoritized and marginalized populations, and may engage them in a dialogue about their shifting role in relation to the neoliberal state, and thus about potential issues with certain modes of

advocacy. Organizational leaders would be able to make strategic use of the analysis here to continue to help their constituents, and ideally, could also use it to help build coalitions that can see various forms of oppression not as the same, but as related, and work together to push back on neoliberal processes of normativization.

Chapter Descriptions

In Chapter 1, I discuss the broader context of neoliberalism in the United States to show how neoliberal ideology, policies, and practices bring the “non-governmental” sector into the service of the state, which can shape the goals of radical social movements and can ultimately work to sustain neoliberal hierarchies of belonging. I draw on NGO-led legislative initiatives and legal challenges to demonstrate how mainstream NGOs that focused on the issue of binational same sex couples functioned much like an Althusserian ideological state apparatus of the neoliberal state, through the construction of the binational same sex partner as a normative subject that could be legible to the state/other ideological and repressive state apparatuses, especially through the category of family. I argue that NGOs within the United States can participate in processes of neoliberal nation-building, and further, they may do so precisely through the mechanism of creating and regulating normative homosexual subjects that fight for inclusion in, rather than critique and reform of, the dividing processes inherent in nationalism, citizenship, and the regulation of immigration.

In Chapter 2, I explore the relationship between NGOs working with binational same sex couples and their constituents to understand how NGO advocacy efforts worked to make legible to them their shared positionality as binational same sex couples. I show

how NGO campaigns worked especially to recruit couples who fit within normative arrangements of sexuality, race, class, gender, and nationality; in doing so, they excluded individuals with complex immigration histories, non-normative romantic and kinship relations, and multiple/queered identities. However, I also draw on ethnographic research with individuals in relationships considered binational same sex to show how NGO-produced advocacy not only worked to include those who are well positioned within intersecting hierarchies of sexuality, race, gender, class, and nationality (although it did do that). But also, there were individuals whose lives, histories, and relationships were not contained by NGOs' normative framing of the binational same sex couple, but who claimed it anyway as a strategy to negotiate neoliberal regimes of belonging in the United States.

Chapter 3 analyzes how participants come to see themselves as a binational same sex couple. I begin by exploring how participants articulated their sense of positionality in the nation prior to 2013 and the overturn of DOMA. I argue that through engagement with NGOs, individuals in relationships considered binational same sex learned certain knowledges, rhetorics, and practices that they used to make meaning about their position in relation to others and the neoliberal state. They often drew on this knowledge to craft themselves as a binational same sex couple to gain immigration rights and state recognition. At the same, I also suggest that participants at times demonstrated an ambivalent relationship to the terms of belonging created by advocacy strategies.

In Chapters 4 and 5, I argue that NGO produced advocacy worked to produce the binational same sex partner as a neoliberal subject through the use of sentimental political strategies that were organized around multiple figures, and I examine how these figures

are signaled and materialized in individual couples' claims to rights and recognition. Chapter 4 focuses on the explicit figures that guided advocacy efforts, including the "permanent partner," the "love exile," and the "binational spouse." I critically analyze how these figures help to draw the binational same sex couple as neoliberal subjects through their romantic and national love as well as through their relation to capitalism as laborers and consumers. Further, I examine how these figures, and the sentimental politics that produced them, were circulated, reproduced, and sometimes troubled by individuals in relationships considered binational same sex as they navigated neoliberal politics of recognition

Chapter 5 narrows in on the "rejected specters" of advocacy, that is, the figures that haunt advocacy discourse but are always already disavowed by it. Most relevant to this analysis are the figures of the undocumented immigrant, the terrorist, and the non-monogamous queer; these specters haunted advocacy campaigns and worked to separate off the binational same sex couple from other queer/immigrant subjects that NGO actors seemed to believe were not (yet) includable in the nation. Further, I explore how these specters not only haunted advocacy efforts, but also, the ways that individuals in relationships considered binational same sex positioned themselves in relation to neoliberal regimes of belonging.

Chapter 1

Creating Legible Subjects: Non-Governmental Organizations (NGOs) as an Ideological State Apparatus

Introduction

In this chapter, I begin by locating my discussion of the relationship between the state, NGOs, and their constituents within the broader context of neoliberal ideology in the United States to show how neoliberal policies and practices bring the “non-governmental” sector into the service of the state. I argue that mainstream NGOs that focused on the issue of binational same sex couples functioned much like an Althusserian ideological state apparatus of the neoliberal state, and I demonstrate how relevant NGOs worked to produce the binational same sex partner as a subject that was made legible to the state/other ideological and repressive state apparatuses through a discourse of family. I describe how advocacy strategies worked collectively to position binational same sex couples as family as the basis for rights and recognition. Drawing on ethnographic and textual analysis of this process, I argue that NGOs within the United States can participate in processes of neoliberal nation-building, and further, they may do so precisely through the mechanism of creating and regulating normative homosexual subjects that fight for inclusion in, rather than critique and reform of, the dividing processes inherent in nationalism, citizenship, and the regulation of immigration.

Neoliberalism in the United States

Neoliberalism is “an ideological and philosophical movement... that emerges at a particular historical moment and can be traced to the network of specific intellectuals and institutions in post World War I Europe and the United States” (Ganti 2014, 91). Peter Evans and William Sewell specify that the transformation to a neoliberal political-economic framework particularly took hold in the 1970s as a response to the crises experienced by state-led regulatory regimes (2012, 35). Neoliberalism has been described by theorist David Harvey (2005) as a set of ideologies that are made material through political and economic policies that emphasize individualism, strong property rights, free markets and free trade, with (theoretical) limitations on state actions and roles within these institutions. Further, neoliberal ideologies are undergirded by an unquestioning faith in the “rationality” of the free market and its ability to self-regulate without state intervention (Harvey 2005). This faith is inculcated through the very prevalence of neoliberalism, as Evans and Sewell point out, “The neoliberal imaginary shapes individual goals and behavior while simultaneously making neoliberal political ideology and policy paradigms seem ‘natural’” (2012, 38).

Wendy Brown describes more emphatically how neoliberalism ties free market ideologies to state action, arguing that “neoliberal rationality, while foregrounding the market, is not or even primarily focused on the economy; rather it involves extending and disseminating market values to all institutions and social actions” (2003, 3). That market-based values produce certain forms of relationships outside of economic activity has significant implications for our social world. For instance, anthropologist Elizabeth Povinelli’s work reveals the more insidious side of neoliberal policies. She describes

how, devastatingly so for many people, neoliberalism marked a new form of governmentality where “any form of life that could not produce values according to market logic would not merely be allowed to die, but, in situations in which the security of the market (and since the market was the *raison d’être* of the state, the state) seemed at stake, ferreted out and strangled” (Povinelli 2011, 22).

Although neoliberal economic and political ideologies are frequently associated with a pervading possibility of exclusion based on the rationale of the market, neoliberalism is, if nothing else, flexible, and makes use of new sites and projects in efforts to produce “productive economic subjects” (Ganti 2014, 96). In the United States, neoliberal ideologies were particularly influential in policies implemented by the Reagan administration, including the large-scale privatization of state welfare programs. Further, queer and feminist theorists have critically analyzed how the neoliberal leanings of Reagannite policies worked to shift the meaning of proper citizenship to consumer power, personal responsibility, and passive patriotism (Berlant 1997, Rand 2005). Notably for our purposes here, neoliberal policies worked to make some gay and lesbian citizens legible to the state, especially through their adoption of middle-class “family values” and their participation in the market economy both as consumers and laborers (Berlant 1997, Duggan 2002, Jakobsen 2002, Joseph 2002b).

The NGO sector is an important area that has been significantly influenced by neoliberal ideologies and policies within (as well as outside) the United States. As discussed in the introduction, queer and feminist scholars and activists have analyzed the increasingly entrenched relationship between the state and NGOs in the United States through a critique of the Non-Profit Industrial Complex (NPIC). Theorists have tracked

the increasing of numbers of non-profits from the late 1960s, analyzing how their ties to capital and the state has had a de-politicizing effect on social movements (see for instance, Beam 2016, INCITE! 2007). This relationship is particularly insidious, because as Andrea Smith notes, “whereas the [Prison Industrial Complex] overtly represses dissent the NPIC manages and controls dissent by incorporating it into the state apparatus, functioning as a ‘shadow state’ constituted by a network of institutions that do much of what government agencies are supposed to do with tax money in the areas of education and social services” (2007, 9).

The aspect of the “management of dissent” enables the U.S. state to sustain its outward appearance of a benevolent, multicultural, democracy while simultaneously reproducing a violent, neoliberal politics of belonging. Further, in doing so, it also allows the state to set the terms of what social justice means. For instance, foundation funding for organizations has generally been directed at those organizations that “focused on policy and legal reform, a strategy that effectively redirected activist efforts from radical change to social reform” (Smith 2007, 7). This is a matter of structure; organizations rely on funding from foundations and wealthy donors, whose personal interests as members of a particular class strata influence not only the types of issues and work they are willing to fund, but also how that work is carried out (Beam 2016, Chávez 2013, INCITE! 2007). A consideration of the politics of binational same sex couples must necessarily be situated within the context of neoliberalism in the United States, and the shifting relationship between the state, NGOs, and their constituents in these neoliberal times.

The NGO as an Ideological State Apparatus in Neoliberal Times

The scholars above show that neoliberalism is a dominant ideology in the United States, and that neoliberal policies work through a variety of sites. Not only have the roles of NGOs shifted under neoliberal policy to bear the burden of social services, but also, multiple forces push them into privileging advocacy strategies that focus on legal and political inclusion in existing systems and institutions. Building on the work of transnational feminist and queer theorists elaborated in the introduction, I argue that NGOs are not external to the neoliberal state, but rather are integral to the continuing reproduction of neoliberal political and economic policies, and are increasingly important sites of neoliberal subject formation (Bernal and Grewal 2014, INCITE! 2007). Further, in the context of binational same sex couple advocacy, I argue that NGOs work to produce the binational same sex partner as a normative, “respectable” lesbian or gay subject that can easily be recruited into the nation. This subject position is produced through intersecting norms about class, gender, sexual, race, and geopolitics.

I draw on the work of Marxist theorist Louis Althusser (1971) to understand how power works to produce subjects of the state through various sites connected to, but often perceived as separate from the state. Althusser’s theory of the state distinguished between state power and the apparatus through which that power is yielded. Further, it made a distinction between two types of apparatuses. There is the repressive State Apparatus (SA), which “functions by violence,” is singular, and contains “the Government, the Administration, the Army, the Police, the Courts, the Prisons, etc.,” and the Ideological State Apparatuses (ISAs), which function “by ideology,” are multiple, and include education, organized religion, political and legal systems, the family,

media/communications, and trade-unions (Althusser 1971, 142-3). ISAs are sites through which the ideology of the current ruling class is realized, and collectively ISAs do much of the work of securing the reproduction of relations of production in a capitalist society. Althusser clarified, “it is by the installation of the ISAs in which this ideology is realized and realizes itself that it becomes the ruling ideology (Althusser 1971, 184-5).

For example, Althusser described the educational system as the most significant ISA in contemporary times. He suggested that classroom instruction not only teaches youth the subject matter at hand, but also, it teaches the ideology of the ruling class and thereby works to reproduce existing relations of production. Althusser also used this example to foreground how ISAs mask their ideological nature when he argued, “the mechanisms which produce this vital result for the capitalist regime are naturally covered up and concealed by a universally reigning ideology of the School, universally reigning because it is one of the essential forms of the ruling bourgeois ideology: an ideology which represents the School as a neutral environment purged of ideology (because it is... lay)” (1971, 156). Like schools, NGOs are often seen as a neutral, or sometimes, even as a progressive site of politics.

For Althusser, ideology is not a “false consciousness,” but rather, he argued that ideology is “the imaginary relation of those individuals to the real relations in which they live” (1971, 165). That is, ideology is not “imaginary,” it is material in that it references real relationships, it exists within an apparatus, and it is acted out through individual practices. Althusser explained the materiality of ideology, “*his ideas are his material actions inserted into material practices governed by material rituals which are themselves defined by the material ideological apparatus*” (Althusser 1971, 169, italics in

original). Althusser's analysis of state power helps to tease apart the ways that power works through various institutions, as well as to highlight the intimate relationship between ideology, state power, state apparatuses, and the individuals who live within its territorial bounds.

In Althusserian terms, ideology works to interpellate (or hail) subjects. That is, *"ideology has the function... of 'constituting' concrete individuals as subjects"* (Althusser, 1971, 171, italics in original). Althusser posited that all individuals exist as (and by virtue of being) ideological subjects, and this is something that has always already happened. His now well-known example of the policeman's hail and the hailed individual's subsequent turn is a simplified depiction of the process of interpellation; it conveys how one is always already a subject even prior to any singular instance of the state's address of an individual. Further, Althusser described how throughout our lifetime, we consistently perform various "rituals of ideological recognition," such as handshakes and greetings on the street, which work to reaffirm ourselves as subjects (1971, 173). Interpellation thus describes a process wherein the individual is continually re-constituted as a subject; further, this process is what enables political and social recognition of the individual. Interpellation, as a function of the ISAs, propagates the ideology of the ruling class and reproduces existing relations of production, in other words, it maintains the status quo and minimizes challenges to the ruling class and its ideological framing of the world. Althusser clarified,

But the vast majority of (good) subjects work all right 'by themselves,' i.e. by ideology (whose concrete forms are realized in the Ideological State Apparatuses). They are inserted into practices governed by the rituals of the ISAs. They 'recognize' the existing state of affairs... that 'it really is true that it is so and not otherwise,' and that they must be obedient to God, to their conscience, to the priest, to de Gaulle, to the boss... (Althusser 1971, 181)

Althusser's theories have been widely critiqued for being ahistorical and over-determining (Donham 1999, Eagleton 2006, Hall 1988), for not accounting for the role of specific social norms in processes of interpellation (Butler 1993), and for failing to consider space for individual agency in navigating ideological processes (Hall 1988). Even still, Althusser's reconsideration of Marxist theories of the state is useful to thinking through the contemporary role of NGOs within a capitalist society in multiple ways. Crucially, it theorizes power as operating in forms beyond violence or repression; it apprehends power as a coercive force that is seemingly benign, but yet continuously works to reproduce (unequal) relations of production. Further, and importantly for our discussion, Althusser's theory also offers room to consider how "private" institutions, institutions marked as outside the state, such as non-governmental organizations (NGOs), can emerge as sites through which the state exercises power, and how they function in a manner that precisely masks this relation. Finally, it helps us to understand how these various institutions, or apparatuses, work to constitute subjects that will align with the ideology of the ruling class (that is to say, in this context, neoliberal ideology).

I argue that the NGO sector working with minoritized and legally marginal populations in the United States increasingly functions like an Ideological State Apparatus (ISA). Further, I suggest that although NGOs in this sector are generally perceived by the public, and often, their constituents, as working outside the interests of the state (or as Althusser would frame it, the interests of the ruling class), like other ISAs, it is perceived that way because neoliberal ideology represents the NGO sector as a neutral site, or sometimes, even, as a progressive one. The name ("non-governmental")

and their mission (to serve those who are not/underserved by the state) masks how they function to reproduce relations of production in a capitalized society. I use the context of NGO discourse around binational same sex couples to show how NGOs worked to produce the binational same sex partner as a classed subject (insofar as class is constituted in and through normative hierarchies of race, ethnicity, gender, sexuality, and nationality) that could be legible within existing parameters of neoliberal politics of recognition.

From Immigration Reform to Marriage Equality: Producing the Binational Same Sex Couple as Family

As an ISA, NGOs work to produce subjects that fit within neoliberal parameters of recognition. In this case, NGOs worked to produce the binational same sex partner as legible to other state apparatuses (both ideological and repressive) especially by using the legal category of family. However, the ways in which NGOs positioned the binational same sex couple in relation the concept of family changed over time. The framings had significant consequences for the individuals involved as well as broader social justice goals.

For instance, in 2000, the NGO Immigration Equality helped to co-author the Permanent Partners Immigration Act (PPIA), the first legislative attempt to recognize same sex couples in the immigration context. This Act positioned same sex couples as “permanent partners” and offered immigration rights through the mechanism of family reunification without naming the relationship as a marital one. A co-founder of the organization recounted to me how organizational leaders looked to other countries for existing legal models that could include same sex couples. He elaborated, “Spain,

England, and Australia each had statutes in place that recognized same sex couples for immigration purposes without legalizing same sex marriage, and these policies became the prototypes for Immigration Equality’s reform platform” (interview with L. Soloway 3-14-2013). Notably, this focus on permanent partners had significant influence on how future advocacy campaigns would frame this issue.

The PPIA did not garner much support, and Immigration Equality worked with lawmakers to change the name to the Uniting American Families Act (UAFAs) in 2005. However, even with this change, the language of “permanent partners” was maintained to describe same sex couples. For instance, in even its final, 2013 version, the Act defined the permanent partner as,

an individual of 18 years or older who – A) is in a committed, intimate relationship with another individual 18 years of age or older in which both individuals intend a lifelong commitment; B) is financially interdependent with that other individual; C) is not married to, or in a permanent partnership with, any individual other than that other individual; D) is unable to contract with that other individual a marriage cognizable under this Act; and E) is not a first, second, or third degree blood relation of that other individual (2)

Further, the Act’s language stated that its purpose was,

To amend the Immigration and Nationality Act to *eliminate discrimination in the immigration laws* by permitting *permanent partners* of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and *to penalize immigration fraud in connection with permanent partnerships* (emphasis added, 1)

Although it represents itself as “eliminating discrimination in the immigration laws,” UAFAs reinforces a specifically marital-like relationship as the basis for state rights and recognition, which leaves in place structures of power that mark certain bodies as includable and others as excludable in the immigration context. In addition, as we can see from the definition above, the relationship between permanent partners is presented as

just like a heterosexual marriage, adhering to standards of lifelong monogamous commitment, financial interdependence, and rules of blood relation.

However, a queer reading of UAFA suggests that this Act does not only work to capture a pre-existing category of experience/identity such as the “permanent partner” or the “binational same sex couple.” Rather, it works to produce and surveil that category by offering the possibility of state rights and recognition to those who can adhere to normative legal definitions of kinship, while further pushing those who do not to the margins of the law. In addition, the Act’s purpose highlights another regulatory function of this legislation, that is, “to penalize immigration fraud in connection with permanent partners.” The inclusion of this language in the Act reinforces its policing function to mark off those queer bodies that qualify as family, and thus as worthy of inclusion in the nation.

Further, marking binational same sex couples as family through the category of permanent partners reinforces the primacy of normative nuclear family relationships in determinations about national belonging. For instance, in a 2009 address to the U.S. Senate Committee on the Judiciary titled “Addressing Inequality in the Law for Permanent Partners,” the Executive Director of Immigration Equality appealed to the concept of family to describe the relationship between binational same sex couples and existing immigration law. “Family unification is central to American immigration policy because Congress has recognized the fundamental fabric of our society is family... in recognition of this core value, the American immigration system gives special preference for the spouses of American citizens... Lesbian and gay citizens are completely excluded

from this benefit.”²⁰ Not only does this statement start the work of centering the rights of the U.S. citizen that I identify in my discussion of marriage below, but it also upholds a normative conception of family and valorizes immigration policies that have arguably contributed to the exploitation of numerous individuals, families, and communities.

Yet, NGOs operated on what they saw as a strategic political level, working to include same sex couples into existing legal categories in ways that would encourage even conservative lawmakers to support the issue, and they perceived that family was a way to do that. The attorney for binational same sex couples at Immigration Equality clarified the rationale,

For many, many years the idea of DOMA being struck down by the courts or being repealed by Congress was really unthinkable. During that time really what we worked toward were practical solutions. [UAFA] is an example that would create a way for families to be together, absent marriage recognition [for same sex couples]. I think that was a practical solution then, I think it's a practical solution now. As we try to engage elected officials and communities that are still going through their own evolution on the issue of LGBT civil rights and marriage equality, talking about family in a larger sense can be important to bridging that gap and allowing for that evolution to take place. We have elected officials who have come on in support of the Uniting American Families Act who are not yet ready to support their Respect for Marriage Act, which would repeal DOMA (interview with T. Plummer 9-2-2013)

The attorney here describes a “practical” political strategy that included same sex couples into existing immigration laws and processes without focusing on marriage as the mechanism. But we can also read this statement as revealing how the rhetoric of permanent partners enabled NGOs to work within existing parameters of recognition, and to argue for the inclusion of same sex couples into the nation as *de facto* spouses and thus as a legitimate family. This framing had significant ramifications for how future

²⁰ *Addressing Inequality in the Law for Permanent Partners*, U.S. Senate Committee on the Judiciary Hearing, (June 3, 2009) (testimony of Executive Director, Immigration Equality).

advocacy campaigns were constructed and changed over time, as well as the bodies that these campaigns worked to include and those that were excluded.

The shift to marriage

The year 2010 saw the beginning of a significant shift in binational same sex couples advocacy away from fighting for immigration reform legislation and towards marriage equality. While in part political opportunity, this was a fundamental change as it framed the issue squarely within a rights narrative that was tied, not to the foreign national or even immigration, but to the U.S. citizen partner and the rights of marriage. Prior to 2010, Immigration Equality was largely perceived to be the leader in advocacy strategy for binational same sex couples—a strategy that was broadly focused on UAFAs and inclusion for same sex couples in immigration law. Immigration Equality worked hard to cultivate their reputation on Capitol Hill, amongst other advocacy and service-provider LGBT-focused NGOs, and with organizations that worked with LGBT/immigrant populations more broadly. These NGOs, as well as private immigration attorneys, often referred potential clients to Immigration Equality and/or requested their expertise in immigration matters. In media stories covering binational same sex couples, an Immigration Equality staff member was nearly always cited for their “expert” opinion. Through efforts such as these, over time Immigration Equality’s agenda became, in many ways, the agenda of the movement more broadly.

In 2010, all of this started to change. Five states, including Massachusetts, Connecticut, Vermont, Iowa, and New Hampshire had already recognized same sex marriage. Media representations of LGBT-identified persons, particularly those that

showcased homosexuality as compatible with both monogamy and family, increased exponentially. In addition, several legally viable federal DOMA challenge cases had been presented to the court system, and even conservative politicians were increasingly ambivalent about denouncing the “gay vote.” At the same time, the NGO The DOMA Project started taking cases and doing public advocacy. Every aspect down to the name of this organization situated the federal definition of marriage as the significant cause of the discrimination that individuals in relationships considered binational same sex faced. In our interview, The DOMA Project founder — also an original founder of Immigration Equality-- recounted how the wider political shift in favor of same sex marriage compelled him to start the new campaign. He elaborated,

By 2010, I certainly thought that we had the wrong focus. I thought that by July 2010-- that was the first federal court ruling that struck down DOMA-- I thought that the time had come, and I felt we were certainly a little late to the game, but I thought that there was no justification any longer for putting more of our eggs in the basket of fighting for a same sex partner provision in immigration law. My rhetoric around this issue changed fairly dramatically, and I started to say something I had been thinking for a while, which is that the immigration law, as it is written, was perfectly fine with me, because it already provides for spouses. And what we should be doing, is taking the spouses we have—by 2010, we are five years into same sex marriage in various US states beginning with Massachusetts—so we have a lot of spouses, including binational spouses. We should start fighting for those spouses to be recognized as spouses when it comes to immigration law (interview with L. Soloway 3-14-2013)

Different from Immigration Equality’s historical focus on permanent partners, The DOMA Project’s advocacy objectives were “always centered around the fact that they were married... [it was] because the federal government would not recognize the marriages because of section 3 of DOMA, they were left with no options” (Interview with Lavi Soloway 3-14-2013). Further, the statement that “immigration law, as it is written, was perfectly fine with me” demonstrates how quickly immigration reform was

dropped as a significant space for queer advocacy and critique; “because it already provides for spouses,” lesbian and gay people simply needed to be included in existing law (interview with L. Soloway 3-14-2013). The DOMA Project grew quickly, and politicians and media sources also began to look to this NGO in addition to Immigration Equality as “experts” about binational same sex couples. In this way, it helped to link advocacy for binational same sex couples to broader marriage equality campaigns already underway.

Similarly, although Out4Immigration always had closer ties to the politics of marriage than Immigration Equality, Out4Immigration started to make even more concerted efforts to center DOMA as needing address. Communications coordinator for Out4Immigration, Kathy Drasky, elaborated how the increasing popular support for overturning DOMA enabled greater engagement about the issues faced by binational same sex couples. She described how advocacy for binational same sex couples “seems like it's a really hard thing to find, and writing it and communicating about it has always been a tough sell. Once the DOMA thing came in, that's really made a lot of people understand it and get it” (Interview with Kathy Drasky 8-6-2011).

Due to these inter-agency politics, issues of funding, and a broader political climate that favored LGBT over immigrant rights, Immigration Equality modified their position on advocacy goals. This difference was made material in multiple ways. Immigration Equality removed its online FAQs that warned against marriage, they changed their advocacy materials to focus on marriage and binational spouses, and their attorneys began to counsel couples to get married in a state where it was legal if possible. In an interview the organization’s Communications Director acknowledged that their

political strategy “has shifted very much. Up until 18 months ago, we were very reluctant to embrace being fully part of the marriage equality movement, and that has changed. I mean, today we work very closely with the DOMA repeal organizations” (interview with S. Ralls 10-26-2012). He continued,

When Immigration Equality first started working on binational couples' issues, immigration had traction on Capitol Hill, gay rights was poisonous, right. So hence our name, Immigration Equality, was meant to emphasize the immigration work that we were doing. Today, the situation is much different. Gay rights have much more traction on Capitol Hill than immigration does. I think it's very telling that on the day Congress voted to repeal ‘Don't Ask, Don't Tell,’ they voted down the Dream Act. Our policy director now says she wishes we were gay first in our name, instead of immigration (interview with S. Ralls 10-26-2012)

This statement clarifies how the organization’s move from immigration to marriage as the focal point of advocacy capitalized on the political capital of same sex marriage and took advantage of a salient platform from which the organization could lobby for rights for binational couples. In addition, the desire to be “gay first in our name” simultaneously signals the decreasing capital of immigration reform, and works to distinguish binational same sex couples from discussions about immigrant rights, .

In 2011, President Obama announced that the Executive branch of the U.S. government would no longer defend the constitutionality of DOMA. Later that same year, the immigration service announced its enforcement priorities and policies about prosecutorial discretion. Shortly after these events, The DOMA Project and then Immigration Equality began to submit family-based petitions for the foreign national partners of same sex couples.²¹ Despite a few initial cases that were received and not immediately denied, the government soon started issuing denials with increasing rapidity

²¹ An I-130 is a “Petition for Alien Relative” and is the document that one uses to apply for immigration status for a family member.

based on DOMA's definition of marriage. However, as The DOMA Project founder elaborates here, this specificity of reason for denial created space for the potential recognition of married same sex couples. In our interview, he described,

[These denials] of course made it a lot easier, because if they just reject the case as improperly filed-- because you have to understand that one of the choices that the government had was just to reject them all and send back the filing fee, and say look, this is similar to say, a cousin filing for a cousin, or an uncle filing for a nephew, that that category of family member doesn't exist in the law so we can't provide for your same sex partner, and we can't see them as a spouse, so we have to send this back and give you your fee check back, we can't process this. That was a possibility (Interview with L. Soloway 3-24-2013)

The founder's statement here highlights how not only do the denials forge a space for recognition—that is, an understanding that the addressed people *would* fit into this legally recognized category of kinship *but for this law*, as opposed to some other relation that is not recognized, but also, the language of the denials importantly locates that recognition within the institution of marriage. Further, it is worth noting here that the NGOs' focus on inclusion in marriage, promoted through various political advocacy campaigns as well as the legislative and legal challenges discussed here, completes the foreclosure of a queer, intersectional advocacy approach that might apprehend and critique the relation between immigration, labor, capital, and family, a foreclosure that notably began with the PPIA and UFAA's focus on the permanent partner.²²

In 2012, Immigration Equality presented this version of the binational same sex couple to the state in a federal lawsuit brief that challenged the constitutionality of DOMA. The brief was co-written by Immigration Equality legal staff and a *pro bono* attorney from a large New York-based law firm, Paul, Weiss, Rifkind, Wharton, and

²² For an example of this kind of queer critique, see "Queers and Immigration: A Vision Statement," Queers for Economic Justice, last accessed 12/10/2016 <http://sfonline.barnard.edu/immigration/QEJ-Immigration-Vision.pdf>

Garrison LLP. From the beginning, the brief makes its subject clear: these are not all lesbian or gay immigrants, nor are they even all same sex couples, rather, it is lawfully married couples, marked in relation to each other by the term spouse. It reads,

Plaintiffs are five committed, loving couples, lawfully married by the government of South Africa and the States of Vermont, Connecticut, and New York. In each couple, one spouse is an American citizen and the other spouse a foreign national. If they were different-sex couples, the federal government would recognize the foreign spouse as an "immediate relative" of a United States citizen, thereby allowing the American spouse to petition for an immigrant visa for the foreign spouse and place the foreign spouse on the path to lawful permanent residence and citizenship. Solely because of DOMA and its unconstitutional discrimination against same-sex couples, however, these Plaintiffs are being denied the immigration rights afforded to other similarly situated bi-national couples (2012, 1-2)²³

In addition to conspicuously marking the plaintiff couples as “lawfully married,” the brief notes that it is “solely because of DOMA” that the individuals named in the case are being denied immigration rights, a maneuver that minimizes the persistence of discrimination and structural oppression against some LGBTQ-identified immigrants and citizens. Further, this statement implies that the couples in question are also those who have not experienced oppression or discrimination based on any other claimed, held, and/or ascribed identities. Doing this implicitly positioned the binational same sex partner within intersecting hierarchies of race, ethnicity, gender, sexuality, class, and nationality.

Further, the brief uses sentimental language to position binational same sex couples as “just like” married heterosexual couples, a move that works to include the normative gay and lesbian citizen, along with their immigrant partner, into the nation at the same time that it validates marriage as the arbiter of state rights and recognition.

The five Plaintiff couples are like other married couples. They met, fell in love, and chose to build a life together. They too committed themselves to one another in good times and in bad, in sickness and in health. They have honored and kept

²³ Blesch v. Holder, Civil Action Complaint (U.S. District Court, Eastern District of New York 2012)

that commitment to one another. They have chosen to be together and to make the United States their family's home. However, because they are married to someone of the same sex, they are denied the federal immigration benefits to which different-sex married couples are entitled (2012, 4)²⁴

By using heteronormative sentiments about marriage and locating the problem of discrimination as solely based on choice of marriage partner, I suggest that the brief subtly positions binational same sex couples not only as married spouses, but particularly as married spouses who fit within normative, intersecting arrangements of gender, sexuality, race, and class. In doing so, it locates binational same sex couples as “respectable” citizens and immigrants, both desiring of, and desired by, the nation.

Ultimately, the brief was filed in early April 2012 in the same jurisdiction as a previous case, *United States v. Windsor*²⁵. The case was stayed pending a ruling in Windsor, which came in 2013, making section 3 of DOMA unconstitutional. This meant that the federal government could not define marriage in a way that contravened state definitions, and thus could not define marriage as solely between a man and a woman. The Windsor ruling enabled some same sex couples who could get married in a state that recognized same sex marriage to access immigration benefits reserved for spouses, and advocates for binational same sex couples declared this as a major win.

Regulating Immigrants, Making Good (Gay) Citizens, and Building the Nation

Notably, the discursive strategies used by NGOs for binational same sex couples responded to, but also were a part of, a long history in the West of nationalist sentiments

²⁴ *Blesch v. Holder*, Civil Action Complaint (U.S. District Court, Eastern District of New York 2012)

²⁵ *United States v. Windsor*, 570 U.S. ____ (2013). The Court ruled that section 3 of the Defense of Marriage Act (DOMA) was unconstitutional such that the federal government could not define marriage in a way that contravened state definitions.

about citizenship and immigration, and the production of a heteronormative national identity in the United States. Nationalism in the 19th century Western Europe and the United States developed out of liberal bourgeois ideologies that inscribed racial, sexual, and gender divisions between “us” and “Other” to promote an “ideal” citizenry (Hobsbawm 1992, Erikson 2002). As George Mosse (1985) famously demonstrates, nationalist rhetorics were premised on bourgeois ideologies of “respectability,” a concept based on class position and normative conceptions of gender, sexuality, and race. This ideology legitimized the heterosexual (reproductive) couple as the sexual standard for society—indeed, as its vehicle for national reproduction. Nationalist rhetorics were mobilized in the formation of a national identity, and hierarchies of sexuality, gender, class, and race became proxies for determining national belonging (Hobsbawm 1992, Erikson 2002).

Indeed, nationalist sentiments establishing who could belong to the nation have undergirded immigration policy since its formalization into a federal entity in the late 19th century. Concerns about those within the nation were tied to fears about the racial, gender, sexual, and class membership of “outsiders” (Luibhéid 2002, Rand 2005). Immigration scholars have demonstrated that from the beginning, immigration laws were established that gave preference to specific groups of immigrants (Bosniak 2006, Canaday 2009, Luibhéid 2002, Ngai 2004, Rand 2005). For instance, in 1875, Congress passed the Page Law, which banned contract laborers, felons, and Asian women who were brought to the United States for “lewd and immoral purposes” (Canaday 2009, Lowe 1996, Luibhéid 2002, Ngai 2004). This law was made in large part as a response to the growing presence of male Chinese migrant laborers and white fears about “non-

assimilable” immigrants (Lee 2013, Lowe 1996). The Page Law anchors a history of federal immigration policy based on restriction and exclusion, and is exemplary for the normative bounds of national belonging that it promoted. Further, the Law’s specific focus on Chinese women illustrates how concerns about gender and sexuality always already intersected with racial, class, and geopolitical hierarchies (Luibhéid 2002, Somerville 2005). Further, it reveals how a politics of respectability consolidates these intersecting constructs into a dividing process based on normative belonging.

Further, continuing throughout the early 20th century, immigration policies worked to target modes of gender and sexual difference and further entrench policies of exclusion through different categories of entry and stay. For example, the Immigration Act of 1924 codified a new era of explicit immigration restriction and exclusion through the enactment of national origins quotas (Luibhéid 2002, Lee 2013, Ngai 2004). As immigration scholar Mae Ngai (2004) observes, the national origins quotas that this Act not only limited persons based on country preferences, but also consolidated the power of the government to remove and bar immigrants from the country (deportation, or removal)²⁶. Notably, at the same time that it makes more explicit the parameters and consequences of exclusion, the Act also set out the first provisions for “family reunification.” The Act of 1924 “allowed racially eligible wives and children of U.S. citizens to enter without limit,” marking the first time the United States government made explicit allowances for officially designated kin of immigrants who had previously arrived in the country (Lee 2013, 32). However, the clause “*racially eligible* wives and

²⁶ The Immigration Act of 1924 put into place a national origins quota system. The quota allowed for immigration from 2% of the total number of people from each nationality that was already in the United States based on the census from 1890. Further, it specifically excluded immigration by persons from what was called the “Asiatic Barred Zone,” with exceptions for Japanese and Filipino migrants.

children” refers to immigration laws that restricted immigration from Asian countries more generally, thus prohibiting family reunification for certain immigrants. Thus, the inclusion of (certain) new immigrants based on family occurred simultaneously with the exclusion of others based on race, and reading the Act in this way shows how laws about family were integral to both the policing function of immigration and to practices of making immigrants into subjects that could be included into the nation (Luibhéid 2002, 2008, Somerville 2005).

In 1965 Congress passed the most current version of the Immigration and Nationality Act (INA), also known as the Hart-Cellar Act. This act is the most recent major revision of U.S. immigration law and much of it remains in place today. Notably, the INA is often characterized as a liberalization of immigration law as it both removed national quotas and consolidated family reunification policies (Lee 2013, Luibhéid 2002, Ngai 2004). The statute allocated nearly two-thirds of all authorized migration to nuclear family members, and defined and gave preference to particular categories of kinship that are still in use today. For instance, (opposite sex) spouse or fiancé, parent-child, and sibling relationships were established as the basic recognized categories of familial relations and differently prioritized based upon the petitioner’s status as a U.S. citizen or Lawful Permanent Resident (LPR). While it is true that the family preference within the INA was a useful path to lawful migration for many immigrants who might not otherwise have been able to join their family members in the United States, as I argued in the Introduction, policies about family have also worked to reproduce and regulate “good” immigrant subjects and obscure the intersections between the regulation of sexuality and

normative classifications of race, gender, class, and geopolitics (Luibhéid 2008, Reddy 2011).

Although perhaps a short digression, this brief history foregrounds how integrally connected were processes of immigration regulation, citizenship, and nation-building, and how understandings of how norms about gender and sexuality were always already tied to norms about race, class, and nationality for immigrants and citizens alike. These historical connections ought to give us pause when we consider contemporary legal wins for same sex marriage and increasing publicity for certain LGBT-persons and issues. Neoliberalism is flexible, and can adapt to changing circumstances and institutions. I have argued that we should attend more deeply to the role of NGOs in neoliberal times.

I draw here on Jasbir Puar's (2007) insightful analysis of "homonationalism," a term she uses to describe how queerness becomes linked to processes of nation-building and empire. Homonationalism foregrounds how (some) homosexual bodies are no longer seen as always already threatening to the state, and further, that "this brand of homosexuality operates as a regulatory script not only of normative gayness, queerness, or homosexuality, but also of the racial and national norms that reinforce these sexual subjects" (Puar 2007, 2). Further, the term homonationalism also marks a process whereby the "good" homosexual is enfolded into the nation in a way that justifies the exclusion of racialized others. In a post-9/11 world, those racialized others who are excluded are often those seen as transgressing borders, including Muslim "terrorists" and Mexican "illegal aliens." One of the dominant discourses in which we see this co-operation of processes and the promotion of homonationalism is through what Puar, building on Giorgio Agamben, describes as "U.S. sexual exceptionalism." She clarifies,

“As the U.S. nation-state produces narratives of exception through the war on terror, it must temporarily suspend its 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, 3).

Drawing on Puar’s analysis, I suggest that NGOs working with lesbian and gay populations function as a state apparatus, and as such are an important site for the construction and reproduction of homonationalist assemblages and processes. NGOs can aid the dynamic of inclusion and exclusion, even as they are also shaped by and respond to those very mechanisms of inclusion. In doing so, NGOs within the United States participate in processes of neoliberal nation-building, and arguably, practices of U.S. empire, and further, that some do so precisely through the mechanism of creating homosexual subjects that fight for inclusion in, rather than critique and reform of, the dividing processes inherent in nationalism, citizenship, and the regulation of immigration.

Chapter 2

The Binational Same Sex Couple and the Optics of Class

Introduction

The critiques of NGO activities and leadership elaborated by transnational and women of color feminist theorists of NGOization and queer feminist theorists of the NPIC that were discussed in the introduction make clear that NGO interests are driven in large part by the organization's leadership, board members, and funding sources. These factors were similarly influential in NGO-led advocacy for binational same sex couples. Indeed, this critique was a sentiment I heard from advocates, activists, and NGO actors from organizations that had a broader constituency or a more radical approach to advocacy than those that I focus on here. For instance, during an early phase of this research in 2009, I interviewed the Executive Director of the NGO Queers for Economic Justice²⁷, who articulated similar concerns about the influence of leadership of organizations such as those described in this dissertation. He elaborated,

Take what I am saying with a grain of salt. But, my perception is, is that it is a very white, middle class leadership. If you look at who are immigrants... immigrants are disproportionately people of color. And, and so when a movement is headed by American citizens, instead of by immigrants, and the people that are American citizens, appear to me to be white, and relatively privileged compared to a Honduran immigrant working in a restaurant, I think the priorities of the work get reflected, by that leadership. And so who is not taking leadership positions are those whose issues are not being served (Interview with J. DeFilippis on 6-19-2009)

²⁷ An NGO based in New York City that promoted an explicitly intersectional analysis of social justice and centered queers excluded from most mainstream advocacy efforts, such as poor and working class queers, queers of color, queer immigrants, and others. Due to lack of funding, they were forced to close their doors in 2013.

Here, the connection between the leadership of the organizations that directed advocacy for binational same sex couples and the types of concerns and issues that were articulated as the most important for LGBTQ-identified immigrants is made explicit. Further, this statement also marks the ways that class articulates with race and nationality to differently situate the middle class white U.S. citizen and the working class Central American immigrant (for instance) in relation to access to NGO resources. Similarly, the decisions made by the leaders of the NGOs discussed here to focus especially on this group of LGBTQ immigrants, and to develop and use advocacy techniques that deployed sentimental rhetorics around family reflect a certain set of priorities about the objects of their advocacy efforts. This is significant not only in terms of state recognition, but also in the possibility for LGBTQ-identified immigrants and citizens to see themselves as reflected in, and represented by, these campaigns.

In this chapter, I demonstrate how NGO campaigns worked especially to “hail” or recruit couples who fit within normative, intersecting hierarchies of class, sexuality, race, ethnicity, gender, and nationality. However, I also show that there were individuals whose lives, histories, and relationships were not contained by NGOs’ normative framing of the binational same sex couple, but who claimed it nevertheless as a strategy to negotiate neoliberal regimes of belonging in the United States. I focus particularly on how advocacy for binational same sex couples worked to reconstitute the primacy of middle- to upper-class status as a marker of lesbian/gay belonging in a neoliberal society.

In this chapter, I use the term class status to denote a stratified system that is based largely on income, profession, and educational background, but that also includes less tangible measures such as lifestyles, consumption patterns, and tastes (Benedicto

2015, Bourdieu 1987, Ortner 2003). Class status is an intersectional construct; it is produced and read through contingent hierarchies of race, ethnicity, gender, sexuality, and nationality (Crenshaw 1994, Lorde 1984). Further, factors such as mobility, immigration status, employment, education, nationality, and family class background all interact to differently situate same sex couples within class relations in the United States (Benedicto 2014, Luibhéid 2008, Reddy 2011).

Further, I go beyond class-as-status to think about class as a process. I build on the work of Sherry Ortner, who reframes Sartre's concept of "the project" to critically analyze class in the United States. She argues, "we may think of class as something people are or have or possess, or as a place in which people find themselves or are assigned, but we may also think of it as a project, as something that is always being made or kept or defended, feared or desired" (Ortner 2003:13-14). Ortner's analysis foregrounds class as a process, and further, one that is continually being reproduced. In this framing, advocacy for binational same sex couples participates in the reproduction of the class project of the United States.

Similarly, my use of class also resonates with Bobby Benedicto's analysis of gay life in Manila, which he describes as "a rigorously classed space, not because it is inhabited by bodies that are positioned within a stable class system, but because its emergence is contingent on and complicit in the nervous processes of class formation that are found elsewhere and everywhere in the city" (Benedicto 2014:13). Like the "bright lights scene" of Manila, NGO-produced advocacy for the binational same sex couple was both "contingent on and complicit in the nervous processes of class formation" within the United States more generally, particularly as class is produced and read through

intersecting norms about race, ethnicity, gender, sexuality, and nationality. I demonstrate in this chapter how NGOs used multiple signifiers of class in advocacy campaigns to recruit individuals as binational same sex couples. I suggest that not only did this work to partition off some individuals who might otherwise have benefited from the recognition promised by advocacy efforts, but also, it worked to reproduce middle to upper class status as a signifier of national belonging within the United States more generally. At the same time, I also draw on ethnographic research to show how individuals in relationships considered binational same sex complicate and confound the classed subject that is centered by advocacy efforts.

Hailing the Binational Same Sex Couple

From the naming of the binational same sex couple itself, to various forms of outreach and publicity (such as the advocacy event discussed below), NGO advocacy activities worked to hail, or recruit, a decidedly cosmopolitan, middle-upper class constituency. For instance, the very term “binational same sex couple,” as it was developed and used by NGOs, worked to produce and naturalize a particular kind of subject that could fit within existing, neoliberal regimes of belonging. The word “binational” contains the assumption that each partner maintains singular national identities, and in this context, that one partner holds U.S. citizenship or Lawful Permanent Resident (LPR) status. This framing works to reproduce colonialist presumptions about discrete “national identities” that mark as similar people contained within naturalized territorial borders (Chatterjee 1986, Smith 1991). The very term thus elides the reality of today’s “global citizen” who holds multiple citizenships and has diverse, sometimes complicated ethnic and national

identifications (Ong 1999, Sassen 2001). Further, it excludes from legislative address those couples where one partner does not hold permanent resident status in the United States but yet are residing within these national borders.

Secondly, “same sex” folds the binational subject into the discourses that surround LGBT-rights organizing. This term implies a subject whose primary identification is related to their sexuality, which in today’s political antipathy towards immigration, serves to allay potential fears about the racial, class, and national “Otherness” of the immigrants (and their citizen partners) contained within this category (Eng 2010, Reddy 2011). This linguistic cue thus contributes to a discursive “de-racialization” and classing of the bodies that might lay claim to rights, recognition, and belonging to the nation.

Finally, “couple” implies a normative, dyadic pairing that can be relatable to its heterosexual counterparts. As we will see in following chapters, “couple” is used to signal a certain type of romantic and familial attachment through marital love. It positions the immigrant and citizen partners within a framework of marriage (and, therefore, family) and validates the use of marriage as a litmus test for national belonging. In this way, the coupled relationship becomes the basis from which the immigrant partner can claim rights, and that both partners might consider themselves as in the United States. Further, emphasis on the couple-- rather than, say, the immigrant partner-- highlights the immigrant’s spousal relationship with a U.S. citizen as the nexus of the problem, the crucial fact needing address by law (Chávez 2013, Luibhéid 2008). This supports the shifting of advocacy away from reform of the immigration system and into a politics of

recognition that can include certain subjects within existing immigration law via their participation in a marital relationship.

Ultimately, the naming of this category works to produce the individuals it recruits as similar to middle-upper class minority subject positions that are already recognized by the neoliberal U.S. state. Thus not only did this name shape how these individuals were received by public and political audiences, but also influenced which immigrants and citizens came to see themselves and their experiences as represented by it. Those who did often found a tool that they could use to navigate immigration restrictions, but the naming of this figure, alongside the rhetorics and images that were used to produce it, was also inextricably bound up with multiple inherent exclusions.

Spaces of advocacy

Naming the subject position is not the only way that NGOs worked to recruit a certain type of individual as the beneficiary of advocacy efforts. NGO actors engaged with a variety of media outlets, conducted email campaigns, advertised in relevant venues, and produced physical and virtual spaces for constituents to come together. For instance, each year, Immigration Equality hosts their annual Safe Haven Awards, an event that is advertised to constituents as honoring the law firms, businesses, and individuals that have made significant contributions to the organization's work. Activities like the Safe Haven Awards, and all of its attendant components, including the mass informational emails and funding solicitations sent to constituents in the months leading up to the event, its location in New York City, and the content of the Awards are clear examples of how NGO activities worked to recruit especially cosmopolitan same sex couples who fit within normative arrangements of sexuality, race, class, gender, and nationality.

In 2011, the Safe Haven Awards were held at TheTimesCenter, a building located on the west side of midtown Manhattan. In addition to being an awards event it is also a fundraiser, and this year the cost of a single ticket started at \$279. Given that the ticket price was prohibitive for me to attend on my own, I was excited to accept when Immigration Equality staff invited me to attend the ceremony; this would be one of the first times during my research that I would be in a room with so many individuals in binational same sex relationships gathered together.

I arrived at TheTimesCenter shortly after the cocktail reception started, and the foyer was already packed. It was a semi-formal event; servers moved about the mahogany carpeted room offering hors d'oeuvres to the well-dressed attendees, who stood in small groups sipping cocktails and conversing. Promptly at 7:15, Immigration Equality staff began to encourage guests to move into the auditorium, where the awards were to be handed out. We all filed in rather haphazardly to nearly fill the 378-seat capacity room, which also housed a well-lit stage with a backdrop view into the TimesCenter's lush atrium. The audience clapped politely as three awards were given to representatives from law firms who had provided *pro bono* assistance on asylum cases, and as the organization honored one of their asylum clients, a transgender woman from Sri Lanka.

Next, the focus shifted to binational same sex couples, starting with IE's presentation of the "Global Vision Award" to Ranesh and Erik, a binational same sex couple had pledged to raise \$1 million dollars for Immigration Equality and were already halfway to their goal. The partners were introduced to the crowd as models of activism for binational same sex couples, and to this end, they were featured in a short film that

Immigration Equality had produced especially for the event, titled “*Erik and Ranesh Ramanathan: A Family Commitment*”²⁸. The house lights darkened, and a screen mechanically dropped down on the stage. The film opened with brief vignettes of each partner introducing themselves, directly addressing to the camera. It panned through shots of the couple at their home outside of Boston, revealing a large, white house with an expansive, manicured, and lush green lawn that was surrounded by large trees and accented with cherry blossoms. Throughout the film, narrative montages are interspersed with scenes of the couple and their 5 year-old son, for instance, talking together inside their colorful yet tastefully decorated home, playing soccer outside on the lawn, or riding a tandem bicycle around the neighborhood.

We learn that Ranesh, an Indian from Singapore, and Erik, an Anglo from Rochester, NY, met as undergraduates at a prestigious university in the northeast nearly 20 years ago and have been in a romantic relationship since that time. Ranesh details the steps he took to maintain lawful immigration status, including extending his schooling to renew his student visa and applying for temporary work visas. In interview scenes and voiceovers, Erik and Ranesh foreground the emotional weight of this time, focusing especially on feelings such as uncertainty and fear. Ranesh describes how he ultimately applied for and received asylum, and now holds U.S. citizenship. At the end of the video, both partners addressed the camera together, and connected their personal experiences to the efforts of Immigration Equality. They highlighted the work the organization has done, describing the NGO as a “significant force” in gaining rights for binational same sex couples.

²⁸ “Erik & Ranesh Ramanathan: A Family Commitment,” June 1, 2011, <https://www.youtube.com/watch?v=BmKv2ODFlvQ>

As the video ended and the stage lights came back on, the Executive Director of Immigration Equality returned to the podium. She heralded the couple, and delivered an impassioned speech about how the time for change was near for same sex couples. She detailed the work that Immigration Equality had done over the past year, and announced that soon the organization would be filing a lawsuit with the Department of Justice challenging DOMA on behalf of binational same sex couples. This statement was met with significant applause and catcalls from the audience.

Then began the fundraising portion of the evening. The Executive Director announced that a second binational same sex couple in attendance had committed to a \$50,000 matching challenge grant for contributions received that evening, and she declared that she intended to meet that amount. Standing on stage, she outlined various pre-determined levels of donations, set in amounts that correlated with significant numbers related to binational same sex couple advocacy (i.e. \$130 donation for an I-130, which is the designation for a petition for “an alien relative,” all the way to \$36,000, for the estimated 36,000 binational same sex couples in the United States). After each level was announced, she stood and silently stared down the crowd, waiting for people to make public their commitment to donate said amount.

At first, the people in the crowd shifted uncomfortably in their seats, laughing nervously. But eventually, here and there, people started raising their hands to donate, and each time, they received a big cheer from the audience. Soon, many people were participating, calling out donation amounts and cheering each other on. At the end of this relatively unreserved demonstration of personal wealth, Ranesh jumped up from his seat at the front of the auditorium and excitedly announced that he had tallied the amounts

people had committed to donating. It totaled nearly \$100,000. He turned and called across the room to the couple that initially made the \$50,000 matching gift offer, asking if they would be willing to further match another \$15,000 if it was put up by the Ramanathans. The couple agreed, which made Immigration Equality's total take away from this auction-style fundraising session at least \$180,000.

On the one hand, this night was a boon for Immigration Equality, and a huge success insofar as their development goals were concerned. The organization capitalized (quite literally) on the cultural currency of marriage equality advocacy campaigns and the collective gay and lesbian wealth that was concentrated in the room. On the other hand, the setting of the Awards, the portrayal of the couple in the video, and the spectacle of public bidding for donations by those who saw themselves as invested in this issue worked together to present a particular image of the binational same sex partner not only to donors, to the public, or the state, but more importantly for our purposes in this chapter, to their (potential) constituency. Through events such as these, individuals in relationships considered binational same sex learned certain knowledges, rhetorics, and practices that they used to make meaning about their position in relation to others and the neoliberal state.

Complicating Class

To be fair, it was also the case that many of the couples that were able to stay together and live in the United States prior to 2013 were often those that had some amount of economic security and connection to networks which enabled them to manage the legal and financial requirements for migration and/or life without documented immigration status. This means that many of the couples—and notably, we will see, particularly the

most public couples, such as Erik and Ranesh, above---were located, especially through their economic means, professions, educational backgrounds, and consumption patterns in a middle or even upper class position. In certain ways, then, many individuals in relationships considered binational same sex did share aspects of class privilege especially in relation to other queer migrants. That NGO advocacy campaigns reproduced this perception publicly and politically also worked to selectively incorporate some lesbian and gay-identified immigrants into the category of binational same sex couple, while excluding others.

And yet, ethnographic research with individuals in relationships considered binational same sex reveals that there are more layers of complexity to be teased apart here. As demonstrated by the couples engaged in fundraising above, there are individuals in binational same sex relationships that are financially secure and hold a fair amount of social privilege, although none of the participants in my project had the same financial means as Ranesh and Eric, the couple profiled in the Safe Haven video. My research shows that there are also individuals who are differently positioned in relation to normative arrangements of class, race, ethnicity, gender, sexuality, and nationality, yet who also used the figures, rhetorics, and images produced by NGO-led advocacy campaigns to make sense about their relation to the state, and to make their own claims to state rights and recognition. I suggest this that speaks to the expanding regulatory function of NGOs; as a site of subject production, NGOs outline the boundaries of legibility and individuals engaged in various forms of labor to locate themselves within these borders as a means to access rights or benefits. However, it is also important to foreground that while the classed rhetorics of NGO discourse, which are produced

through and informed by intersecting norms about sexuality, gender, race, ethnicity, and nationality, made legible some forms of social difference, it simultaneously worked to decrease the participation of individuals whose identities, romantic connections, and/or immigration histories fell outside NGO depictions of the binational same sex couple as a middle to upper class nuclear family.²⁹

Even within the relatively limited sample of couples that participated in this project, there exists a relative range of identities, family backgrounds, and immigration histories.³⁰ Similarly, participants hail from regions spanning the globe, have a variety of professions, and hold different immigration statuses.³¹ In the chart below (see complete chart in Appendix B), we can begin to see the variety of experiences and histories represented by individuals in relationships considered binational same sex.

²⁹ For example, at the events I attended and the venues I frequented that were relevant to this research, I was more likely to meet a young, self-identified gay man from western Europe who obtained a student visa so he could come live in the United States with his U.S. citizen partner, as opposed to a middle aged man from Central America who has sex with men but does not identify as gay, and who works three jobs under the table because he does not hold documented immigration status. This says something both about the nature of the population in question as well as about the participants in my project.

³⁰ See Appendix A for narrative descriptions of participants' varying histories, backgrounds, and immigration statuses

³¹ See Appendix B for complete chart detailing participants nationalities, educational backgrounds, professional experiences, and immigration statuses

COUPLE	FN Country of Birth	FN Immigration Status	FN Education	USC Education	FN Job	USC Job	FN Job pre-migration
Brett and Stefano	Italy	N/A	PhD	Masters	College Professor	NGO professional	College Professor
Susan and Hanne	Germany	LPR	PhD	PhD	College Professor	College Professor	Student
Nathan and Liam	Canada	Visa holder	Masters	Masters	Urban planner	College Professor	Urban planner
Ryan and Oswin	Germany	Undocumented- visa ov	Bachelors	Masters	Self-employed/ow	Self-employed/owr	Student
Ruth and Sabine	Germany	Transition	Masters	PhD	Teacher	Consultant	Teacher
Helen and Klara	Germany	N/A	Masters	Masters	Family business	Artist	Did not migrate
Andrew and Vlad	Belarus	Visa holder	Bachelors	JD	Student	NGO Professional/z	Human rights activist
Joshua and Kader	South Africa	Visa holder	Masters	Masters	Student	Business Professor	Business Professional
Kerry and Selah	Trinidad and Tabago	Visa holder	Bachelors	Masters	Social work	Program administr	Business Professional
Brenda and Agathe	Germany	Transition	HS Degree	Masters	Unemployed	Retired	No response
Christine and Juliette	Canada	Visa holder	Masters	PhD	Student	College Professor	Musician
Charles and Sergio	Mexico	Undocumented- EWI	HS Degree	Masters	Self-employed/infi	Business Professor	Self-employed/informal sector
Ashley and Araceli	Paraguay	Visa holder	Bachelors	Bachelors	Student	Paralegal	College campus pastor
Lauren and Kyra	England	N/A	Masters	Bachelors	Business Professic	Social work	Business Professional
Timothy and Andre	Panama	Transition	Masters	HS Degree	Yoga teacher	Yoga teacher	Student
Steven and Dominik	Hungary	N/A	Bachelors	Masters	Teacher	Yoga teacher	No response
Carol and Magda	Germany	N/A	Bachelors	Bachelors	IT Professional	Event planning	Did not migrate
Cynthia and Bonnie	Scotland	N/A	Bachelors	Masters	Health profession	Urban planner	Did not migrate
George and Luiz	Brazil	Visa holder	Bachelors	Bachelors	Student	Marketing professi	No response
Brandon and Jean	Cote d'Ivoire	Undocumented- visa ov	Technical degr	Masters	Self-employed/infi	Student	Fashion designer
Daniel and Giovanni	Italy	N/A	Associates	Bachelors	Sales	Retired	Student
Mike and Lukas	Slovakia	CLPR	HS Degree	HS Degree	Service industry	Service industry/m	Student
Alejandro and Javier	Venezuela	Undocumented- visa ov	Masters	Masters	Student	Retired	Museum guide/ Theater work
Harold and Jose	Philippines	N/A	HS Degree	Masters	Unemployed	Retired	Student
Megan and Mae	Philippines	N/A	Bachelors	Bachelors	Service industry	Administrative assi	Student
Noah and Yosef	Israel	Undocumented- visa ov	Bachelors	Masters	Unemployed	Student and admin	Pharmacist

Figure 1: Chart of participants; note all participants are given pseudonyms for anonymity.

This sample highlights the diversity amongst participants, for instance, in country of origin, but at the same time, reveals how this diversity was still tempered by class. Particularly in the top half of the chart, participants tended to hold higher education degrees and professional (even if not well paid) jobs. For instance, Nathan and Liam have been in a relationship for eleven years, and together they own their spacious apartment in a popular neighborhood of Queens, NY. Both partners hold Masters degrees, and they each have professional careers in their respective fields. Nathan is Chinese-American, and was born in Texas; Liam is an Anglo Canadian citizen from a rural area of Canada. Liam has always held documented immigration status in the United States through employment-based visas, and at the time of our interview he had just applied for Lawful Permanent Resident (LPR) status through his current job.

Similarly, Susan, a U.S. citizen, and Hanne, a German national, are positioned in a higher class position in relation to others in my project. Both partners are college professors, and Hanne recently obtained LPR status through their employment at a

university in New York. The partners, who have been together for over ten years, live together with their newborn baby in faculty housing on the upper west side of Manhattan. In our conversation, the couple acknowledged their privilege in relation to other couples who do not have options for visas, and described how their educational backgrounds afforded them unique opportunities to live both within and outside the United States. Both couples, through their economic means, professional status, educational backgrounds, cosmopolitan lifestyle, and normative family structure (monogamous, long term couples, one couple has a child) are positioned squarely in a middle- to upper- class position. It is also noteworthy that both immigrant partners hailed from Western countries and are white. In some ways, both of these couples are representative of the binational same sex partner subject that NGOs promote.

However, other participants described more complicated relationships to the classed subject position of the binational same sex couple. These discussions foregrounded how the class position and privilege provided by one's professional or economic position was often negatively mediated by immigration status, race, gender, sexuality, and/or nationality, in addition to immigration restrictions that impacted employment options. For example, For instance, Charles and Sergio have been together for over six years, and live together in southern California. Charles, a U.S. citizen, holds a Masters degree and maintains a professional job as an engineer. Sergio, a Mexican national, came to the United States in his late teens, and has never held documented immigration status. Sergio earned a GED in the United States, but because of his immigration status he was limited in the types of employment he could obtain, and mostly worked odd jobs in the informal economy sector such as house sitting, cleaning,

and decorating. The couple owns a home in Palm Springs and a houseboat in San Diego, and describe themselves as middle class. However, several times throughout our conversation, Sergio raised the point that the life he and Charles lead is outside his means, and because he does not have employment authorization he cannot obtain a job that would enable him to contribute more significantly to household expenses. Further, even with the relative economic privilege that Charles, and by association he enjoys, Sergio offered multiple examples about how his life, as an undocumented Mexican immigrant in southern California, was structured by the proximity to the border and the ubiquitous presence of immigration checkpoints.

Similar to Charles and Sergio, Brandon and Jean's experiences complicate the normative subject of binational same sex couple advocacy. Brandon is a white, 25 year-old U.S. citizen, and Jean is a black, 32 year-old national of the Ivory Coast. Jean, a fashion designer, met Brandon while Brandon was working for the Peace Corps in West Africa. When Brandon's term was complete, the couple decided that they would come back to the United States together. Jean struggled initially to obtain a visitors visa, but after he was able to demonstrate sufficient economic ties to the country he was living in at the time, his visa application was approved. Brandon had been accepted into a PhD program at a private university in New York, and after their arrival they moved into relatively affordable student housing near the school. Soon enough, Jean's tourist visa expired, and though the couple had done extensive research about alternatives, they found that there were not a lot of options to regularize Jean's immigration status. At the time of our interview, Jean was living without documented immigration status, and had found employment working "under the table" as a seamster/tailor for a baby's clothing designer

in Manhattan. However, despite each partner's educational background and professional work experience, they described struggling to financially make ends meet in the city. As these two examples indicate, there are people in relationships considered binational same sex who may have certain levels of education, are professionals, have access to financial capital and/or social privilege, but their "class position" is often mediated by other factors including race, nationality, and legal status.

Finally, there are participants who do not have college education, who work at hourly rate and service industry jobs, who are undocumented, and/or who are struggling to get by financially, and thus who also demonstrate the limits of the classed discourse about the binational same sex couple. For instance, Mike, a 47 year-old U.S. citizen, and Lukas, a 32 year-old Slovakian national, have been a couple for nearly four years, and live together in a small apartment that they rent in Manhattan's West Village. Neither partner has a degree beyond a high school diploma. Mike holds two jobs, one as a flight attendant and the other as a bar manager, and Lukas is a server at a restaurant in the West Village. Because Lukas did not have the education or skills to qualify for an employment-based visa, nor did he have allowable kinship relations with a U.S. citizen or Lawful Permanent Resident (LPR) for a family-based visa, he did not have many options in the immigration system. When a female friend offered to marry Lukas for immigration purposes, the couple agreed, and by the time of our interview, Lukas was completing his final year as a "conditional" Lawful Permanent Resident, or CLPR³². He told me that he would soon be eligible to remove the conditions to become a "full" LPR and that he

³² Starting in 2002, individuals who were granted Lawful Permanent Resident (LPR) status through a marriage had to prove the marriage was valid by staying married for two years after the approval of their status, during which time it is considered that the LPR status is "conditional," or able to be revoked without the sorts of legal processes needed for a "full" LPR.

planned at that point to initiate divorce proceedings. Although Mike and Lukas avoided some barriers they might otherwise have encountered by going this route, Lukas described the significant impact of the financial costs. In addition to the large sum he paid his now wife for the marriage, he said,

It was financially exhausting. It cost a lot of money, you know like, paying for the fake marriage, and all these things, it cost a lot of money... I still think of it, because I still have a part to pay... attorneys fees... because there is not only the installments, but there is also, like, little things, like, changing our IDs, and all these things, it's all money and it adds up (Interview with Lukas and Mike 5-20-2011)

Mike and Lukas are not wealthy, they both hold service industry jobs, and neither is highly educated, factors that made it nearly impossible for Lukas to gain an employment-related visa. Further, NGOs such as Immigration Equality were invested in assuring the state of their commitment to the prevention of “immigration fraud” (see for instance the discussion of UAFA in chapter 1), so the fact that Lukas engaged in a heterosexual marriage for immigration benefits automatically put him at odds with NGO rhetorics about the binational same sex couple. And although Lukas was ultimately able to gain immigration status, as Lukas points out here, it came with significant financial costs to a couple already financially burdened, not to mention the possibility of serious penalties if caught by the immigration service.

Finally, Alejandro is a U.S. citizen, and his partner Javier is a Venezuelan national, both are in their 50s and have lived together since the 1990s in New York. Alejandro was born in Puerto Rico but has lived most his life in New York. Javier originally came to the United States on a visitor visa, but when that visa expired he stayed and has lived without documented immigration status. Both partners have obtained higher education degrees; Alejandro holds a Masters, and Javier is currently working on a

PhD at a local university. However, Alejandro was unable to continue work due to health constraints related to his HIV/AIDS status, and Javier does not have permission to work in the United States. In our interview, both partners especially talked about the financial tolls of Javier's undocumented immigration status, and elaborated how various costs related to immigration and the inability to work have impacted their lives. However, notably, they still described themselves as "lower middle class." Alejandro explained, "I think we are lower-middle class. Because of our education, we should be a little higher, but I stopped working and our income, because of our income, we are lower-middle class" (Interview with Alejandro and Javier on 7-19-2012). Notably, though both Mike and Lukas and Alejandro and Javier may share a similar class position as defined by their financial (in)security, the experience of being Latino in a time where immigration enforcement is increasingly based on the color of one's skin and/or one's accent makes Javier's experience of undocumented legal status different from that of Lukas. Differently than Miguel, Javier does not have to directly negotiate the realities of border life, although at the same time he and Alejandro do not have the same access to financial resources that Miguel and Charles do. In addition, the fact that Alejandro used the term "lower middle class" to describe himself and Javier demonstrates the power of NGO discourse and indicates how even those who, on the surface, do not easily fit within the NGO-produced image of the middle-class binational same sex couple, may still work to position themselves as connected to it.

As these brief examples illustrate, class is an organizing factor for many individuals in their ability to stay together and make a life in the United States, but class status is also multiply mediated through intersecting hierarchies of race, gender,

sexuality, nationality, and legal status. Further, we can begin to see here how the lived reality of class status for some binational same sex partners is a qualitatively different experience than the classed discourses, images, and even spaces that are produced through mainstream advocacy tactics. So what are we to make of people's adoption of these discourses, use of these images, and attendance in these spaces? In his work with Dominican immigrant gay men in New York, Carlos Decena suggests that participants "negotiate their presentation of self within opportunities and constraints that include racism, class position, gender, and geopolitics" (2008, 182). Similarly, individuals in relationships that might be characterized as binational same sex "negotiate their presentation of self"—to the NGOs, to the law, to the public, and to me—within the constraints set by NGO advocacy efforts and more generally, neoliberal regimes of belonging.

And yet, as we will see, this process is not overdetermined; structures of power never completely apprehend the individual. Interviews with individuals in relationships considered binational same sex foreground the messiness of subject formation; despite their diversity, nearly all of my participants used the discursive figures produced by NGO discourse to articulate their own positionality in relation to others and state power, but also, these same individuals struggled with the terms of belonging set by this discourse, and at times they actively contested them.

Articulating Advocacy and Class in the United States

In her ethnography about her high school graduating class, anthropologist Sherry Ortner analyzes the role that "class" (as in class status) played in people's lives. She suggests

that in the United States, “class appears ‘hidden,’ or ‘secret,’ ‘invisible.’ Americans do not talk about it, or they deny it or resist it” (Ortner, 2003, 41). However, she argues that class was really only invisible to some individuals, in particular, those who were located in a higher class position. She declares, “Looking up from below, class was often very visible indeed” (Ortner, 2003, 42). Similarly, the class lines that were drawn around advocacy for binational same sex couples made visible, especially to those who did not readily fit, the classed parameters of national belonging for lesbian and gay persons, especially as class is read through intersecting norms about race, gender, sexuality, and nationality.

I suggest that by engaging in these various activities, like the naming of the category and the cultivation of specialized discourses and spaces of advocacy, NGO advocacy efforts worked to reinforce class, as it is produced through and contingent on intersecting norms of race, ethnicity, gender, sexuality, nationality, and immigration status, as the measure of deservingness for lesbian and gay rights and recognition. In doing so, these activities worked to reproduce the borders and divisions of class within the United States more generally. At the same time, ethnographic research with individuals in relationships considered binational same sex variously drew upon, performed, or disrupted the classed subject centered by advocacy efforts. This discrepancy reveals the power of NGOs to recruit and regulate a variety of individuals as subjects, particularly, here, as respectable gay and lesbian subjects.

Chapter 3

Becoming a Binational Same Sex Couple

Introduction

In this chapter, I draw primarily on ethnographic research with individuals variously connected to the NGOs discussed in this dissertation to explore their relationship to the discourses and practices used by NGOs. I argue that through engagement with NGOs, individuals in relationships considered binational same sex learned certain knowledges, rhetorics, and practices that they used to make meaning about their position in relation to others and the neoliberal state. They often drew on this knowledge to craft themselves as a binational same sex couple to gain immigration rights and state recognition, even when their own experiences, histories, and relationships exceeded the bounds of NGO discourse. Thus, interviews also reveal that structures of power never completely apprehend the individual-- it is a messy process that is always incomplete. Further, participants were often ambivalent about the terms of belonging created by advocacy efforts; even as they sometimes saw it as good for themselves, they wrestled with the exclusions created by advocacy, and at times contested them.

I begin by exploring the importance of legal status for individuals in relationships considered binational same sex, and I focus on how they understood their position in relation to the nation prior to the overturn of DOMA. Next, I analyze how participants made meaning about, and came to see themselves as binational same sex couples. Finally, I consider participants' critiques of advocacy rhetorics and spaces, and I argue that these

moments reflect an ambivalent attachment to NGO discourse that tells us how individual agency can be structured by neoliberal politics of belonging.

“Outsiders” to the Nation

“Legal status.” The documented permission to be in the United States. In many ways, this term says so little about the variety of daily life experiences and how citizenship and belonging are practiced and produced outside of legal determinations of “immigration status.” On the other hand, legal status is tool that is used to police and regulate populations, granting numerous rights and benefits to some while creating a class of individuals who cannot gain access to the same (Camacho 2010, De Genova 2002, Luibhéid 2008). Thus official designations of status impact myriad aspects of everyday life for immigrants and citizens alike. Indeed, in our interviews, participants detailed multiple ways that they worked to gain legal status outside mechanisms of spousal reunification. For instance, of the foreign national partners living in the United States³³ at the time of our interview, one held Lawful Permanent Resident (LPR) status, one held Conditional Lawful Permanent Resident (CLPR) status, and one person had received a Diversity Visa. Further, seven foreign national partners held non-immigrant visas, which included four student/educational visas and two employment-based visas. Five couples were living without documented immigration status³⁴, and three were in transition and/or waiting for a response from the immigration service on a pending visa application. In

³³ At the time of their interview, 17 couples were living together inside the United States. 5 couples were living apart in separate countries, and 4 were living together outside the United States.

³⁴ These include 4 visa overstays and 1 “entered without inspection” or EWI

addition, fifteen couples mentioned that at some point, the foreign national partner had held a visitors visa.

Importantly, interviews with individuals in relationships characterized as binational same sex revealed the significant role that legal status has in people's lives. They described how legal designations radiated outwards, and impacted multiple aspects of their daily lives in ways that included but also went beyond specific interactions with immigration agencies or actors. In addition, these interviews also helped to demonstrate how immigration law enforcement differentially defines and treats certain persons based on intersecting hierarchies of immigration status, nationality, race, class, gender presentation and sexuality.

Participants often described feeling as though immigration laws and enforcement practices saturated their lives, and they tended to characterize their position in the immigration system as marginal. Articulations of the emotional and physical experiences of marginalization were often bracketed by justifications of why the speaker in particular, if not binational same sex couples in general, "ought" to have legal status. Concerns about legal status, and the strategies that couples used to attain, maintain, and/or live without it, give depth to our understanding of the attachment that some individuals in these relationships have to inclusion within the nation.

One of the most common, and basic, concerns about legal status voiced by participants who lived in the United States was a fear of removal from the country and separation from their partners. Notably, this threat of deportation was especially salient in certain contexts, and particularly for individuals who were undocumented or did not hold a long-term visa. For instance, in chapter 2 we met Sergio, a Mexican national in his mid-

30s who lives with his partner Charles in southern California. Because he does not hold documented status, Sergio does not have official permission for employment in the United States. He thus works multiple “informal economy” and service jobs, including basic property management duties, cleaning houses, and making outdoor furniture. Charles is an engineer who works in the automotive industry in San Diego. Although the couple does have relative financial security, demonstrated through ownership of a home in Palm Springs and a houseboat in San Diego, Sergio’s undocumented immigration status weighs heavily. In our interview, both partners emphasized the emotional toll this had on their lives. Charles elaborated, “Honestly, we live every day knowing that the possibility exists that he could be apprehended and our whole life would change. That is really all the things that we had to talk—you know, pillow talk late at night when we’re talking-- that is the one deep, deep insecurity in our lives; is that it could all change suddenly because the risk is there” (Interview with Charles and Sergio 9-10-2011). Charles’ comment refers to the potentiality for Sergio’s deportation, a possibility that is particularly heightened in areas of concentrated surveillance, such as border zones, and that is especially elevated for individuals marked as “Latino” or “Mexican.”

Airports were often mentioned as especially significant sites for border control and immigrant surveillance. For instance, Brenda and Agathe, who refer to themselves as “activist grandmas,” recounted an experience they had at the San Francisco airport. In 2008, Agathe was a participant in the Visa Waiver Program (VWP), a program that enabled her to travel to the United States without a visitor’s visa for stays of up to 90 days. However, as the couple soon realized, the immigration service has the option to deny a VWP “visa holder” entry to the country if the border agent believes the person has

traveled to the United States too frequently and/or shows other intentions of staying in the country. Agathe recounted,

Brenda and I had both been [outside the United States] together, on a vacation. We came back, and that's when I was first held for several hours, questioned, told I was coming in too often, that they were considering not letting me in at all. It was a horrible, horrible experience... To the extent where, I'd been on an airplane for 12 hours, and I asked for a glass of water and they said no. I said, "Can I make one phone call, so at least my friends out there, waiting for me, know why I'm not coming out." You can't, you have no—I said, "What powers do I have?" They said, "None. We have all the power." Literally, I wasn't in America yet. I was at the airport, before I'd got through immigration. Anyway, they did let me in for four months, at that time, I think (Interview with Brenda and Agathe 9-7-2011)

Brenda interjected, "Yeah. They told her that she would have to get her affairs in order, and leave the country for a long time." Agathe finished, "So I did." Their account describes the power held by immigration agents in border zones, a power that notably does not remain within these zones but, as we can see with local immigration enforcement laws and the prevalence of immigration raids across the country, increasingly permeates throughout the interior of the nation.

This experience of feeling the weight of state power was described by many of my participants, who, as we will also see below, articulated it as a certain sense of being on the edge of the nation, nearly outside the bounds of recognition. Here, Agathe described how she had no power in relation to the immigration police arm of the state, a description that makes an emotive connection between the force of the state and her position in relation to it. Further, Agathe and Brenda's discussion foregrounds the significant latitude that individual immigration officers have in determining immigrant entry and stay. Despite her possession of "proper" paperwork, the officer in question determined that the frequency of Agathe's entries into the country signaled "suspicious

activity” that was sufficient legal grounds for refusal of entry (that is, he accused her of attempting to “live” in the United States without proper documentation, a sufficient reason to deny admittance). The seeming uncertain and individualized nature of immigration processes made them appear even more ambiguous and threatening, and prompted individuals to develop multiple strategies to successfully navigate the system.

Of my participants, five individuals, including Agathe above, reported that the foreign national partner had been directly questioned or detained (all for relatively short periods of time) by U.S. border agents. The reasons for their detainment included bureaucratic errors, discussions about intent for their visit, and/or concerns about unauthorized employment. However, it is worth noting that the fact that only five participants described this experience might suggest that most participants in this project had obtained the necessary documentation to satisfy bureaucratic state requirements for entry and stay, and that they were generally able to present themselves as normatively gendered, middle-class, properly racialized/ethnic individuals.

However, what this number doesn’t reveal is how couples also developed various strategies that they used to navigate such spaces and (ideally) avoid attention, strategies which suggest that the ambiguity and subjectivity of immigration enforcement can compel one to preemptively counter exclusion from the country by showing how very includable one is. Notably, it was particularly individuals racialized as brown or black and/or those gendered as women, who particularly describe tactics to avoid such encounters. For instance, Kader is a South African national of Indian ethnic background. He was in the United States on a student visa, and lived with his partner Joshua, a Filipino-American, in New York City. In our interview, the couple described how they

always go through customs in separate lines when they return from travel outside the United States together in order to avoid raising any questions about their relationship and about Kader's reasons for being in the United States. Cynthia, an Anglo U.S. citizen who lived in the United Kingdom with her Scottish partner Bonnie, similarly described using certain tactics when the couple attempts to enter the United States together. Not only do they go through different lines, but also "By the time we get off the plane, we take our rings off. We pretend" (Interview with Cynthia 1-6-2012).

Encounters with state power, and the preemptive strategizing about how to maneuver around/through it, serve as heightened moments of awareness of the more generalized experiences of discrimination and marginality due to legal status that participants experienced in their everyday lives. That is, to varying degrees, in our interviews participants described how the lack of governmental recognition of their relationship made them feel more generally excluded from the nation, as unable to access the institutions and processes that would enable them to live their lives on their own terms. This is especially true for foreign national partners, who by law are visitors until designated otherwise. For example, Sergio, who we met above, explained that without documented status, he feels that he cannot expect to "fully belong" to the nation. He elaborated, "It's not just the vulnerability... I feel like I have no right to expect anything from this country since I'm not a citizen or in any legal situation here. I feel like I have no right. I don't even have a right to a voice. That's just my personal feeling" (Interview with Charles and Sergio 9-10-2011). Legal status, or the lack thereof, thus means a great deal to Sergio, as without it he doesn't "even have a right to a voice."

U.S. citizen partners, who by virtue of their legal citizenship are technically included in the nation, also described experiences of discrimination and feelings of exclusion that were related to, but sometimes preceded, their current relationship and immigration issues. For instance, Megan is a 33 year-old U.S. citizen of Taiwanese and Peruvian descent who lives in northern California, and her wife, Mae, is a 35 year-old Filipina who now holds permanent resident status in Canada. At the time of our interview, Megan was preparing to move to Canada because the couple could not obtain a visa for Mae to stay in the United States. Megan positioned their exclusion from immigration possibilities within a larger framework of U.S. exclusions against forms of social difference. She argued,

It makes you really—it almost makes me hate the U.S. It just means that all the things that we say we are we're not. It feels so hypocritical. I work at Rite Aid so I hear these dumb songs about I'm so proud to be an American where at least I know I'm free. Yeah, right. Not if you're colored, poor, gay, disabled... They don't feel so free. I don't (Interview with Megan 10-24-2011)

Like Megan, Alejandro also articulated similar feelings of exclusion. Alejandro and Javier are both in their 50s and have lived together for over 20 years in Queens, New York. Alejandro was born in Puerto Rico but has lived for most his life in New York. Javier, a Venezuelan national, originally entered the United States on a visitor visa that he overstayed, and he has lived in the country since without documented immigration status. In our conversation, Alejandro described their position as one of being “on the margins” of the nation and state. He stated,

We call ourselves *cimarrónes*. Have you ever heard of that term, *cimarrón*? It's a term in Spanish for the people who live on the edge of society. So, we see ourselves as living on the edge of society. I think we are lower-middle class. Because of our education, we should be a little higher, but I stopped working and our income, because of our income, we are lower-middle class. Also, because of

the gay discrimination, and because I live with AIDS, I [use non-traditional medications], I am on the edge of the law, he is on the edge of the law with his papers, so, you know (Interview with Alejandro and Javier 7-19-2012)

Alejandro's invocation of the Spanish term *cimarrón* to describe the couple's experience of alterity signifies how they make meaning about their relation to the United States government and nation. Further, by framing himself and Javier as "living on the edge of society" in ways that include but also go beyond Javier's undocumented immigration status, Alejandro pointed to an intersectional experience of marginality that is both produced and further exacerbated by restrictive immigration laws. We might read this sentiment of alterity-- an emotional response to a sense of insecurity, of feeling disregarded, of the frustration one experiences at the intractability of state power-- as motivating a desire that some LGBTQ-identified citizens and immigrants feel to be included in the nation (Agathangelou, Bassichis, and Spira 2008, Brandzel 2016). Further, we can understand how the pervasiveness of legal status and its regulatory effects can drive couples to strategize about how to get it, and thereby gain the rights and recognition that they feel have been denied to them.

Becoming a Binational Same Sex Couple

Most of the participants in my research indicated that, prior to their relationship, they did not know much about immigration laws or institutions, nor were they necessarily active in LGBT or immigrant rights organizing. However, being in a binational relationship often inspired their interest in gaining knowledge about immigration rules and procedures. For instance, Megan, who we met above, described how, prior to her current relationship, she did not know much about immigration laws. It was only when

she met Mae that she started to look for information and assistance, only to find they had very limited options. Megan clarified, “It’s not something you hear about until you’re gay and you’re stuck, you know, in these situations that we’re in” (Interview with Megan 10-24-2011).

Megan’s comment suggests that this encounter with immigration statutes and structures may be the first time that the gay- or lesbian-identified U.S. citizen partner finds that they are unable to avail themselves of the protections of the law. That this may be the first time they have the experience of being the “target” of exclusionary state power can also speak to this population’s otherwise conformity to normative class, gender, and racial categories. Even still, this confrontation becomes a crucial moment of engagement that compels people to reflect upon their position in relation to the U.S. state more broadly. “Activist grandma” Brenda similarly elaborated, “What I’m gonna say is... our relationship has brought us to knowledge and people that we wouldn’t have ordinarily had. I feel embarrassed that I didn’t know that much about this situation until it was my own” (Interview with Agathe and Brenda 9-7-2011).

Notably, Brenda’s and Megan’s comments also foreground how individuals in binational same sex relationships often sought out knowledge especially about immigration laws and processes³⁵. Joshua and Kader similarly commented on this experience. Joshua and Kader are both in their early 30s, and they met while Joshua was working for a company in South Africa. When Joshua’s job decided to transfer him back to an office in the United States, the couple decided that Kader would join him. Because there was not another option for Kader to lawfully migrate to the United States, he

³⁵ 19 out of 26 couples specifically mentioned seeking out information about U.S. immigration law soon after meeting. Notably, 3 more couples also sought information much later in their relationships when momentum picked up for LGBT rights in the United States.

decided to go back to school and applied for a student visa. Joshua, himself a naturalized immigrant from the Philippines, detailed how Kader's experience motivated him to learn more about U.S. politics and law. Even with his own immigration background, he stated, "I'm definitely much more knowledgeable now, than I would say definitely two years ago, with a lot of the laws, or what is acceptable, what is not. I guess that is really from reading a lot and going to different organizations' websites, or talking to people, even on social media" (Interview with Joshua and Kader 7-18-2011). Joshua's statement exemplifies a common process wherein couples experience the intractability of the law and search for meaning that will help them to maneuver through (or around) it. Further, Joshua named several significant sources that he used to gain information and help understand his situation; including word of mouth, social media, and notably for our discussion here, NGO websites.

Indeed, in the process of learning about their options, a majority of couples³⁶ described connecting specifically with NGOs in order to gain knowledge about the immigration system and their available legal options³⁷. Participants commonly described encountering organizations via referrals from other organizations, attorneys, and/or service providers, or through research using mass, alternative, and social media outlets. Further, interviews show how engagement with NGOs enabled individuals to see their situation as related to that of others who may be very different from themselves but who face similar obstacles in the immigration system. For instance, 32 year-old Ashley is married to a Paraguayan national, 38 year-old Araceli. In our discussion, Ashley

³⁶ 23 out of 26 participants specifically mentioned connection to one or more relevant NGOs

³⁷ This is also likely related to sampling procedures, where most of my participants were found through a connection to a relevant NGO. However, it is also worth noting that even in casual conversations with persons in binational same sex relationships, one or more NGOs were often mentioned as a source of information or support.

described how she and Araceli lived for a number of years together in South America while they worked to figure out a way for Araceli to obtain a visa to the United States. Araceli ultimately ended up getting a Diversity Visa through the lottery system, and she and Ashley now live together outside of Chicago, IL. In our discussion, Ashley demonstrated her changing understanding of her and Araceli's situation through engagement with NGO-sponsored activities. She explained, "When we came [to the United States] in 2009, we did the march to Washington, which was with Immigration Equality... I think that made me more aware of the fact that it was a systemic injustice that needed to be changed on a national level, apart from just 'I have difficulties in my life.' It definitely went beyond that" (Interview with Ashley 9-29-2011).

Ashley's comment described how participation in an NGO-sponsored event spurred an evolution of her understanding of the struggles she and Araceli faced in the immigration system; that is, she became "more aware of the fact" that their experience was part of "a systemic injustice... apart from just 'I have difficulties in my life.'" This statement indicates a shift from conceptualizing the issue as singular or unique, to perceiving it as an experience or even identity that other people might also share. However, it is important not just to note, but also to interrogate this process of learning. Ashley's recognition of her immigration problems as linked to structural processes rather than simply as her private misfortune is crucial, as it demonstrates connection to a particular discourse about "binational same sex couples," access to knowledge about immigration law, and a growing sense that she shares experiences with other people very different from her but whom may face similar obstacles in the immigration system. Further, Ashley's statement foregrounds the role of the NGO (here, Immigration

Equality) in linking her not only to the figure of the binational same sex couple, but also to other individuals in relationships considered binational same sex.

That is, in many ways the NGO sector functioned as a mediator between same sex couples and the state; it was where individuals learned about the law, gained information about possible strategies to navigate the law, and were exposed to sentimental discourses about the nature of their exclusion. Further, NGO discourse also produced a set of norms that specified certain attributes of the binational same sex subject that could be recognizable to the state. Crucially, some LGBTQ-identified immigrants and citizens came to see themselves as able to fit this subject position. For instance, Ashley, again, demonstrated how her understanding of her positionality changed when she described how she and Araceli became increasingly involved in advocacy for binational same sex couples. She said, “I mean, at first obviously from the first time we were together we were technically a binational couple, but we didn’t really see ourselves in that light until we started to talk to other people and participate in groups and that sort of thing” (Interview with Ashley 9-29-2011). In an interview with Alejandro and Javier, Alejandro similarly explained, “It would have had to have been Immigration Equality, yes... we realized we were a binational couple when that is what they told us they are called” (Interview with Alejandro and Javier 7-19-2012).

These quotes show how NGOs influenced couples in ways that went beyond the mere acquisition of facts or knowledge about possible legal options for which they might qualify. It introduced them to an understanding of what types of subject they were/could be in relation to neoliberal politics of recognition. In other words, the discourses produced by the NGOs were ideological, they worked to “dominate other conceptions of

the social world by setting the limit to what will appear as rational, reasonable, credible, indeed sayable or thinkable, within the given vocabularies of motive and action available to us” (Hall 1988, 44). Here, relevant NGOs presented particular narratives about the nature of the exclusion that binational same sex couples faced and specified strategies of inclusion as the proper response. As participants engaged with these discourses, they gained a “common sense” understanding of their position in relation to the immigration system, and they learned that there were others who were similarly situated (Crehan 2002, Hall 1998). That is, through these interactions, they were recruited by the NGO as the binational same sex partner, a subject position whose middle class affiliation is marked by its adherence to normative family structures and its proximity to capital.

Crafting Oneself as a Binational Same Sex Couple Through a Sentimental Politics of Visibility

Between NGO sponsored efforts and individual productions, from 2011-2013, there was a proliferation of cultural ephemera that variously used sentimental rhetorics and images produced by NGO advocacy campaigns to position the binational same sex couple as includable in the nation. Aside from NGO-produced discourses that were circulated in multiple public and political venues, including online (NGO websites, YouTube videos, petition campaigns, Facebook), news media (i.e. CNN, New York Times, Washington Post), and alternative news sources (i.e. lesbian and gay news outlets, Congressional news services), there were also numerous cultural productions made by or for individuals in relationships considered binational same sex. These include cinematic productions, popular non-fiction literature, a character on a well known gay reality TV

show, photography exhibits, performance art, comic books references, and even a pop music song.

These productions both responded to and reinforced the value that participants in my project placed on visibility, a visibility that is routed through the use of personal stories and sentimental rhetorics to gain public support. This is one of the ways in which individuals participated in crafting themselves as binational same sex couples. For instance, discussions about advocacy frequently generated commentary on the need for visibility to produce sympathetic public responses. Ruth is a 52 year-old, African-American professional consultant who lived in New Haven, Connecticut with her 56 year-old partner Sabine, a German national who worked as a teacher in the United States. Since Sabine entered the United States in 2003, the couple worked hard to make sure she maintained documented immigration status. This meant multiple rounds of initial visa applications, applications for renewal, and applications to change status. Ruth and Sabine described to me how changing employment circumstances meant that Sabine could no longer renew her work visa, and they are now out of options for Sabine to “be legal” in the United States. The couple applied for immigrant visas for Canada, and planned to move to Vancouver by the end of 2013. In our conversation, which took place with both partners over Skype, Ruth and Sabine articulated a connection between increased visibility, public perception, and the possibility for government recognition. Further, they highlight the necessity of an emotional component for narratives to most effective. Ruth described it like this,

I think ultimately it's the personal that's the most critical and there's a lot of different ways to do that. Through everything from people sharing their own individual experiences, talking to people, media stories about people, YouTube videos about—whatever. That's the beauty of technology today. I think all of the

different things that happen are important, the pressure—the exertion of pressure is important to happen in multiple ways, but I think it ultimately comes down to the personal. I think it's the personal experiences and the human part of it that is what's gonna drive the change... I mean ultimately it's about heart and no matter how crazy somebody is, everybody's got a heart (Interview with Ruth and Sabine 7-26-2012)

In her statement, Ruth highlighted the major venues used by binational same sex couples to promote public knowledge, sympathy, and understanding about their issue. Further, this comment gets us to one of the crucial elements of visibility as an advocacy strategy—emotion. Ruth's explanation that “the personal” is the “most critical” as it is “the human part” that will “drive the change” clearly connects sentimental modes of politics, changing public perceptions, and political recognition.

Ruth and Sabine are also notable examples of how participation in processes of subject formation can be understood as a mode of agency. They described how they felt rather desperate to make the public more aware of the challenges faced by gay and lesbian couples in the immigration context, and given their imminent move to Canada, they finally felt like they had the opportunity to speak out. They agreed to be profiled for a June 2012 news article that focused on them as a binational same sex couple and their immigration difficulties. They also agreed to participate in my research project as a binational same sex couple, and I have no doubt that the framing of my inquiry (that I was looking for binational same sex partners to participate in an ethnographic research project) impacted the way they presented themselves to me. At the same time, they also acknowledged their motivation for going public—that is, the possibility of gaining immigration relief for Sabine through appeal to a common humanity. Ruth argued,

It does have a lot of power. It's not easy to do. It's not easy to do. I have real new appreciation for people that personalize their stuff in a public way. It's—I think

it's—I think that's really the [most effective way to reach people] is to do it through connecting. I mean, 'cause that's what it does to share your own experiences, is to make contact with somebody. It's in the contact with somebody on a human level, which is what sharing—I think what sharing my story has been about. It's about me trying to make contact with somebody at a human level. I think that's really what it is (Interview with Ruth and Sabine 7-26-2012)

Ruth's statement relates increased visibility to an increased public understanding, and presumes that instances of sharing one's history can compel sympathy and, hopefully, in turn, support for political change. It betrays a hope that perhaps if the public, and especially politicians, could just see whom binational same sex couples are, and understand the barriers that they face, those people too would see the need for change.

However, regardless of motivation, this type of sentiment relies on the normativity of the subject being made visible. It presumes individuals/couples that can be read by the broader public as “normal” in order to appeal to a wide, especially heterosexual, audience. And this normativity is implicated in the ways that individuals describe themselves as binational same sex couples, and how they present their own claims to rights and recognition. For instance, Noah, a 32 year-old dual Israeli and U.S. citizen, makes use of this connection in his discussion of favorable advocacy strategies. Noah and his husband, Yosef, a 33 year-old Israeli national, moved from Israel to Brooklyn, New York in 2009. At the time, Yosef was able to obtain a visa that enabled him to work. However, changing employment circumstances meant that he could not renew that visa though it was soon to expire, and he was unable to obtain another. During our interview, which took place at a coffee shop in Brooklyn, Noah described his opinion about what types of advocacy efforts needed to be made for binational same sex couple.

He particularly pointed to The DOMA Project as an NGO to which he was affiliated and as a good model for advocacy. When I asked why this group, he explained,

It's very clear, it's just very clear about telling people's stories. It created a connection. And, it worked with me, and I think it would work, like, I have always felt-- I told one of my good friends from Israel like a month or so ago, I would go live on Fox News, because I feel that, if I were to explain who I am and what my situation is to those viewers, they would not feel that it was the right thing to deport my husband. That's how I feel, about Americans, you know? (Interview with Noah 8-29-2011)

I remarked to Noah that he was incredibly optimistic about people living in the United States, to which he laughed and replied,

"But I think its true! Because I think that people are really connected to people, and when they think about things, about subjects, about definitions, they can be rigid. But when they see a person in front of them, 95 out of 100 will feel like they want to be sympathetic to that person, and would want the best for them" (Interview with Noah 8-29-2011)

Noah's sentiment here is one echoed by nearly all but a few of my participants. The visibility that will earn couples rights and recognition is predicated upon a "coming out" of sorts, a tactic made well known through contemporary mainstream LGBT rights movements. However, what is obscured within this narrative is that the binational same sex couple must present themselves as "just like" mainstream "Americans," that is, as Noah specified, palatable even to the conservative viewership of Fox News. Noah signals his own fitness to this ideal in several ways, not least through his specified use of the term "husband," which marks his relationship as meaningful and valid to a heteronormative public. In addition, he cited the storytelling model of The DOMA Project, which used normative, sentimental narratives to produce the binational same sex couple as spouses who were being forced apart. His reference to this NGO further

supports my contention that binational same sex partners' claims to rights and recognition are shaped by their interaction with NGO actors and advocacy discourses.

As we can see, participants do considerable work to come to see themselves as, and then shape themselves into, the subject position of the binational same sex partner as a means to gain legal status for the foreign national partner. And yet, interviews with some participants also reveal an ambivalent relationship to this subject position. For instance, some participants hint at the possibility that mainstream representations are strategically political rather than an actual or even desirable reality. Carol is a U.S. citizen who lived in Berlin with her German partner Magda. Carol frankly discussed her and Magda's interactions with binational same sex couple advocacy groups, and like the others here, she also argued for visibility through storytelling. Pointing to Judy Rickard's book³⁸ as a valuable first step, she went on to suggest that a Hollywood-style movie would be even more effective in getting the public's attention. She elaborated,

This is how you train people. This is how you show people. You put it on TV. You put it on a movie. You let them understand that these are just normal people who believe normal things and have the same feelings you do and have the same desires you do and blah, blah, blah. I think the more people that see that, the more open their minds become and the more open their minds become the less they're likely to fight against something like that (Interview with Carol 12-10-2011)

On the one hand, Carol's statement seems to reproduce and promote the "normal" subject that can be the object of public acceptance, and marks the value of sentiment in a politics predicated on visibility. On the other hand, her observation that "this is how you train people," alongside the connections she makes between representations on a TV show or film and public support and her somewhat banal conclusion, also indicates an

³⁸ Is referring to the book, *Torn Apart: United by Love, Divided by Law* written by Judy Rickard. See extended discussion about this book in chapter 3.

understanding of the “normal” subject as a performative goal rather than a lived reality/identity. That is, Carol’s statement can be read as revealing an ambivalence towards normativity, as a possibility that normativity can, or should, be performed (rather than embodied or adopted) as a *strategy* to gain immigration rights for the foreign national partner. Further, Carol’s positioning of binational same sex normativity within a performative framework provides an opportunity to see how individuals acknowledge and participate in processes of subject formation—processes that are especially structured by the social norms produced by NGO advocacy efforts.

The politics of sentimental visibility described here together demonstrate ways that individuals in binational same sex relationships participate in processes of subject formation. Importantly, because of the role of the NGO as a state apparatus, the activities and rhetorics that couples use are always already structured by NGOs’ political advocacy discourse, which is itself developed in response to the terms of public and political debates about the possibilities for national inclusion of immigrant and LGBTQ bodies. Participants’ actions can never be free of this context. However, as we will see, they are also never fully determined by them either.

Reading Ambivalence

On a warm night at the end of summer 2011, I took the Metro North train out of the city and into the picturesque Hudson Valley. I was traveling to interview Kerry and Selah, a couple in a relationship characterized as binational same sex. Kerry and Selah live with Kerry’s son in a two-bedroom apartment that sits on the property of a larger house in Westchester, NY. Selah has prepared dinner for us, and I have brought the wine. We sit at

the small dinner table that is set with plates and silverware, and everyone serves themselves brown rice and chana. As we dig into the food, everyone at the table goes silent as we appreciate the delicious combination of flavors. I ask Selah where she learned to cook, which opened a conversation about life in her native Trinidad. Then we moved into the interview; a second bottle of wine was opened, and we ate and drank and talked for several hours.

Our conversation touched on multiple topics, but one significant theme was a discussion of advocacy strategies that NGOs used to raise awareness about the issue of binational same sex couples. They described themselves as very active in working to create awareness about their situation as a binational same sex couple. For instance, when I ask if they themselves have engaged in advocacy around this issue, they say they have and list multiple venues including,

We did, with Alan Cumming, we did a PSA. It's '1,324 Reasons for Marriage Equality.' A marriage equality video based on, because of DOMA we can't stay together because of immigration issues. We did one with True Colors, uh, the Give a Damn Campaign... We are vocal on Facebook, we are vocal on like, petitions, we are vocal anywhere that we are allowed to be vocal (Interview with Kerry and Selah 8-31-2011)

However, Kerry and Selah were simultaneously quite critical of advocacy strategies and spaces, as they described to me how they did not see themselves represented by the majority of advocacy campaigns and that service providers often did not take into account their specific needs. Selah responded, "It's not like, you know, I am this white French guy who wants to stay with my partner. Kerry interjected, "Which is like, all the Immigration Equality people. We go to these events and it's all like, white

French men.” Selah agreed, further specifying, “French, Canadian, Russian.... They are like all these white guys.” She continued,

I think its hard, you know, you like, once again you go to these immigration events and its like, all white gay men, and you hear their stories and are like, we have five kids that we adopted and its fine... and it sounds really great, and its like, why can't we do that? And it's the reality of like, being women, being queer, being brown, being from Trinidad, having a Muslim last name, its not the same experience as being white, gay, privileged, men. It's so different! It's like, I have to constantly keep that in perspective (Interview with Kerry and Selah 8-31-2011)

In this conversation, Kerry and Selah each pointed to how Selah's experiences in the United States as Caribbean (still predominantly seen in United States as part of the global South), as a person of color, as queer, as a woman, and as connected to an ethnicity that is a target for practices of terrorist surveillance, each intersect to inform her understanding of her position in relation to not only the U.S. government and immigration system, but also mainstream advocacy campaigns for binational same sex couples. In making this critique, they troubled the subject that NGOs hailed in their production of the binational same sex couple, even as they used the positionality afforded by claiming membership in this group to make their own claims to rights and recognition by the state.

The ambivalent relationship that Kerry and Selah demonstrate with mainstream advocacy for binational same sex couples exemplifies the complexities involved in neoliberal processes of subject formation. On the one hand, as we have seen above, individuals participate in their own subjectification within the structuring conditions of social norms. On the other hand, these processes might also provide conditions for a broader number of individuals to use the discursive spaces generated by NGO advocacy, or they might enable individuals to make more complicated claims on the state.

As I show in the following chapter, individuals in relationships considered binational same sex often made use of specific figures that were produced by the NGO sector to make sense of, and narrate, their personal experiences. However, many participants were not uncritical about the messaging and images used in advocacy campaigns. For example, multiple participants commented on the lack of visibility of women in binational same sex relationships, aside from the famous Shirley Tan case³⁹. 27 year-old Panamanian national Andre lived with his 37 year-old partner, Timothy, in a one-bedroom apartment in a trendy neighborhood in downtown Philadelphia, PA. The couple met online in 2007 when both were living in Miami, and they have spent much of their time together attempting to navigate the immigration system and gain permanent status for Andre. Andre reflected on advocacy campaigns, “I think mostly it’s been men though that have been getting attention on it. I haven’t seen as many lesbian couples. When I do sometimes they don’t seem to get as much attention. The Harvard guy and salsa dancer, they got a lot of attention” (Interview with Andre and Timothy 10-31-2011).

Andre’s comment about advocacy directly called out the significant lack of focus on women in binational same sex relationships, which is notable. However, his statement also pointed to something else, that is, the subjects who do get attention. The “Harvard guy and salsa dancer” was a reference to Henry Velandia and Josh Vandiver, two gay men who, from 2010-2011 became the face for binational same sex couple advocacy. Henry, a Venezuelan national, was a salsa dancer and teacher who had been living in New Jersey without documented immigration status. He met his husband Josh while Josh

³⁹ Shirley Tan and her partner Jay Mercado were introduced in Chapter 1. They were one of the first couples considered “binational same sex” to gain public attention. Shirley and Jay are parents to twin boys, and the family lived together in California. Shirley did not hold documented immigration status, and in 2009 was arrested in an Immigration and Customs Enforcement (ICE) raid on their home. Immigration Equality ultimately ended up taking her case and it was widely publicized.

was a graduate student at Princeton University. Their case was significant because it was one of the first cases where an immigration judge suspended a removal (deportation) order based on a same sex relationship. Significantly for our purposes, Henry and Josh were represented by The DOMA Project, who promoted this case widely in mainstream and alternative media forums⁴⁰. And the media loved it. Henry and Josh were young, physically attractive, and yet relatable. In the most well known publicity photographs, both partners are well dressed, arms around each other, with the Statue of Liberty behind them. This couple is whom Andre points to as the subjects who do get attention, a decidedly classed, cosmopolitan, image of the binational same sex couple.

As we saw above, Kerry and Selah also expressed serious concern about NGO's efforts to advocate for a wider range of those who might consider themselves binational same sex couples. Later in our conversation, they described an event that they attended that was ostensibly a legal information session for binational same sex couples. Selah began, "Well, we asked a question about, possibly having more children, and the response we got was you shouldn't put your life on hold." Kerry sarcastically interjected, "Or that you should open your own business. You should open your own business, you should open a flower shop. You should open your own corporation." Selah continued, "Well so what happened was one of [the attorney on the panel's] clients, his family was wealthy enough to open a business for him, so he could get an investors visa." Kerry clarified,

But it was seriously, as though, I am not even kidding you, as though there was no second thought. Like, you should open your own business. Like, what else would you do? 'We opened our own restaurant.' And I am like, I have been kicked out

⁴⁰ See, for example, Semple, Ken, "U.S. Drops Deportation Proceedings Against Immigrant in Same Sex Marriage," *New York Times*, June 29, 2011, <http://www.nytimes.com/2011/06/30/us/30immig.html>

of my family, Selah has practically been kicked out of hers, like... that was seriously their advice. Open your own business. Like, are you fucking kidding me? You are joking me. There wasn't even a question of whether you have the money, or it wasn't even proposed as a prospective plan, it was as though, that was the definitive answer. No really (Interview with Kerry and Selah 8-31-2011)

This conversation reveals how participants sometimes felt as though NGO-produced discourses and spaces for binational same sex couples did not necessarily account for their life experiences and positions, or that of others who might potentially look for help or even community there. Here, Andre, Kerry, and Selah clearly acknowledged the intersectional normativity of the subject position that advocacy rhetorics and discourses promoted as the includable binational same sex partner— male, wealthy, white, married, and likely European; notably, characteristics that for various reasons many couples did not fit. Thus, I suggest that their continued participation in NGO-sponsored events, and their persistent use of NGO-produced discourses to describe their own situations, indicates a strategic agency. That is, by positioning themselves in whatever ways they could fit as a binational same sex couple, they might be able to access some of this subject position's cultural capital to make themselves legible to the state, even when they found it problematic.

In this chapter, I have analyzed in greater depth the relationship between NGOs and their constituents. I have shown that through engagement with NGOs, participants learned certain knowledges, rhetorics, and practices that they used to make meaning about their position in relation to others and the neoliberal state. Yet, at the same time, I have also described how some participants articulated an ambivalent relationship to advocacy discourse, and they were at times critical of the terms of belonging set by it. I

suggest that this ambivalence reveals how neoliberal politics of recognition works to structure individuals' meaning making processes, but yet never does so completely.

Chapter 4

Producing and Navigating Recognition in Neoliberal Times: The Normative Figures of Binational Same Sex Couple Advocacy

Introduction

A 2012 YouTube video⁴¹ opens on Emily Saliers and Amy Ray, of the band Indigo Girls fame. They are standing together in front of a blank, white wall, and speak directly to the camera. They each introduce themselves, and Emily announces that they are making this video on behalf of Immigration Equality, and Immigration Equality's "My Family. Together" advocacy campaign. Amy Ray continues, "We believe that members of the LGBTQ community should have the right to sponsor their spouses to live in America just as straight couples do." The video segues to a shot that reads "Emily's Story," then to Emily, now by herself on screen, sitting on a couch in what appears to be her home. She directly addresses the camera, and talks about her experience being in a binational same sex relationship. She uses emotive language to describe her relationship with her Canadian partner, and elaborates the barriers they face because her partner cannot obtain lawful permanent residence in the United States. Emily confides that the result is, "a lot of anxiety, a lot of fear crossing the border, about being questioned about our relationship, about my partner's inability to work, and to live together and be afforded the same rights as our heterosexual friends."

⁴¹ "The Indigo Girls Speak out for LGBT Immigrant Families, YouTube, published October 2, 2012, <https://www.youtube.com/watch?v=SsQ6VB6e7oQ>

In the video, Emily articulates her deep connections to the southern United States and her home state of Georgia, and she mentions her strong ties to family, business, and property. Yet, she warns that if laws do not change to help protect her and her partner, that she will be forced to move with her partner to Canada. She pleads with President Obama, “Help us make a change, so that regular old people, like me and my partner, and many others, who want nothing more than to be able to live together in the United States, and work, and raise their families, and have those rights.” The video concludes with a screen shot of a printed slogan that reads, “We should not have to make a choice between our country or our family.”

This video foregrounds multiple processes that are the focus of this chapter. First, it calls forth the three figures of advocacy that this chapter attempts to deconstruct: the Permanent Partner, the Love Exile, and the Binational Spouse. In addition, it uses these figures to position the binational same sex partner as a classed subject that can be included in neoliberal imaginings of the nation through their strong ties to “traditional” family and the economy. Secondly, it highlights in a fairly dramatic example (that is, not all individuals in binational same sex relationships are famous rock stars) how these figures play out when individuals and couples articulate their own claims on the state. It shines a light on the deep connection between NGO advocacy activities and individuals’ processes of making meaning about, and taking action on, their position in relation to the state.

In this chapter and the next, I track in greater detail NGOs’ discursive construction of the binational same sex couple. I analyze how NGOs’ sentimental political strategies based on family were organized around the multiple figures mentioned

above, and I describe how individuals in relationships considered binational same sex drew on these figures in their own claims to state rights and recognition. In this chapter, I focus on the explicit figures of NGO advocacy. I argue that these figures helped to construct the binational same sex partner as a neoliberal subject by virtue of their romantic/national love as well as through their relation to capitalism as laborers and consumers, and I consider the political effects of such framings. I start with the “early” figures of advocacy, the Permanent Partner and the Love Exile, which have been used by NGOs for some time to position the foreign national as includable within existing immigration laws and the binational same sex couple as desirable, and desiring, national subjects. I then describe how the shift in the focus of advocacy from immigration reform to marriage equality in 2010 worked to center a new figure, that of the Binational Spouse. This figure solidly moved the impetus for advocacy efforts away from immigration reform and to the rights of the citizen and the rights of citizenship that are bestowed by marriage. I argue that together, these three figures privileged certain lesbian and gay bodies, histories, and relationships as important to the nation, and in doing so, supported the homonormative turn in mainstream LGBT organizing.

Further, I examine how these figures, and the sentimental politics that produced them, were circulated, reproduced, and sometimes troubled by individuals in relationships considered binational same sex as they navigated neoliberal politics of recognition. As the analysis of the Indigo Girls’ YouTube video above suggests, these figures made available certain discourses and spaces that some individuals were able to use to make claims on the state. At the same time, I also consider how these figures acted as discursive gatekeepers, structuring the terms of individual claims to state rights and

recognition. These figures also serve a regulatory function that disciplines queer and immigrant difference narrowing their identities, histories, and relationships into rhetorics of inclusion based on romantic attachments and financial capital. And yet, the figures are not overdetermining—individuals and couples use them but also, at times, contest and refuse them. Like in the previous chapter, I read interviews and public productions by individuals in relationships considered binational same sex as revealing an ambivalent attachment to these figures.

Of Love and Politics

The figures of binational same sex couple advocacy were premised on sentimental notions of love and intimacy and worked to produce the binational same sex partner as a certain kind of subject in relation to the neoliberal state. The love between partners became the mechanism by which they earned the right to state recognition. Further, these figures suggest not only a (marital) romantic love, but also, a love for the U.S. nation. In *The Empire of Love*, Elizabeth Povinelli analyzes the role that modes of intimacy play in liberal governance, and suggests that in liberal settler colonies (which includes the United States) “love is a political event” (2006, 175). By citing the love between binational same sex partners as their basis for claims to rights and recognition by the neoliberal state, NGOs exploit the power of the intimate event, itself “a semiotic operation that creates a subject, produces multiple linkages between that subject, its economy and government, and governs the operation of those linkages” (Povinelli 2006, 192). In other words, NGO discourses that center the normative, romantic love between same sex partners function to recruit individuals (each with their specific contexts, relationships, histories) as subjects

(the binational same sex partner), by linking them to normative kinship (nuclear family) and also to labor and capital (as middle class wage earners and consumers).

The Permanent Partner

As discussed in greater detail in Chapter 1, prior to 2010, NGOs generally focused on advocacy strategies that addressed the immigration context specifically, and often actively distanced themselves from discussions about same sex marriage rights. This translated into lobbying for comprehensive immigration reform that included LGBT couples, as well as for stand-alone pieces of immigration legislation such as the Uniting American Families Act (UAFA). Initially named the Permanent Partners Immigration Act (PPIA), UAFA maintained a focus on the inclusion of “permanent partners” into existing immigration laws. In an interview, a founding member of Immigration Equality and later, The DOMA Project, described how Immigration Equality initially modeled its ideas for immigration reform on European and other countries that had specifically offered immigration rights to same sex couples without giving access to the full range of rights and benefits that were connected to marriage. He stated,

I worked very closely with my counterparts in London, and in Canada and Australia... they had developed policy around same sex partners that didn't have anything to do with marriage. We saw what they were doing, and saw them as they achieved their victories in real time... And the nice thing about that was it may not be the policy we would have wanted ideally but we saw it was working, so we had a body of evidence for people who said, you know, this will never work (Interview with L. Soloway 3-14-2013)

Soloway's comments illustrate how NGOs intentionally avoided the issue of marriage in early advocacy efforts, although notably, the permanent partner was for all intents and purposes described within proposed legislation as a marital-type relation. For instance,

the Uniting American Families Act (UAFAs) defined the permanent partner as a person in a long term, monogamous relationship characterized by romantic love and financial alliance. Notably, this figure of the permanent partner became the foundation of, and set the terms for, future advocacy efforts for binational same sex couples.

Further, NGOs used sentimental political strategies to associate the figure of the permanent partner with normative conceptions of family and class in the absence of the possibility for same sex marriage. We can see this clearly in the name change of the proposed bill from the Permanent Partners Immigration Act (PPIA) to the Uniting American Families Act (UAFAs). Although the title now foregrounds family, the language of the bill maintains the focus on permanent partners. Further, this association is present in multiple other advocacy-based texts and images about binational same sex couples. For instance, in 2006, Immigration Equality co-authored a paper with global watchdog organization Human Rights Watch entitled “*Family, Unvalued.*” As the name suggests, the report frames the experiences of couples-as-permanent-partners through the lens of family to demonstrate how they are impacted by the restrictions in contemporary immigration laws. Similarly, Out4Immigration notes on their website that their goal is to “raise awareness about the discrimination same-sex binational couples face under current U.S. laws when trying to keep our families together.”⁴² The DOMA Project has also used the rhetoric of kinship to indicate stakes at play in policies that impact LGBT-identified immigrants and citizens. For example, in 2013, organizational leaders issued a press release that attacked the removal of an amendment from proposed comprehensive immigration reform legislation as a “failure of the legislative branch to keep our families

⁴² Out4Immigration, United By Love, Divided by Law “About Us” Accessed on 12/10/2016 out4immigration.org/aboutus.html

together... We will continue to fight to ensure a smooth transition to the post-DOMA future in which all families are secure.”⁴³

However, it is not merely that the permanent partner gains meaning and value from its association with family, but also that family is the mechanism that enables legal and national inclusion. Representations of permanent partners as normative families is a way to discursively mark the middle to upper class position of this group, a position that is produced in and through intersecting gender, racial, and sexual norms and that moderates national belonging in neoliberal times. The Immigration Equality/Human Rights Watch report mentioned above titled “*Family, Unvalued*” highlighted families with children, and detailed the harmful effects of deportation on U.S. citizen youth. Images of families—permanent partners and their children together on vacation, in a posed photograph at their home in front of the stairs, and/or dressed in holiday garb standing in front of the Christmas tree-- subtly marked class membership and cultural belonging. Karma Chávez (2010) similarly notes this quality in a critical analysis of this document, when she describes how the report privileged the relationships and familial relations of some LGBTQ individuals while minimizing the visibility of queers of color, working class queers, and those who do not hold documented immigration status.

Permanent partners-as-family thus represents both the legalizing mechanism (i.e. legal processes of family reunification) as well as the political tool by which individuals in relationships considered binational same sex might gain state rights and recognition. NGOs’ linking of the permanent partner from legislation to normative representations of

⁴³ The DOMA Project, “Senate Judiciary Committee Abandons LGBT Amendments to Comprehensive Immigration Reform, Ending 13-Year Effort to Pass the Uniting American Families Act,” May 22, 2013, <http://www.domaproject.org/2013/05/senate-judiciary-committee-abandons-lgbt-amendments-to-comprehensive-immigration-reform-ending-13-year-effort-to-pass-the-uniting-american-families-act.html>

family was a sentimental political strategy that marked the class position of this group and positioned them as (potential) reproductive citizens of the nation. Notably, this framing had significant ramifications for the ways that future advocacy strategies were articulated and deployed. It limited the ways in which advocates might talk about family in relation to immigration policy more broadly, as well as necessarily positioned individuals in binational same sex relationships as “exceptional,” or as the “good gay immigrant” that is most deserving of inclusion.

The Love Exile

Even in its early years, when advocacy efforts were focused on immigration reform, mainstream discourse about binational same sex couples tended to focus less on what the foreign national partner could bring to the United States, and more on what the country would lose should the U.S. citizen decide to move away to be with their significant other. The term “exile” predominated in these accounts, evoking sentimental notions of forcible expulsion from one’s home country. For instance, Immigration Equality submitted testimonies to multiple Senate Committee on the Judiciary hearings that repeatedly positioned U.S. citizens as “love exiles” who must decide between “separation from the person they love or exile from their own country.”⁴⁴ Although Immigration Equality was particularly adept at making use of this figure, other groups also picked it up and used it for sentimental impact. For instance, The DOMA Project’s online information page pointed to the “countless binational couples [that] are forced into

⁴⁴ See, for instance, *Addressing Inequality in the Law for Permanent Partners*, U.S. Senate Committee on the Judiciary Hearing, (June 3, 2009) (testimony of Executive Director, Immigration Equality) and *The Need for LGBT-Inclusive Comprehensive Immigration Reform*, U.S. Senate Committee on the Judiciary Hearing, (February 13, 2013) (testimony of Executive Director, Immigration Equality).

exile to live in other countries where their relationships are recognized under law.⁴⁵” This posed opposition between love of partner and love of country was meant to drive home the desperation in the couples’ predicaments, but also promoted the ideal of a loving, committed, monogamous relationship in which the apparently ultimate sacrifice—the sacrifice of one’s country—would be made if necessary.

Further, the emphasis on “choice,” that is, the U.S. citizen’s forced choice between romantic and national love, undergirded the figure of the love exile and worked to re-center a neoliberal subject that has the “freedom” to choose⁴⁶. Again, we can see that this is a classed subject that possesses the economic security, if not the knowledge, skills, and networks, which are necessary to gain immigration status or citizenship outside the United States. As Karma Chávez argues, this framing “does not comment on the class privilege implied with couples having the financial resources to relocate” (2010, 141). Ultimately, the figure of the love exile made use of sentimental notions of romantic and national love to draw the binational same sex couple as both desiring of, and able to be desired by, the nation. It worked to produce the U.S. citizen partner as a classed subject by virtue of their ability to “choose” and to be mobile; picking up one’s life and getting legal status in another country is not a possibility that is open to everyone.

The love exile was introduced in advocacy campaigns as a national loss that required immediate recuperation. Further, public statements and other advocacy texts used sentimental rhetorics to associate the figure of the love exile with family and with labor and capital. For example, in a 2009 address to Congress, the Executive Director of

⁴⁵ The DOMA Project, “What are we Fighting For?” accessed on 12/10/2016, DOMAProject.org/our-project

⁴⁶ To note, a less neoliberal approach would perhaps focus more on the structural conditions that inhibit immigration as opposed to the U.S. citizen’s ability to choose to move to another country.

Immigration Equality pointed to the costs the state might incur when a child leaves their natal family to move to another country. The Executive Director argued, “When an American is forced to choose exile over separation from her partner, she is simultaneously exiling herself from her own family... this may mean that the U.S. government has to pay for nursing home care because the parent loses this vital support system.”⁴⁷ In this account, the U.S. citizen partner is read through her relation to her family, but also, is made salient through her relation to economic capital, or more specifically, the evacuation of her capital from the country. Indeed, in this account, the lesbian or gay U.S. citizen nullifies the government’s responsibility for social welfare provision for elderly and ailing citizens.

Advocacy groups also became extremely efficient at demonstrating how the love exile forecasted another type of cost as well, that is, a cost to U.S. business interests. For example, in the 2009 Judiciary Committee hearing described above, the Executive Director of Immigration Equality focused on its economic impact. She stated, “In addition to the loss an American citizen and his extended family may feel personally when he is forced to leave his country behind, he also leaves behind a hole in the American labor market and talent pool. Every time that an American and his partner make the gut-wrenching decision to leave the U.S., our country loses a contributing member of our society.”⁴⁸ This focus positioned binational same sex partners as necessary to the nation not as humans, agents, or actors; but rather as skilled laborers,

⁴⁷ *Addressing Inequality in the Law for Permanent Partners*, U.S. Senate Committee on the Judiciary Hearing, (June 3, 2009) (testimony of Executive Director, Immigration Equality).

⁴⁸ *Addressing Inequality in the Law for Permanent Partners*, U.S. Senate Committee on the Judiciary Hearing, (June 3, 2009) (testimony of Executive Director, Immigration Equality).

conspicuous consumers, and as employees who could simply move their labor-as-commodity elsewhere.

To this end, in 2011, Immigration Equality started a “Business Coalition,” a group of prominent U.S.-based companies such as Intel, Nike, and Goldman Sachs, who agreed to lobby their Congressional representatives for immigration reform for binational couples. These companies are invested in legal reform because, as one Immigration Equality brochure put it, “its not just about fairness, its about business.” In a 2013 address to the Senate Committee on the Judiciary, the Executive Director of Immigration Equality cited a letter authored by the Business Coalition in which more than 30 businesses expressed support for the Uniting American Families Act (UFAA). It argued that businesses need immigration reform for same sex couples because, “We have lost productivity when these families are separated; we have borne the costs of transferring and retraining talented employees so that they may live abroad with their loved ones; and we have missed opportunities to bring the best and the brightest to the United States.”⁴⁹ Here, the urgency of reform is expressed less as a concern of social justice and more significantly as a response to capitalisms’ need for skilled labor and sustainable sources of revenue.

The framing of U.S. citizens as love exiles, and the use of big business to lobby for state recognition, situates these couples as an integral part of the U.S.’s capitalist mode of production. Not only does this approach leave untroubled the historical tie between business and migration, but also the appeal to business further entrenches the relationship between capital and neoliberal determinations of belonging and exclusion.

⁴⁹ *The Need for LGBT-Inclusive Comprehensive Immigration Reform*, U.S. Senate Committee on the Judiciary Hearing, (February 13, 2013) (testimony of Executive Director, Immigration Equality).

Ultimately, this mode of advocacy minimizes the presence of the foreign national partner and valorizes the American citizen who leaves the United States for love as “lost”: lost to his country, lost to his family—and perhaps most importantly, lost to the American economy and labor market.

Not only does the figure of the love exile produce the binational same sex partner as a classed subject, and work to cover the multiple connections between the regulation of sexuality, migration, and capital, but also, as queer migration activist Yasmin Nair elaborates in a critique of UAFA, the term itself is a misnomer. She argues,

A person is in exile only if forced out of the country, often under the threat of death, for political beliefs. The term exile simply does not fit. Continuing their use of such overly dramatic and misleading terminology, UAFA supporters also write and talk about the "horrible choice" between love and country. But this supposes that only the American citizen or permanent partner has a dreadful choice to make in leaving the U.S.-- and that the foreign partner has no qualms about leaving their home country (Nair 2009, 4)

That is, the term love exile mis-names the processes at play by using emotionally laden terms. This framing works to center the U.S. citizen partner as the focus of reform and position same sex/permanent partners as valuable national subjects that need to be recouped.

The Binational Spouse

“Since it was signed into law by President Clinton, it has caused immeasurable harm to lesbian and gay Americans and our families. It has destroyed marriages, torn apart families, depleted savings, forced us to defer plans to start families, to buy a home, start a business or pursue our education. DOMA has robbed us of years of our lives, it has left us poorer, unable to care for our families, forced into exile, separated from those we love, living in fear of deportation, hiding in a double closet and enduring a constant, crippling burden of stress that few relationships could survive. And yet we are still here, tens of thousands of lesbian and gay binational couples, DOMA WARRIORS all of us, not waiting, but fighting. Not sitting on the sidelines, but joining a movement made by us for

us. We have empowered each other, and we have created a supportive environment to share our stories and lift ourselves up. DOMA has destroyed much, but our love endures. We have fought this fight for love, and we will win.”⁵⁰

In August 2013, the Supreme Court issued a decision in *Windsor v. United States*⁵¹, which held that the federal government could not define marriage in a way that contravened state law, thereby validating marriage for same sex couples in states where it had been made legal. Popularly known as “the DOMA (Defense of Marriage) case,” this ruling gave *married* same sex couples access to a range of federal rights and benefits that had previously been denied to them. As a federal body of law, immigration was one such benefit.

Although many foreign nationals in binational same sex relationships have since been able to access immigration benefits because of the *Windsor* decision, it was not always clear that this would be the means to recognition in the immigration system. Indeed, as I have already discussed, for much of the history of political advocacy for binational couples, organizers strictly cordoned off couples’ struggles in the immigration context from public debates around same sex marriage more broadly. However, the shift in 2010 towards a focus on marriage equality signaled a fundamental change as it framed the issue squarely within a rights narrative that was tied, not to the foreign national or even immigration, but to the U.S. citizen partner and the rights of marriage. Further, it worked to produce a new figure around which advocacy would be organized, the gay/lesbian “binational spouse.” As the founder of The DOMA Project explained to me in an interview,

⁵⁰ The DOMA Project, “Our Faces- Families Fight to Defeat DOMA,” May 7, 2013 <http://www.youtube.com/watch?v=IRXoJgM5i94>

⁵¹ *United States v. Windsor*, 570 U.S. __ (2013).

Families were being torn apart, couples were being separated, and I didn't think it was necessary any longer to talk about immigration law, because as these pieces started to line up, and couples were marrying in the tens of thousands, and we have to be on the ground with change. Same sex couples didn't need any longer to be regarded as partners, to each other; they could be regarded as spouses (Interview with L. Soloway 3-14-2013)

This statement clearly marks the shift from permanent partner to spouse that advocates thought would be politically efficacious. The excerpt from the DOMA Project at the beginning of this section begins to outline the figure of the binational spouse by positioning binational same sex couples as “DOMA Warriors” that are “Not sitting on the sidelines, but joining a movement made by us for us.”⁵²

For instance, the opening paragraph in the brief written by Immigration Equality for the *Blesch v. Holder* case describes the plaintiffs as “five committed, loving couples, lawfully married by the government of South Africa and the States of Vermont, Connecticut, and New York” (2012:1).⁵³ This statement immediately marks the marital status and the governments that bestowed this status as a means to legitimate the marriages. Similarly, a 2012 news article from SFGate, the website companion to the San Francisco Chronicle, was titled “Deportation Threat Lifted from S.F. Gay Spouse.”⁵⁴ This article featured one of Immigration Equality's spokespersons, Bradford Wells and Anthony Makk, and the title itself indicates their relation to one another as spouses. The text of the article detailed how Congresspersons Nancy Pelosi and Dianne Feinstein personally intervened in this case, and noted especially that it was in part related to the

⁵² The DOMA Project, “Our Faces- Families Fight to Defeat DOMA,” May 7, 2013
<http://www.youtube.com/watch?v=IRXoJgM5i94>

⁵³ *Blesch v. Holder*, Civil Action Complaint (U.S. District Court, Eastern District of New York 2012)

⁵⁴ Lochhead, Carolyn, “Deportation Threat Lifted from SF Gay Spouse,” SFGate, January 5, 2012,
<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2012/01/04/MNM61ML017.DTL&type=gaylesbian>

recently issued (Morton memos) immigration guidelines regarding prosecutorial discretion.

Notably, the movement towards marriage equality and away from immigration reform as an advocacy tactic worked to reproduce marriage as the arbiter of the rights of citizenship. The “DOMA warriors” in the quote above are precisely “lesbian and gay Americans and our families;” this focus disaggregates the issues binational same sex couples face from a discussion of immigration reform and a critique of the uneven dividing processes inherent more generally to our immigration system. Although earlier figures such as the permanent partner and the love exile also worked to privilege U.S. citizen bodies, experiences, and histories, the move to focus on the binational spouse both consolidates the focus on the U.S. citizen as the legitimate bearer of rights and naturalizes marriage as the proper institution for the transmission of these rights.

Indeed, it is telling that after 2011, the binational same sex couple became somewhat of a poster child in mainstream marriage equality campaigns; an evocative, and notably sentimental, site to showcase both the legal benefits of inclusion of same sex couples in the institution of marriage, as well as the effects of exclusion. For instance, a 2012 publication by the Center for American Progress⁵⁵ detailed five ways that DOMA significantly harms same sex couples: a negative impact on couples’ economic security, health, elderly LGBT people, military members, and notably for our purposes here, the possible separation of binational same sex couples. Yet, these campaigns deployed the drama of the binational same sex couple to show how legal exclusion hurt otherwise

⁵⁵ Miller, Katie and Crosby Burns, “5 Ways the Defense of Marriage Act Harms Same Sex Couples and Their Children,” Center for American Progress, November 30, 2012, <https://www.americanprogress.org/issues/lgbt/news/2012/11/30/46376/5-ways-the-defense-of-marriage-act-harms-same-sex-couples-and-their-children/>

includable lesbian and gay citizens, not to point to the fissures and cracks within the immigration system. In multiple ways, then, the issue of binational same sex couples, and the figure of the binational spouse, became inextricably bound with marriage equality advocacy. However, as critics of same sex marriage have argued, marriage is an inherently conservative institution that reproduces and maintains multiples violences of the normative (Brandzel 2016), and thus we might consider how even in this instance, “marriage will never set us free” (Spade and Willse 2013).

Engaging The Figures of Advocacy: Binational Same Sex Couples’ Public Claims to Rights and Recognition

A surprisingly large body of publicly available performances, images, writings by, and texts about binational same sex couples has accumulated since 2000, and have contributed to the construction and distribution of discourses about the binational same sex couple. Notably, NGOs have often produced or been involved in a number of these productions, crafting templates for personal narrative structures, encouraging their constituents to submit their stories, and culling them for the most sympathetic. For instance, Immigration Equality’s “MyFamily.Together.” campaign primarily utilized online videos made by binational same sex couples (such as the Indigo Girls’ video above), while Out4Immigration’s “United by Love, Divided By Law” tumblr project focused on photographs of couples that were accompanied by a brief text describing their situation. The DOMA Project employed a collage approach to the presentation of couples’ stories, making use of videos, print copy, photographs, legal documents, and other images to tell a story for each couple/client. These campaigns and projects reveal a deeply connected relationship between NGO strategies to legitimize the binational same

sex couple and individuals' self-described desire to "tell our stories" that was explored in chapter 2.

This relationship has multiple ramifications on the public claims and productions made by individuals in relationships considered binational same sex, including the use of specific rhetorics and figures to position oneself as a binational same sex couple.

However, in a broader sense, it is also influenced the ways in which lesbian and gay citizen partners conceptualized "the problem" that needed address in their own lives, and the actions they took in response. That is, the discursive figures of the permanent partner, the love exile, and the binational spouse helped to both produce and reinforce individuals' meaning-making processes about the discrimination that they faced as based primarily on sexual identity, and as separate from broader discussions of immigration reform.

In interviews and in the public productions made by binational same sex couples, the figures of advocacy are reproduced as individual histories and experiences. Sometimes this is signaled through the explicit citation of a figure, such as the love exile and the binational spouse. For instance, in her book *Torn Apart: United By Love, Divided by Law*, Judy Rickard draws especially on the figure of the love exile to describe various couples' encounter with the state. Rickard, herself an author, activist, and partner in a binational same sex relationship, argues that current immigration and marriage laws "leaves couples/families like mine with two terrible choices: to choose between family and country or to choose between family and career. What kind of a choice is that?" (2011, 29). Rickard directly references the figures about the love exile developed by NGOs to describe her own, and others, relationship to the nation. In doing so, she

rhetorically centers the U.S. citizen partner as the injured party as she elaborates the drama of her “forced choice” between “family and country” or “family and career.” Further, the slash between “couples” and “families like mine” calls forth the figure of the permanent partner, and works to (re)produce the lesbian or gay couple as family. Like the NGO figures that this book references, Rickard positions herself and others similarly situated as neoliberal subjects through their potential for mobility and professional labor power, and even more, through their ability to make a choice, a choice that at once dramatizes their love for the nation as well as their ability to belong to it.

“Officially” published or produced works are not the only site that we see claims for recognition that make use of these rhetorical figures. Individuals in relationships considered binational same sex produced a number of social and alternative media posts to tell their stories and claim state rights. For example, a 2012 YouTube video titled “Missing You, Happy VDay My Love”⁵⁶ cites the figure of the love exile, and also, of the binational spouse, to describe their position in relation to the nation. This video is composed of a series of excerpts from recorded home videos and video chats that are digitally sequenced together and sound tracked with Beyonce’s hit single “I Miss You.” The recording has no spoken dialogue, but is narrated by handwritten signs that are held by a white male in his early-mid 30s, who is standing in a black hat and leather jacket in front of a neon background. The video opens on him holding a sign that says “Happy Valentine’s Day!” He flips to the next, “I wish I could be out celebrating with the man I love (and am married to).” The video moves through multiple spliced vignettes of two men in a variety of places, including the New York City subway, a dance club, and a

⁵⁶ “Missing You, Happy VDay My Love, YouTube, February 13, 2012, <https://www.youtube.com/watch?v=BmMnA1wPrNU>

bedroom; these images are interspersed with vignettes from the couple's online video chats in their separate homes. By juxtaposing together and apart, showcasing the partners' mutual affection for each other alongside (in spite of) the difficulties of long distance relationships, the montage draws the viewer in by evoking sentimental responses to their separation. In between these scenes, we flash back to the neon background and the handwritten signs, which explain that the man's partner was forced to return to his home country, as one of the signs states, "because of DOMA." At the end of the video, the man holds up a sign that says, "I love my country, but I love my man more," followed by another with the words, "so I'm moving to Tel Aviv." Then, he flips to a final sign, "And I am not coming home until DOMA is repealed."

Notably, this video draws on the figures of NGO-produced advocacy to make its claim, clearly that of the love exile, but also that of the binational spouse. The viewer learns right away that this is not just any romantic pairing, but that the couple is married, underscored literally by the underline under married in the second sign. Indeed, it is "because of DOMA" as one sign states, that his husband was forced to leave the United States, not because of immigration laws. Further, in line with NGO produced advocacy efforts, the normativity of the marital couple is highlighted-- each partner is male, young, attractive, light skinned, and the context of the video uses multiple signals to mark them as middle class and cosmopolitan. For instance, they have the financial resources to travel, they live in urban spaces, and they have access to/ownership of the latest technology.

In addition, this video utilizes the figure of the love exile. Like Judy Rickard's book above, the statement, "I love my country, but I love my man more," reflects a deep

engagement with NGO-produced discourses. Potential actions are framed through the concept of choice, and the man in the video makes clear that this choice presumes a love for the U.S. nation, a love that is trumped only by his love for his husband. Further, it again represents the U.S. partner of binational same sex couples as those who, other than falling in love with someone of the same sex from a different country, saw themselves as belonging, as already included within the nation. Thus, the narrative themes that the couple uses in this video call out the figures of NGO advocacy as a means to position themselves as a binational same sex couple, and therefore as includable subjects by virtue of their love for each other and for the U.S. nation.

In addition to more public pronouncements, interviews with individuals in relationships considered binational same sex also reveal an engagement with, and the labor of self-positioning around, the figures of binational same sex couple advocacy. For instance, U.S. citizen Steven now lives in Budapest with his Hungarian partner, Dominik. They met and lived for almost 8 years together in New York before Dominik's visa expired, at which time they decided to leave the States together. In our interview, Steven described his decision, "We moved to stay together. I had to choose between living there alone without my partner or moving out of the country so we could stay together" (interview with Steven and Dominik 10-30-2011). Steven here evokes the figures of the permanent partner and the love exile in his framing of his forced choice between partner or country. Similarly, Daniel and Giovanni also moved outside the United States together because Giovanni could no longer maintain his documented immigration status. In our interview, Daniel described his position, "I'm a disabled American veteran. 100% disabled American veteran. They gave me a choice: live here by myself without my love,

or exile me somewhere else and put my whole health and life at risk” (interview with Daniel and Giovanni 8-2-2012). In our discussion, both participant-couples drew on the figure of the love exile, and the NGO-produced rhetorics about the U.S. citizen’s choice between romantic and national love to frame their own situations.

Given that the research for this project took place in the direct lead-up to the overturn of DOMA, it is perhaps not surprising that the most salient figure for many couples was that of the binational spouse. Indeed, participants frequently used this figure to make sense of their position in relation to the nation as one of subordination based on sexual identity or preference. A majority of participants described their relation to their partner in terms of (legal or symbolic) marriage and I frequently heard the argument that because of the importance of this relationship, binational same sex couples should not be separated. A sympathetic argument, no doubt, yet in framing the issue as one based largely on discrimination based upon sexuality or choice of partner, these claims participated alongside NGO discourse in separating off the issue of binational same sex couples from discussions about immigration restrictions and reform more generally.

That is, while several couples that I spoke with did link their situations to immigration practices, structures, and laws; interviewees invoked the figures of the permanent partner, love exile, and especially the binational spouse to identify their experience of discrimination as related to the government’s lack of recognition of LGBT rights, and more specifically, the illegality of same sex marriage. This is not to say that couples did not recognize faults in the immigration system. Indeed, most participants articulated some form of critique of immigration laws and practices. However, they frequently did not trace the source of their current struggles to the immigration system

itself. For instance, in 2012, Brandon and his partner Jean lived in an apartment in the upper west side of New York City. Jean is from La Côte d'Ivoire; although he entered the United States on a visitors visa, when that expired he decided to stay and at the time of our interview was living without documented immigration status. In my interview with the couple, Brandon considered the possible reasons for their predicament,

“I mean, the way I feel about it, is that, one; immigration is so unfair in some aspects. It just doesn't-- there are so many rules, it doesn't make any sense, and it's just so, it's so elitist that, the whole process oftentimes disgusts me. So, I have definitely become more aware of the challenges that immigrants face, you know, beyond the 'LGBT' immigrants. And I feel like I am much more aware of that. But our case in particular, I do feel like it is, it's more of a gay issue than an immigrant issue. I think if, if DOMA didn't exist, and our marriage was recognized by the federal government, he would have a green card. And, of course there are problems with the immigration system beyond that. But, the discrimination part, is, the, is what is really frustrating. For us, specifically. So, I think it's more of a gay issue” (interview with Brandon and Jean 8-7-2012)

Here Brandon acknowledged the existence of problems with the immigration system and how current laws impact immigrants' lives. However, he did not locate his inability to petition for his partner within the schema of “challenges immigrants face.” Rather, he argued that his problem is related to the government's stance towards same sex marriage, and he used the word “discrimination” to link sexual identity with lack of rights accorded to him as a citizen. Brandon and Jean were not alone in this framing, and Brandon's statement is emblematic of how constituent meaning making processes reflected the discursive figures made popular through advocacy campaigns.

I have shown here how not only do individuals pick up and use these figures to position themselves as binational same sex couples, and as deserving of rights and recognition, but also, they use these figures to parse out what types of alliances they think are most important for advocacy in relation to binational same sex couples. However, it is

not merely that these figures influence the ways in which individuals make claims upon the state, but also that they filter out certain imaginings of causes, solutions, and alliances. That is, in drawing on the figures produced by NGOs, these claims, to use Elizabeth Povinelli, focus on the state's refusal to acknowledge "the intimate event" of their love. But at the same time, these speech events and public productions simultaneously reproduce the power of the intimate event to produce subjects and govern those subjects' relation to the state. That is, when constituents draw on advocacy campaign rhetorics that position their romantic attachment as exactly that which prevents them from enjoying the same rights and freedoms as their heterosexual counterparts, their focus on inclusion into heteronormative regimes of intimacy also reaffirms the intimate event as the very basis on which an individual *ought* to gain rights and recognition. In this way, like the NGO activities themselves, public productions and individual claims like those described in this chapter both worked to create the possibility for belonging for some, but at the same time, they reproduced conditions of impossibility for others.

Ambivalent Attachments, or, Navigating Recognition in Neoliberal Times

The public presentations explored above exemplify how individuals in relationships considered binational same sex worked to form themselves as binational same sex couples using the discursive spaces opened by NGO-produced advocacy. However, as I began to demonstrate in the previous chapter, interviews with individuals in these relationships also reveal an ambivalent relationship to the discourses and figures outlined in this chapter. For instance, the influence of advocacy campaigns such as Immigration Equality's "Business Coalition" effort, is evident in my discussion with partner Timothy

and Andre in Philadelphia. In our interview, Timothy expressed concern about that fact that frequently, “I feel like I should start reading off Andre’s resume to people, you know, to prove that he should be able to stay here” (interview with Andre and Timothy on 10-13-2011). In making this observation, Timothy draws on advocacy images and discourses that foreground the skilled labor power and economic value of the foreign national partner as reasons for rights and recognition. However, he also explicitly expressed that he doesn’t *like* to feel this way, and that he does not feel like Andre’s professional background is the important thing to emphasize to others about who Andre is or why he should be able to stay in the United States, revealing a critical evaluation of advocacy representations and spaces, even as he might make use of them.

This dynamic is evident especially in discussions about the focus on marriage in advocacy campaigns. These interview moments revealed ambivalence about the discourses about, and figure of, the binational spouse that came to dominate advocacy campaigns. Although multiple participants described a desire to get married and/or an understanding of potential rights as based primarily in the recognition of same sex marriage (as opposed to immigration reform), some participants troubled this connection. For instance, Brett is a 29 year-old U.S. national, and his partner of nearly five years is a 41 year-old Italian named Stefano. Brett and Stefano lived together in England for most of their relationship, however, in 2010, Brett accepted a job in New York City working for an international NGO. Stefano, a college professor, was able to move to the U.S. temporarily when he applied for and received a visiting professor position at a university in New Jersey. However, by the time of our interview, his contract was almost complete. This meant that in order to comply with the terms of his visa, Stefano would either need

to find another job and visa sponsor or leave the country, a prospect that both prompted a series of serious conversations about the couple's future and put a spotlight on their limited legal options. In our interview, Brett critically calculated the potential benefits and burdens of marriage, even as he argued against marriage as a requirement for legal rights. He clarified,

Well, I definitely support [same sex marriage] whole-heartedly, there is something that I don't, and maybe it says something about the relationship more than anything else, but, I just, don't really want to have to be married in order to be with the person I am with. I think, you know, why should you? What should preclude, you know, the build-up to marriage not being protected? By some sense of this person is ok to stay? And there are different entry points for it, but you know, the idea that the marriage is going to happen, or, whatever, and that is what is going to allow this relationship to flourish, is on some levels, unsatisfying (interview with Brett 2-17-2011)

Here Brett articulated a critique of marriage as the mechanism that would enable Stefano to stay in the United States. He began to question why certain forms of relationships (i.e. married) were valued over others (i.e. "the build-up" or non-married relations), and points to his negative evaluation of this "requirement" by marking it as "unsatisfying." This critique is crucial as it demonstrates how individuals in relationships characterized as binational same sex wrestle with, and work to make meaning about, the figures of advocacy, even when they potentially herald a significant material benefit, that is, a green card and/or even citizenship in the United States.

Susan and Hanne similarly describe experiencing a disjuncture between their personal situation and the primacy of same sex marriage in mainstream advocacy campaigns. Susan is a U.S. citizen in her late forties and Hanne is a German national in her late thirties. Both are academics, they are professors at different universities in New York City. Hanne holds Lawful Permanent Resident (LPR) status that she gained through

her employment. Recently, they had a baby, which raised new issues about immigration, parental rights, and where to live. In our conversation, they reflected on the implications of supporting marriage as a mechanism of migration. Hanne pointed out,

If we were in a heterosexual relationship, we would probably also not get married. So its this thing that for immigration reasons you are forced to be married, I think, especially for us it has multiple layers here, and I mean when I met Susan, she was all, you were so opposed to marriage as part of the movement at all... And I was always like, I don't care but everyone should have the same rights. So, then it comes with inspection. I would say everyone should have the right to immigrate on the basis of being partnered with someone, [but] it doesn't have to come with marriage, I think being forced to marry is also not right (interview with Hanne and Susan 3-31-2011)

Susan agreed with Hanne, stating the question, "It's about the definition of family, right?" And Hanne nodded, "Exactly. It's a broader definition of family" (interview with Hanne and Susan 2-31-2011). Hanne showed concern for marriage as the arbiter of immigration rights, and linked it to increased state surveillance of romantic relationships and gatekeeping of rights and benefits. This is an example of how some participants critically evaluate the normative figure of the binational spouse that is produced by mainstream advocacy campaigns.

Further, Hanne pointed to how these discourses in many ways compel conformity with the normative figure of binational same sex couples in order to be included within it. Later in our conversation, she expressed concern about how people often assumed that marriage would fix the problem same sex couples face in the immigration system, and that it would become a requirement for lesbian/gay recognition. She disclosed, "I think that actually kind of feels alienating and isolating, you know... And then its like its almost your own fault if you insist on not getting married" (interview with Hanne and Susan 3-31-2011). Hanne's statement that one is made to feel as though "its your fault if

you insist on not getting married” demonstrates the force of the interpellative hail described in this dissertation. However, her critical evaluation of it, which may be somewhat enabled by her ability to gain lawful migration status outside her relationship as well as her education and profession, also reveals an ambivalence towards the terms of belonging set by advocacy efforts.

Notably, this ambivalence was observed in a variety of conversational moments that extended beyond marriage, and sometimes worked to make connections between issues that NGO discourse works to separate. For example, Ryan, who lives with his undocumented partner in San Francisco, articulated a more complex understanding of the position of binational same sex couples in relation to other contemporary social issues. He argued,

“In a much bigger level I feel like this is an LGBT issue and an immigration issue. It’s a civil rights issue, but then I feel like there’s a lot of that in so many arenas. I think immigrants in general face a lot of this. Women face this. People of color face this. There’s still all kinds of distinctions that, sadly are used in all kinds of ways for uneven application of laws or discrimination in law. I see myself, first and foremost, very much in tune with the binational issue but it’s not a big leap for me to see this much more as kind of a human issue, an equality issue and a respect issue. I feel like kind of with the challenges that face humanity right now call for love and respect and that that’s still not really being engaged meaningfully where policy is coming into—whether it has to do with destroying habitat for short-term resource gains, like oil exploration in Alaska. You know the things that are done to satisfy a bottom line of profit, without a long-term view of what does this mean for your grandchildren. When they say love and respect, they don’t mean love as in like touchy feely love, but love that comes out of acknowledging the validity of life and the various expressions that life takes and that we’re all connected to it” (interview with Ryan 9-15-2011).

In this comment, Ryan made connections between justice issues facing immigrants, women, people of color, and even the environment. Although he used language of love to talk about the basis on which these things relate, he made sure to clarify its not “the

touchy feely love” but a deeper sense of respect for social difference and our connections to each other and the earth. He refused NGO framings of love as a metaphor for marriage and the rights of citizenship, even as he at other times in our discussion referred to his relationship as a marital one. This is the point—couples describe ambivalent and complex relationships to the figures produced by advocacy, even as they use these same figures to navigate the processes of state recognition.

In this chapter, I have focused on several explicit figures that were produced by NGO advocacy efforts. I demonstrated how that these three figures reproduced a sentimental notion of love, privileging certain lesbian and gay bodies, histories, and relationships as important to the nation. In addition, I have analyzed how individuals in relationships considered binational same sex picked up and used these figures to make sense of their relation to the nation-state, and to claim rights and recognition. These sites of analysis reveal how NGO figures acted as discursive gatekeepers and framed individual’s claims. Thus, these figures served a regulatory function that disciplined queer and immigrant difference by marking for inclusion individuals based on their ability to present themselves as normative through marital romantic attachments and the accumulation of economic capital. At the same time, interviews with participants reveal an ambivalent attachment to these figures; individuals questioned and sometimes contested the terms of belonging dictated by these figures, even as they used them to describe their own positionality.

Chapter 5

Exclusions and Elisions: The Rejected Specters of Binational Same Sex Couple Advocacy

Introduction

In the previous chapter, I demonstrated how advocacy for binational same sex couples was productive of, and organized around, three figures: the permanent partner, the love exile, and the binational spouse. Together, these figures worked to construct individuals in relationships characterized as binational same sex as includable in the nation through their relationship to normative family structures (as monogamous permanent partners, and eventually spouses, as well as parents of especially U.S. citizen children) and to labor and capital (as middle-class professionals, skilled laborers and conspicuous consumers). Further, I demonstrated how partners in binational same sex relationships made meaning about and used these figures, and the sentiments of romantic and national love that underwrote them, as they formulated their own public claims to state rights and recognition.

Yet, NGO produced discourses and advocacy efforts were not only organized around these three explicit figures, but were also influenced by several other, less explicit, figures that together worked to mark binational same sex couples as exceptional in relation to broader debates about immigration reform and same sex marriage. I argue that these figures, which included the undocumented migrant, the Islamic terrorist, and the non-monogamous queer, were specters that haunted advocacy efforts for binational same sex couples. I demonstrate in this chapter how these figures operated in the

background of advocacy campaigns to separate off the binational same sex couple from other queer/immigrant subjects that NGO actors seemed to believe were not (yet) includable in the nation. This not only supported the production of binational same sex partners as good neoliberal subjects, but also worked to further marginalize already vulnerable persons and populations, including queers of color, poor and working class queers, gender non-conforming queers, and anyone without documented immigration status—especially those not in a marital relationship with a U.S. citizen. In keeping these “rejected” specters safely secured in the background, NGO advocacy efforts reproduced a neoliberal politics of recognition as they drew a line around the queer bodies and relationships that were seen as always already excludable from the nation. Sometimes these figures were brought to the fore of advocacy campaigns, but more often, they haunted discussions about the includable figures as the negation of these figures, as that which must be repressed in discussions about binational same sex couples.

Further, in this chapter I explore how these specters not only haunt advocacy efforts, but also, the ways that individuals in relationships considered binational same sex position themselves in relation to neoliberal regimes of belonging. Analysis of interviews with participants reveals the power of these figures to structure individual claims to rights and recognition, and NGOs’ continual engagement of these figures reproduces that power. These specters signal the limits of intelligibility of the binational same sex couple, and participants work to rhetorically distance themselves in relation to them.

Hauntings, Specters, and Advocacy

In the second edition of the book, *Ghostly Matters: Haunting and the Sociological Imagination*, Avery Gordon argues for haunting as a way to understand the articulation of power and meaning, “because haunting is one way in which abusive systems of power make themselves known and their impacts felt in everyday life” (2008, xvi). The concept of haunting enables an articulation of what is there, with what is not there, to think through the complexities of power and social violence. The specter is a sign, or proof, of the haunting, and is “one form by which something lost, or barely visible, or seemingly not there to our supposedly well-trained eyes, makes itself known or apparent to us” (Gordon 2008, 8). Further, a haunting and its specters are tightly connected to a politics of visibility, as Gordon elaborates, “the mediums of public image making and visibility are inextricably wedded to the co-joined mechanisms that systematically render certain groups of people apparently *privately* poor, uneducated, ill, and disenfranchised” (Gordon 2008, 17, italics in original). And, I would add, undocumented. Hauntings, then, and their spectral manifestations, have significant political and social import in the material world.

Further, language itself provides a ground for specters. Linguists have shown that the speech act of categorizing not only contains the meaning of what one is trying to identify, but also, it also implicitly marks that which is not contained by the category. For instance, in the pair of opposites “light and dark,” each word not only references itself, but also the other. Light is not only the presence of light, but also, the absence of dark.

That is, the other side, or what is not contained by the category is always present--perhaps unspoken, but nevertheless is still there.

I draw on this meaning of the term specter in this chapter to indicate the role of figures that were not explicitly elaborated, but yet nevertheless were formative in NGO advocacy efforts. I suggest that the specters of the undocumented immigrant, the terrorist, and the non-monogamous queer signal how, “what’s been concealed is very much alive and present, interfering precisely with those always incomplete forms of containment and repression ceaselessly directed towards us” (Gordon 2008, xvi). That is, the presence of these figures in advocacy efforts disrupt the seamless inclusion of the binational same sex subject into the nation by revealing the potential queerness of those who might claim this subject position. Further, these figures were not contained by NGO discourse, but also, frequently materialized just beneath the surface of individual claims to rights and recognition. The specters thus haunted both NGO advocacy efforts and the meaning making processes of their constituents.

This analysis is crucial for understanding how the figures of the terrorist, as well as the undocumented migrant and the non-monogamous queer, haunted advocacy for binational same sex couples; it is through their implicit disavowal that binational same sex partners are produced precisely as patriots, as desirable subjects of the neoliberal state. By constructing these couples as “not that” through race, class, gender, and (homo)sexual normativities, advocacy efforts reify the dividing processes inherent in neoliberal politics of recognition which work to accommodate some forms of social difference while further excluding others. To be fair, advocates were also responding to the tenor of broader public discussions about immigration reform and same sex marriage

as they developed certain strategies that negatively referenced these figures. But regardless, it had significant implications for what types of bodies, histories, and relationships were centered and which were excluded by mainstream advocacy efforts.

The Terrorist

The terrorist is one figure that helped organize advocacy for binational same sex couples, and especially in the aftermath of 9/11, this figure was ubiquitous in public discussions about immigrants more generally. As Karma Chávez notes, “The slippage between immigrant and terrorist has become so facile that since 9/11 an astronomical number of restrictions have been placed on immigration in the name of national security” (Chávez 2009, 316). One obvious example was the reorganization of the former Immigration and Naturalization Services (INS) agencies under the newly created Department of Homeland Security (DHS). Further, news media and other outlets frequently raised the issue of border security in articles about terrorism, evoking fears of terrorists crossing into national space without detection.

The “Family, Unvalued” (2006) report co-authored by Immigration Equality and Human Rights Watch raises the specter of the terrorist not only as an object of discourse in the public sphere, but also as a legitimate motivation for the criminalization of immigrants. In this report, binational same sex couples are neatly juxtaposed to individuals associated with what the report authors refer to as the “Terrorist Alley” of U.S.-Mexico borderlands. The report does not challenge political rhetorics that position the U.S.-Mexico border as a potential entry point for terrorists, but rather, at issue is the fact that binational same sex couples might get caught up in this process of policing

immigrants. In addition, rather than critiquing these connections, the report used discourses of criminality in relation to the border to tie the figure of the terrorist firmly to discussions about undocumented border crossings and the criminalization of immigration. The report distinguishes between the “criminals” of immigration and binational same sex couples especially by marking the “legality” of the binational same sex couple. For instance, the report describes how a binational same sex partner who holds a visa (read: legal immigrant) may also be swept up in the criminalization if they were to go out of status, citing an example of a student who drops below required course credit hours. The attribution of the loss of the student visa to course hours displaces the binational same sex partner from issues of criminality such as terrorism and undocumented border crossings.

NGO reports like the one above both produce and reinforce the ways that government actors and agencies frame same sex couples as in distinction to individuals labeled as terrorists. For instance, the first of the two 2011 memos by ICE Director John Morton that were discussed in the introduction detailed “priority” groups to be targeted for law enforcement, which included immigrants who “pose a danger to national security or a risk to public safety.”⁵⁷ A second memo followed that elaborated factors that should be given weight in immigration enforcement decisions, and included family relations with a U.S. citizen as a significant element.⁵⁸ Morton quickly clarified that same sex relationships were to be considered family ties in the immigration context, which gave an important show of political support for binational same sex couples from the immigration

⁵⁷ Morton, John, Memo: Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and the Removal of Aliens. U.S. Immigration and Customs Enforcement memo written for all ICE employees, Policy number 10072.1, March 2, 2011.

⁵⁸ Morton, John, Memo: Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens. U.S. Immigration and Customs Enforcement memo written for all Field Office Directors, all Special Agents in Charge, all Chief Counsel, Policy number 10075.1, June 17, 2011.

apparatus. Read together, these memos set up the terrorist as incommensurate with the nation, and as a site for increased surveillance and policing, while at the same time, they locate same sex marital relations as includable in the nation as family. Indeed, a former president of the American Immigration Lawyers Association (AILA) notes the relationship between the memos in a 2011 LA Times article, "This is the head guy saying to them: 'We have limited resources, so go after drug dealers and terrorists. Don't devote your resources to splitting up a law-abiding couple'." ⁵⁹ The phrasing here positions binational same sex couples as opposite from supposed drug dealers and terrorists; these are specifically "law abiding" subjects and deserving of inclusion.

The Undocumented Immigrant

Concerns about the border relate the terrorist to the figure of the undocumented immigrant, another significant specter that haunted advocacy for binational same sex couples. The undocumented immigrant has been a "central problem in U.S. immigration policy in the twentieth century" (Ngai 2004, 3, see also Bosniak 2006). Immigration scholar Mai Ngai describes how immigration laws that worked to restrict immigrants,

produced the illegal alien as a new legal and political subject, whose inclusion in the nation was simultaneously a social reality and a legal impossibility—a subject barred from citizenship and without rights. Moreover, the need of state authorities to identify and distinguish between citizens, lawfully resident immigrants, and illegal aliens posed enforcement, political, and constitutional problems for the modern state (2004, 4-5)

Ngai's comment here reveals how immigration policy produced the figure that it worked to regulate, but also, marks how the figure of the undocumented immigrant promoted a

⁵⁹ David Savage, "Gay Couples in Legal Limbo with Immigration" *LA Times.com* July 14, 2011, accessed on July 24, 2011 <http://articles.latimes.com/2011/jul/14/nation/la-na-gay-marriage-deportations-20110713>

practice of surveillance and detection of immigrants. The undocumented immigrant, or “illegal alien” as this status is often pejoratively referred to, continues to organize public debates about immigration reform, and this discourse influenced advocates and organizers who sought to portray the binational same sex couple outside these terms.

Like the terrorist, the undocumented immigrant is a figure that is read not only through immigration status (or lack thereof) but also through intersecting hierarchies of nationality, race, class, gender, and sexuality (Camacho 2010, L.Chavez 2008, Ngai 2004). For instance, anthropologist Leo Chavez (2008) describes how public discourse creates a link between the undocumented migrant and what he terms the “Latino threat narrative.” Chavez describes basic elements of this narrative, “Latinos are unwilling or incapable of integrating, of becoming part of the national community... they are an invading force from south of the border that is bent on reconquering land that was formerly theirs (the U.S. southwest) and destroying the American way of life” (L. Chavez 2008, 2). He clarifies that this narrative is generally employed to directly refer to Mexicans, however, is often expanded to include Latin Americans more generally and U.S. citizens of Latin American descent (L. Chavez 2008). The undocumented immigrant is not merely a person who does not hold lawful immigration status, but rather, is a racialized figure produced through nationalist sentiment that marks social difference through intersecting norms about race, class, ethnicity, sexuality, and gender.

In advocacy discourse about binational same sex couples, the undocumented immigrant, especially the undocumented Mexican or Central American border crosser, is nearly always elided or set off as different. For instance, in a 2009 testimony for the Senate Judiciary Committee, the Executive Director of Immigration Equality described

binational same sex couples in relation to broader immigration numbers, notably, this description compares them only to “lawful migrants” and leaves unaddressed the millions of immigrants in the country without lawful immigration status. The NGO argued that,

An analysis of data from the 2000 Decennial Census estimated that approximately 36,000 same sex binational couples live in the United States. This number is miniscule compared to overall immigration levels: in 2008, a total of 1,107,126 individuals obtained lawful permanent resident status in the United States. Thus, if every permanent partner currently in the U.S. were granted lawful permanent residence in the U.S., these applications would account for .03% of all grants of lawful permanent residence⁶⁰

This quote demonstrates how, when the issue of documentation was raised, it was generally in reference to those who had once held status or who would otherwise have status as a spouse if not for current immigration law. In this way, the NGO created an association between documented immigrants and the binational same sex partner, an implicit refusal of the undocumented immigrant. For instance, in this same testimony narrative, the Executive Director of Immigration Equality also recounted the story of Mark and Frederic, a couple of nineteen years that live in Pennsylvania. The couple was described in sentimental terms, “Frederic, a French citizen, was on a student visa for many years, and Mark’s salary supported the entire family. The cost of Frederic’s schooling was so high that the couple sold their house to pay for the tuition that enabled Frederic to keep his student visa.”⁶¹ As with other descriptions that I have analyzed, this account marked the middle to upper class position of binational same sex couples, most clearly through the reference to Mark’s salary and home ownership, but also more subtly through mention of Frederic’s nationality and ability to qualify for a visa. However, it

⁶⁰ *Addressing Inequality in the Law for Permanent Partners*, U.S. Senate Committee on the Judiciary Hearing, (June 3, 2009) (testimony of Executive Director, Immigration Equality).

⁶¹ *Addressing Inequality in the Law for Permanent Partners*, U.S. Senate Committee on the Judiciary Hearing, (June 3, 2009) (testimony of Executive Director, Immigration Equality).

also set up Frederic as a documented immigrant, a subject that is already recognizable by the state as worthy of a visa. Narratives such as these thus refuse the figure of the undocumented immigrant, even one that is part of a binational same sex relationship.

The DOMA Project employs a similar tactic in their collection and exhibition of binational same sex couple's narratives. In these accounts the immigrant that is undocumented is only so because of an unconstitutional law—DOMA—and, different from advocacy for undocumented immigrants more generally, recognition of their relationship would immediately remedy this problem without changing immigration laws *per se*. This focus is evident in various titles of press releases and media projects sponsored by the group. For instance, two featured stories appeared on the group's website in June 2013, one titled "Caught Between Wisconsin and El Salvador, Lael and Camila Face Expiring Visa and Worry About Their Future Because of DOMA⁶²," and the second, titled "After Five Years, College Sweethearts, Ned and Emilio Defer Dreams to Contend with Threat of DOMA Exile.⁶³" Before one even begins to read the narrative content of the stories, both titles mark the foreign national partner as documented immigrants, a status that is now under threat because of DOMA. Like the others, these examples help to indicate how the undocumented immigrant haunts NGO advocacy efforts. The figure of the undocumented immigrant flickers constantly in the background of these campaigns, providing a queer mirror that reflects the legality of the binational same sex couple.

⁶² "Caught Between Wisconsin and El Salvador, Lael and Camila Face Expiring Visa and Worry About Their Future Because of DOMA" The DOMA Project, accessed December 15, 2015, <http://www.domaproject.org/2013/06/caught-between-wisconsin-and-el-salvador-lael-and-camila-face-expiring-visa-and-worry-about-their-future-because-of-doma.html>

⁶³ "After Five Years, College Sweethearts, Ned and Emilio Defer Dreams to Contend with Threat of DOMA Exile" The DOMA Project, accessed December 15, 2015, <http://www.domaproject.org/2013/06/after-five-years-college-sweethearts-ned-and-emilio-defer-dreams-to-contend-with-threat-of-doma-exile.html>

The Non-Monogamous Queer

The third specter around which advocacy for binational same sex couples was organized is that of the non-monogamous queer. As I have demonstrated in previous chapters, advocates were highly invested in producing the binational same sex couple as a marital relationship that is the same as any heterosexual married couple. For instance, the figures of the permanent partner, the love exile, and the binational spouse that were examined in the previous chapter each depend on the disavowal of queer sexuality uncontained by marriage and monogamy, indeed, this is one of the factors that enable the inclusion more generally of “good” gays and lesbians into the neoliberal nation.

The non-monogamous queer is threatening to the nation, and thus must be excluded. As M. Jacqui Alexander argues,

“Not just (any) *body* can be a citizen anymore, for *some* bodies have been marked by the state as non-procreative, in pursuit of sex only for pleasure, a sex that is non-productive of babies and of no economic gain. Having refused the heterosexual imperative of citizenship, *these* bodies, according to the state, pose a profound threat to the very survival of the nation” (Alexander 1994, 6, italics in original)

Alexander’s point is still relevant, although now, not all homosexual bodies are marked as non-procreative. For instance, scholars such as Lisa Duggan and Jasbir Puar have argued that increasingly some gay and lesbian subjects are includable precisely by virtue of their relation to reproduction-- reproduction of the nation, of labor, and of capital, as well as literal reproduction through childbearing. Indeed, this drawing in of certain lesbian and gay persons is what legitimates the system as inclusive even as already marginalized queer persons and communities are pushed further to the edges (Berlant

1997, Duggan 2002, Puar 2007, Reddy 2011). This dynamic is embodied by the brief written by Immigration Equality and the supporting law firm for the civil action *Blesch v. Holder*⁶⁴, discussed in greater detail in chapter 4. The figure of the binational spouse that is drawn by the brief explicitly marks the binational same sex couple as a monogamous, married couple, and thus implicitly disavows the queer who is not contained by a marital commitment.

Similarly, The DOMA Project also uses various tactics to position the binational same sex couple as antithetical to the non-monogamous queer. For instance, a featured story from June 2013 that was published on the NGO's website titled, "There's No Place Like Home: An Ocean Apart and Married, Lindsey and Katie Fight DOMA to Live Together in Kansas" focuses on this binational same sex couples' emotional commitment even in the face of physical separation. The U.S. citizen partner describes this experience in, notably, sentimental terms,

Despite the times we are apart – months at a time – I would not give up my Katie or our marriage for anything. The times we are together are the happiest moments of my life. I feel like the rest of my life is simply on hold while we are apart... Regardless of our future, we are committed to each other. That's what marriage means to us – a commitment to remain by each other's side, even if there are six time zones and an ocean between us⁶⁵

In its explicit focus on Lindsey and Katie's relationship as a specifically marital one, it vigorously distances itself from its opposite, the specter of the non-monogamous queer. Queerness, as in an uncontained sexuality that threatens the respectability (and the solidity) of the married couple, haunts these efforts to show just how stable binational

⁶⁴ *Blesch v. Holder*, Civil Action Complaint (U.S. District Court, Eastern District of New York 2012)

⁶⁵ "There's No Place Like Home: An Ocean Apart and Married, Lindsey and Katie Fight DOMA to Live Together in Kansas" The DOMA Project, accessed on December 15, 2015
<http://www.domaproject.org/2013/06/theres-no-place-like-home-an-ocean-apart-and-married-lindsey-and-katie-fight-doma-to-live-together-in-kansas.html>

same sex couples are. Other pieces from the same month, with titles such as “LOVE TRIUMPHS: Together for 26 Years in Five Countries, Eleanor and Fumiko Fight DOMA as Exiles in Canada⁶⁶” and “Married Gay Couple Raising Four Children: How DOMA Has Denied Security to Our Family⁶⁷” similarly foreground the couple’s commitment and thereby partitions off the queer who does not have a marital, monogamous relationship. The effect is material—individuals who do not signal fitness with this model are similarly marked off from the belonging that is promised by the subject position of the binational same sex partner.

The non-monogamous queer thus haunted advocacy efforts, revealing the fault lines in hetero/homonormative conceptions of belonging. This figure, then, not only aided in the production of the binational same sex couple as includable national subjects, but also has significant effects beyond that as it named other queer bodies, relationships, and experiences as always already outside the nation. In this way, NGOs’ activities can reproduce the conditions of neoliberal regimes of belonging as it further marginalizes queers who are seen as antithetical to belonging not only by society, but also by the very communities that they might otherwise turn to for support.

Using the Specters

As with the more explicit figures of the permanent partner, the love exile, and the binational spouse, the specters that haunt advocacy are also present in the narratives of

⁶⁶ “LOVE TRIUMPHS: Together for 26 Years in Five Countries, Eleanor and Fumiko Fight DOMA as Exiles in Canada,” The DOMA Project, accessed on December 15, 2015 <http://www.domaproject.org/2013/06/love-triumphs-together-for-26-years-in-five-countries-eleanor-and-fumiko-fight-doma-as-exiles-in-canada.html>

⁶⁷ “Married Gay Couple Raising Four Children: How DOMA Has Denied Security to Our Family,” The DOMA Project, accessed December 15, 2015 <http://www.domaproject.org/2013/06/married-gay-couple-raising-four-children-how-doma-has-denied-security-to-our-family.html>

individuals in relationships considered binational same sex. There were multiple conversational moments in which these figures were evoked during my research, though they were most commonly referenced in interviews with participants in two types of narratives. These were descriptions of (even potential) encounters with the law, and discussions where participants use the narrative technique of rhetorical comparison. These two contexts, linked by consideration of one's position in relation to the nation and/or the discursive frame of binational same sex couple politics, seemed to stimulate strategies of narrative self-positioning, wherein participants raised the specters to show that they were "not that" and therefore that they were deserving of rights and state recognition. The ways in which the specters of advocacy were invoked highlight for us again how NGO discourses shaped the meanings people made about their position in relation to the nation, and the actions they took to position themselves as includable vis-à-vis the category of the binational same sex couple.

Negotiating immigration enforcement

One of the ways that participants articulated their position in relation to state regimes of belonging was through discussions about potential or actual encounters with the "power" of immigration enforcement, especially that as embodied by border patrol officers, ICE agents, and even bureaucrats who hold the power of decision making. For example, Selah, who we met in the previous chapter with her partner Kerry, detailed an encounter with immigration agents during her entrance to the United States to begin school. Selah arrived from her native Trinidad at the airport in Atlanta, GA, and when she was going through customs, she was pulled aside and detained by immigration officers

because her name had been flagged in their database. Though border agents ultimately realized that she merely had the same name as the person on a person on the “no fly” list, who, among other differences was male-bodied and Muslim, they still refused to let her go for some time. In her account, Selah raised the specter of the terrorist in her description of her experience with border agents. She said, “I have been detained. When I first came to the country, they thought I was this terrorist! (laughs) Like, I am like, I am gay from an island.” Her partner Kerry interrupted, “Because she has a Muslim last name.” Selah concurred,

I have a Muslim last name. So, I looked at them, and I am like, I am Hindu, I am gay, and female. Because they were looking for this guy. You know, I have tattoos. I was like, I have tattoos. If you want me to eat pork, I will eat it in front of you right now, it’s a personal choice I don’t eat it. You know, it was, it was scary. Because it was my first time, it made me very nervous and very nervous after that (Interview with Kerry and Selah 8-31-2011)

Selah continued on to describe how after officers realized that she was not the same person as the person on their list, the mood in the room changed. She elaborated,

No, they were actually great, and I think it was because I spoke English. And I was very silly and funny. Because what had happened was that there was terrorist whose first name is my last name. And it was this bearded guy, from the Middle East, you know? (laughs) And they were like, I am sorry we have to do this, because of your name. So they could clearly see that the tattooed Indian woman from the islands is not... but they had to do it anyway. But it had really scared me, because I had no one to call (Interview with Kerry and Selah 8-31-2011)

This narrative moment is remarkable for multiple reasons, not least for its implication of how certain bodies—particularly those that are racialized as brown, read as Muslim, and/or have traveled from certain regions of the world—are more likely to be apprehended by power. Selah is dark skinned, with dark hair and dark eyes. Although she was traveling from the Caribbean, her last name and its potential religious affiliation was

interpreted as a possible threat to the United States and thus a more thorough form of surveillance was brought to bear on her body. However, Selah's description of her response to power is also very interesting for our discussion here. She clearly distinguished herself from "this bearded guy from the Middle East" by referencing non-threatening categories of ethnicity, gender, sexuality, in addition to her English language abilities and dietary preferences. Although she dropped the word at the end of her statement, "the tattooed Indian woman from the islands is not..." she invoked the figure of the terrorist. Her androgynous appearance, claiming of non-normative sexuality, and the inscription of "westernness" via her tattooed body, strategically mark, in direct contrast to the terrorist, how very includable in the nation she can be.

As Selah's recounting of her experience begins to show, discussions about encounters with state power reveal a certain kind of knowledge about the subject that can be included in the nation, (here, the educated queer from the peaceful Caribbean) as opposed to the one that cannot, (here the Islamic fundamentalist, or terrorist). This knowledge is clearly in part developed through attention to the various public and political debates around "the war on terror," immigration reform, same sex marriage, and more. However, I suggest that Selah's engagement with NGO rhetorics about and activities around the binational same sex couple helped her to articulate specific qualities that position her as includable in the nation in relation to the terrorist other that is marked as always already outside.

Notably, the terrorist is not the only figure that participants iterate as antithetical to state, public, and NGO imaginings of the nation. The undocumented immigrant, or the "illegal alien," frequently racialized as Mexican, is a potent foil for binational same sex

couples in their encounters with state power—even for those whose bodies are read as brown or who speak Spanish as a primary language. For instance, Alejandro and Javier are both Spanish speakers, and at the time of our interview, Javier, a Venezuelan native, had been living for nearly twenty years without documented immigration status in the United States. In a conversation with Alejandro and Javier, the couple described to me their experience being stopped by border patrol agents in New Mexico. Alejandro provided the details, “We went to New Mexico, we drove to El Paso, and on the way back, they stopped us. And they heard my accent, and they said, oh, you go over there, and they pulled Javier out of the car.” He continued, “They also stopped us with two other, two Mexicans, that they had over there... And so, and they said I am going to look through all your stuff to see if you have a passport. Maybe they thought he might have one.” We clarify that Javier did not have a valid visa in the United States, nor was he carrying his passport, but that “suddenly [the agents] let him go.” Alejandro mused that it was, “Because he didn’t look Mexican... which, is hard to say, but that is a reality, and that has helped him” (Interview with Alejandro and Javier 7-19-2012).

Here, Alejandro acknowledged that they were likely released because Pablo, who is light skinned, didn’t “look Mexican.” My conversations with individuals in relationships considered binational same sex are littered with these kinds of comments, both as justifications for why the foreign national partner hasn’t been, or shouldn’t be, brought into the purview of immigration enforcement, as well as for explanations of why they specifically, or binational same sex couples more broadly, *especially* deserve governmental recognition. Alejandro’s statement pointedly shows a working knowledge that the power of immigration enforcement does not operate equally on all bodies, and

that despite his undocumented immigration status, Javier's appearance enables him in some ways to get around it. However, in making this observation, Alejandro also reveals a process of meaning making that positions himself and Javier as different from the figure of the undocumented (Mexican) immigrant.

Similarly, Ryan, whose partner Oswin has lived for almost 20 years without documented status in the United States, draws on the context of potential encounter with immigration enforcement to show how Oswin is deserving of immigration status and different than what one would "expect" from an undocumented immigrant. Ryan and Oswin met in a sex club in San Francisco in the early 1990s, and continue to live in the Bay area today. Ryan shared with me how both were living with HIV during a time when survival was uncertain. Ryan got sick with tuberculosis in 1995, at the time that Oswin's visa was due to expire, and Oswin made the decision to stay in the United States and care for Ryan. When he regained health, he and Oswin eventually sought out legal advice with regards to Oswin's immigration status and options. The lawyer that they spoke with informed the couple that because the United States banned migration for people living with HIV/AIDS⁶⁸, Oswin would not be able to qualify for another visa. Ryan said that at the time, they felt like they simply did not have any other options. Together, they made the decision that Oswin would remain in the United States without documented immigration status.

⁶⁸ This restriction against persons with HIV/AIDS is often referred to as the "HIV/AIDS travel ban." In 1993, Congress passed legislation that made HIV/AIDS the only medical condition specifically listed as grounds for inadmissibility for any immigrant entering the United States. This effectively barred thousands of students, employees, family members, and other individuals living with HIV/AIDS from entering and/or applying for permanent immigration status in the United States. This restriction remained in place until 2009.

Although Oswin does not hold documented immigration status, the couple has managed to achieve some level of economic security by starting their own business. Still, though, in a time of increasing immigration enforcement, especially living in California, I was curious if Oswin had experienced any problems with immigration officers. Ryan described how no, they had not had any problems thus far, although he attributed that in some part to the fact that after 9/11, Oswin stopped travelling outside the United States. But also, he described why Oswin wouldn't be necessarily targeted for surveillance anyway, again, indicating a working knowledge about how certain bodies that are normatively racialized, classed, gendered, and sexualized are more likely to be includable in the nation. Ryan elaborated,

You know what? He's a very respectable looking guy. He's a nice looking man. He clearly has a bit of a German accent and it was certainly heavier back then but his English—he's just been one of those people who grasp English incredibly well... He presented well. He's white. He's male. I mean it's like in this society, sadly, that's still something where I think you're going to draw less questions. He was just a clearly presentable, educated, articulate person (Interview with Ryan 9-15-2011)

Ryan's statement here belies his understanding of the subject that is desirable to the nation. Notably, he described an intersectional subject, one whose qualities are articulated especially in NGO discourses that position binational same sex partners as exceptional in unspoken comparison to the figure of the undocumented immigrant. For instance, like Selah above, Oswin's English language skills signaled his ability to integrate into the nation as opposed to others who do not have those skills. Further, Ryan's descriptions of Oswin as "respectable," "presentable," "educated," not to mention the more overt classifications of "white" and "male" work to position Oswin as belonging to a certain class position, re-coding whatever immigrant-otherness he possesses away from Mexican

illegality and into a European eccentricism that is at least tolerated, if not embraced by the mainstream public.

Notably, in our interview Ryan also critiqued the lack of representation of undocumented immigrants in NGO advocacy for binational same sex couples. Ryan, along with several other participants, noted that most of the advocacy campaigns reflect people who have always been “in status,”⁶⁹ or who have had some sort of immigration option of which they were able to avail themselves. However, many individuals in binational relationships—including five participants in this project—fit within the classification “undocumented.” Ryan described to me how, for someone whose partner is not documented, NGO discourse was incredibly isolating, especially with regards to other binational same sex couples and advocacy campaigns more generally. He explained,

I’m sure—I mean just here in San Francisco I frequently met people who either were in a binational relationship or are in a binational relationship but I think that the ones that are like us—undocumented—we didn’t know anybody. It left us feeling really alone. You know like a group like Out4Immigration, who I do volunteer work with, for years I had a hard time kind of involving myself because it all seemed like couples who were trying to figure out how to do things within the law. We were already outside of the law. People didn’t want to talk about that because they felt like it was too dangerous and so even within our own community of binational couples, we felt like there wasn’t much sympathy for the situation we found ourselves in. Now we know other couples like us, but not many. I know a bunch of couples who are facing junctures where in the coming year they’re going to have to decide whether to go out-of-status or leave the country. Now they’re deeply aware of the issue but there were a bunch of years where it felt like, ‘There’s gotta be people like us out there. We don’t know anyone!’ (Interview with Ryan 9-15-2011)

Ryan’s comment directly points to how mainstream representations, discourses, and even face-to-face interactions reinforced a conception of the immigrant partner in binational same sex couples as documented, which is simultaneously read as law abiding. By

⁶⁹ Holds documented immigration status

contrast, undocumented immigrant partners are discursively positioned as already illegal, as “outside of the law” as Ryan articulates. Yet, as discussed above, within this same conversation, Ryan also made use of the figures of advocacy to position himself and his partner as a binational same sex couple. This juxtaposition brings into relief the ambivalent relationship that participants described in relation to NGO discourse about binational same sex couples. On the one hand, they often problematized advocacy efforts and the exclusions that it generated. On the other hand, they also, often within the same conversation, made use of the figures, discourses, and/or subject positions produced through NGO advocacy efforts to position themselves as belonging to this category, and more generally, to the nation.

Presenting as the “good gay”

In the speech events that I have discussed thus far, participants have located themselves in relation to two specters of NGO-produced advocacy for binational same sex couples, including the terrorist and the undocumented immigrant. However, there was another conversational moment that came up in interviews, one where participants made rhetorical comparisons that invoked the figure of the “non-monogamous queer.” For example, 39 year-old Andrew and 34 year-old Vlad live in Washington D.C. Andrew works for an LGBT-rights related NGO in D.C., and Vlad, a Belarusian national, is in the United States on a student visa. The couple met at an international human rights conference, where both were attending on behalf of organizations from their respective countries. In our conversation, which took place at a Starbucks in the trendy Adams Morgan neighborhood of Washington D.C., Andrew and Vlad described how they have

spent multiple years and numerous resources trying to find a way for Vlad to remain lawfully in the United States. Although at the time of our interview Vlad held a student visa, the conditions for this visa required him to return to his home country for a minimum number of years once he has completed his academic program. Despite all outward appearances, both partners knew their current living situation was temporary short of significant legal change. Regardless, Andrew articulated a rather positive view of their situation,

And just, the basic thing I would say is, we're, really totally on the lucky end of the spectrum. Like, we've had the ability to travel internationally for other reasons that we used, I mean, we're not rich, but we're not poor, and we could afford to spend, we had miles, we could take the time. And sort of connections, I mean, connections through [name of NGO] and other people that got Vlad invited back several times, to get over here [to the United States]. If we were just like, two people that happened to meet at like-- we were on vacation together, and he was from Belarus and I was from here, and I worked for the post office and he worked for a restaurant, it's like, done. We have tons of advantages, and we're still ultimately going to be in that same situation. But I am, I do think because of all of our advantages, we will end up figuring something out (Interview with Andrew and Vlad 6-14-2010)

In these remarks, Andrew marked himself and Vlad as a binational same sex couple using the figure of the permanent partner and binational spouse. For instance, he noted that they have been together for some time and that they possess economic and cultural resources that have enabled them to negotiate the barriers that they have encountered in the immigration system. But also, a third figure haunts his narrative, as that which is not me/us. The queers that randomly meet while on vacation, whose income or job type place them in a lower class position; this is the subject position that does not have “tons of advantages.” This is the subject that cannot be included, that perhaps would not even

have the chance to ask for recognition, or as Andrew later succinctly stated, for this hypothetical couple, “it’s like, done” (Interview with Andrew and Vlad 6-14-2010).

Later in our conversation, Andrew commented on his opinions about mainstream advocacy for binational same sex couples. He sympathized with the organizational and media focus on Shirley Tan⁷⁰, and musingly opposed her to other possible examples. He elaborated, “I mean, they are not gonna pick, like, a flight attendant, who meets, you know, a Brazilian boyfriend on the beach, and they want to stay together” (Interview with Andrew and Vlad 6-14-2010). Here again, the figure of the non-monogamous queer is raised-- the queer that does not engage in a long-term relationship. Further, in this narrative, the queer specter is marked by racial, ethnic, sexual, gender, class, and national difference in ways that position it as qualitatively different from the binational same sex couple. I want to underscore that at the time of our interview, Andrew and Vlad did not enjoy the inclusion they envisioned for themselves and others like them. They each drew on their extensive backgrounds working on human rights issues with international NGOs in addition to their engagements with domestic NGO discourse about binational same sex couples as they articulated their personal claims to rights and recognition. Even still they used the figures produced by advocacy for binational same sex couples to locate themselves as rights-deserving, normative subjects that fit the subject position of the binational same sex partner.

⁷⁰ Shirley Tan and her partner Jay Mercado were introduced in Chapter 1. They were one of the first couples considered “binational same sex” to gain public attention. Shirley and Jay are parents to twin boys, and the family lived together in California. Shirley did not hold documented immigration status, and in 2009 was arrested in an Immigration and Customs Enforcement (ICE) raid on their home. Immigration Equality ultimately ended up taking her case and it was widely publicized.

The Power of the Specter

The conversations captured here show how participants' descriptions of encounters with immigration enforcement power and use of rhetorical comparisons work to mark their relation to the state and to other queer and immigrant bodies. Although these speech events might signal a sense of complicity with state enforced distinctions of belonging, I suggest that they also do something else. They reveal the power of NGO advocacy to recruit certain individuals, and to compel them to locate themselves in relation to intersecting hierarchies of privilege that guard national belonging. That is, it shows the power of discourse to structure the terms of belonging for individuals. For many couples who strive to gain lawful status for the foreign national partner in the United States, these specters work as guideposts, they mark the difference between the types of subjects that can be included and those that can be excluded. This understanding translates into a question of positioning: how can I present myself to power in a way that will result in rights and recognition? Couples learn the figures and discourses produced by NGO advocacy efforts, and use these figures and discourses to position themselves accordingly. In this way, we can understand these narrative moments as sites of agency, but at the same time, they are also moments in which individuals participated in producing themselves as neoliberal subjects. The structuring conditions of the NGOs' construction of the binational same sex couple shaped the ways in which individuals made meaning about their position in relation to the nation-state, and influenced the strategies they used to call for rights and recognition.

I have described in this chapter how NGO advocacy efforts were not only organized around explicit figures, but also around several specters that haunted the

production of the binational same sex partner as a properly gay, gendered, racialized, and classed subject. These specters operated in the background of NGO politics that sought to draw a line around includable gay and lesbian identities and relationships and excludable queers. In refusing to acknowledge these specters, NGO advocacy efforts not only contributed to the homonormative turn in LGBT politics, but also reinforced neoliberal ideologies about what types of lesbian and gay individuals can belong to the nation more generally. These specters, together with the explicit figures of advocacy, reaffirm the United States as a natural site for the living of a (proper) gay lifestyle, thus reproducing a neoliberal politics of recognition that can include certain gay and lesbian subjects so long as they are invested in the reproduction of the nation.

Further, I have shown here how these specters are brought forward in narrative moments with individuals in relationships considered binational same sex. Individuals reference these figures to position themselves as includable in the neoliberal nation. We can see in these moments how individuals participate in neoliberal processes of subject formation. And indeed, perhaps, this is agency, as it is always exercised within certain structuring conditions. But also, like the NGO actions, this agency has complicated political effects that move beyond the immediate situation. On the one hand, the various figures of advocacy create space for some individuals who are marginalized by the law to gain access to the rights and protections it affords. Yet on the other hand, the invocation and reproduction of these figures can also strengthen the role of NGOs in neoliberal dividing processes of inclusion and exclusion.

Conclusion

Queering NGOs?

This dissertation has been a critical examination of the relation between the state, NGOs, and their constituents, as an attempt to think through how sites that are generally perceived by the public as benign have regulatory functions. In doing so, I draw on a history of Marxist, post-structural, feminist, and queer theorists that examine power and social violence in capitalist societies. Further, I also draw on explicitly anthropological traditions in my desire to understand the meanings that my participants make about this relationship, and about their location in relation to legal status, national belonging, and official rights and recognition. Indeed, it is the space between these levels of analysis that reveals the shifting relationship between these three groups, and that gives us a more complex understanding of how power operates in neoliberal times—that is, through the production and management of docile subjects by NGOs and other sites that are perceived as neutral.

In this dissertation, I analyzed the role of NGOs in forming the subject position of the binational same sex partner, and I tracked how NGO advocacy efforts foregrounded certain bodies, relationships, and histories, while others were sidelined and marginalized. I elaborated the role of the NGO sector as an Ideological State Apparatus, and I described how it works to recruit certain kinds of individuals as subjects through intersecting hierarchies of class, race, ethnicity, gender, sexuality, and nationality. I theorized the figures, including the permanent partner, the love exile, and the binational spouse, as well as the specters, such as the terrorist, the undocumented immigrant, and the non-

monogamous queer. These figures and specters informed advocacy efforts, and I demonstrate how they worked to construct the binational same sex couple as includable in the nation. I argued throughout that NGOs within the United States can participate in processes of neoliberal nation-building, and further, that they may do so precisely through the mechanism of creating and regulating normative homosexual subjects that fight for inclusion in, rather than critique and reform of, the dividing processes inherent in nationalism, citizenship, and the regulation of immigration.

At the same time, I also considered how variously situated individuals used the discourses produced by NGOs to navigate the barriers they encountered in the immigration system, even when they had critiques of, or their own experiences or identities exceeded, the discursive bounds of NGO discourse about binational same sex couples. That is, my research tapped into the process by which individuals in relationships characterized as binational same sex came to see a political strategy based on inclusion as the most expedient means to their desired end, and I analyzed how participants worked to position themselves inside the discursive boundaries of the binational same sex partner. This is one of the significant ways in which neoliberal political ideologies are made material in people's lives-- in order to gain legal status and/or the rights of citizenship, individuals are compelled to engage in various forms of especially affective and sentimental labor to produce themselves as properly minoritized subjects that can be recognized by the state.

And yet, it is also true that since 2013, multiple participants in my project have received Lawful Permanent Resident (LPR) status through their relationship with their same sex spouse, and have been able to make life choices that were not open to them

before, such as being able to travel to their home countries to visit family, obtaining employment at a job of their choice (i.e. not dependent on their visa), moving back to the United States, and more. Notably, it is specifically as spouses that they have gained these rights through the mechanism of family reunification. For those who have been able to make use of this tool, it has provided a real material benefit of significant import.

And perhaps it is for this reason that I would like to end on a more optimistic, less critical note, with a consideration of the possibility for NGOs to be spaces of radical critique and creative world building. I hold hope that is possible for the NGO form to be a site that promotes radical resistance and coalition building, articulates structural critiques, and develops meaningful intersectional politics that addresses the reality of power and how it multiply, and differently, impacts people's lives. Indeed, there are NGOs that are doing and have done this work, such as The Audre Lorde Project, Gender JUST, and Queers for Economic Justice, to name only a few.

For instance, Queers for Economic Justice (QEJ), was a progressive queer non-profit organization based in New York City that, sadly, closed its doors in early 2014. QEJ's "Values and Visions" statement highlighted the multiple venues that they saw as relevant to their work, including "housing and shelter, the workplace, courts, prisons, welfare and other public benefits, citizenship/immigration, healthcare and other social services." Even further, it specified, "We understand the interconnections between different oppressions that perpetuate economic injustice, and we work on multiple levels to eradicate them."⁷¹ QEJ was not the only NGO that has actively worked against the grain. For instance, Gender JUST is a grassroots non-profit organization based in Chicago, IL, and is a radical collective that also conceptualizes their work through an

⁷¹ Queers for Economic Justice, February 28, 2016 <http://www.queersforeconomicjustice.org>

intersectional lens and with an eye toward structural critiques. Their website describes their work within an “anti-capitalist and prison abolitionist framework,” and says that they aim to disrupt “race, class, gender, age, religion and ability hierarchies.”⁷²

The idea of coalition is one of the bases of the formation of the Audre Lorde Project (ALP) in New York City. One of their guiding principles makes this clear.

ALP seeks to work with LGBTSTGNC people of color organizations and communities across differences of race/ethnicity, culture, gender, sexual orientation, age, ability, and life experiences (e.g. class, immigration status, HIV serostatus, health status, etc.) in order to develop and implement culturally specific and effective programs and services reflecting the needs of our communities⁷³

These groups thus expressly work to create the grounds for coalitional possibilities with a variety of individuals, communities, and organizations in the service of more inclusive visions of social justice. Further, their political goals, and the strategies they use to achieve them, also reflect these values. For instance, NGOs like the ones mentioned here work to center the experiences and lives of those who have been marginalized even within social justice organizing. In an interview, the Executive Director of Queers for Economic Justice, cautioned against the centering of the most normative people,

I would offer the same response to the folks who say that, that the most normative examples to put forward are the easy choice... I think it's problematic. Because I think historically it's what the civil rights movement did to the poorest blacks, it's what the women's movement did to lesbians, it's what the queer movement did to transgender folks, and, it's always about, we're gonna put the most winnable people forward and we will come back for you later. And they never come back for them later (Interview with Joseph DeFilippis 6-17-2009)

DeFilippis shows here how, when advocacy efforts like those describe in this dissertation work to only to make legible the most normative subjects, many other, especially queer,

⁷² Gender Just, “Who is Gender Just?” February 29, 2016 <http://genderjust.wix.com/genderjust#!about/c101s>

⁷³ The Audre Lorde Project, “About ALP,” February 29, 2016 <http://alp.org/about>

desires, bodies, and relationships get pushed aside. Further, DeFilippis' point, that "they never come back for them later" makes eloquently clear the stakes involved in a politics based on centering the lives of the most normative, the voices of those most able to fit into existing parameters of state recognition.

The groups here specifically seek to avoid this problem by incorporating diverse bodies and experiences into their structure. The "Guiding Principles" of Audre Lorde Project's website makes this point clear when it states, "Understanding that services and organizing efforts are most successful when they involve the communities served, ALP is committed to creating and supporting decision-making/ organizational structures that are representative of our communities."⁷⁴ Similarly, Gender JUST describes themselves as a "multi-racial, multi-generational collective with a diversity of marginalized gender and sexual identities, skills, cultures, abilities, citizenship status, educational backgrounds and income levels."⁷⁵

The work that these NGOs are doing, although certainly not standard operating procedure for most mainstream groups, gives me hope. Though NGOs may be sites of subject production in neoliberal times, that doesn't mean that they have to be sites of normative, docile subject production. NGOs, and the leaders who run them, can take full advantage of their close connections to state power and capital, and work to intentionally produce "unruly subjects." Participants' comments throughout this dissertation demonstrate that NGO constituents are perfectly able to understand complexity and strategy when thinking about social justice issues, even when they are immediately concerned with their own safety, security, and survival. This reality is critical for NGO

⁷⁴ The Audre Lorde Project, "About ALP," February 29, 2016 <http://alp.org/about>

⁷⁵ Gender Just, "Who is Gender Just?" February 29, 2016 <http://genderjust.wix.com/genderjust#!about/c101s>

leaders, and nascent social movements whose leaders are considering becoming NGOs, to consider as they construct and put into play advocacy campaigns and strategies.

List of Appendices

Appendix A: Narrative Descriptions of Couple-Participants

Appendix B: Chart of Participants

Appendix A

Narrative Descriptions of Couple-Participants

Each couple listed below provided the following biographical and background information during our interview. Each partner has been given a pseudonym for purposes of confidentiality. All listed ages and dates are at the time of the interview.

Brett and Stefano

Brett is a 29 year-old white, gay male who was born in California. Stefano is a 41 year-old white, gay male who was born in Italy. They met while Stefano was visiting some friends who lived in the United States on holiday, and have been in a relationship for four years. Brett has a Masters degree and works for a large international non-governmental organization. Stefano holds a Ph.D. and is a college professor at a university in England. The couple lived together in the United Kingdom for approximately two years before they moved to New York, where Stefano had obtained a visiting professor position. At the time of our interview, Stefano had recently returned to England and Brett remained in New York. Although living in separate countries, the couple maintains their relationship via texts, phone calls, and video chats in addition to travelling back and forth to see each other.

Interviewed 2011

Susan and Hanne

Susan is a 49 year-old white, queer female who was born in Pennsylvania. Hanne is a 39 year-old white genderqueer who prefers not to label their sexual orientation. Hanne was born in Germany. The couple met while Susan was working at a university in Germany. They have been in a relationship for ten years and recently had a baby. Both Susan and Hanne hold a Ph.D. and are college professors. They live together with their baby in New York City, and Hanne recently obtained their Lawful Permanent Resident (LPR) status through their job.

Interviewed 2011

Mike and Lukas

Mike is a 47 year-old white, gay male who was born in a rural area of the midwestern United States. Lukas is a 32 year-old white, gay male who was born in a rural area of Slovakia. The couple initially met online while Lukas was living in California. He moved to New York and they have been in a relationship for three years. Both partners hold the equivalent of high school degrees. They live together in New York City where Mike works as a flight attendant and bar manager, and Lukas is employed as a server. Both partners are married, though not to each other. Lukas holds conditional permanent residency (CLPR) status through a marriage to a woman, and Mike is married to another woman for immigration purposes.

Interviewed 2011

Joshua and Kader

Joshua is a 35 year-old Filipino gay male who migrated to the United States during college and now holds U.S. citizenship. Kader is a 32 year-old South African Indian gay male. The couple met in South Africa when Joshua was employed there and they have been a couple for four years. Now, the couple lives together in New York City. Both partners hold Masters degrees in their respective fields of business. Joshua maintains a professional position with a corporation, and Kader is getting his second Masters degree in order to maintain immigration status with a student visa. However, he is nearing graduation and he is concerned about what he will do once his student visa expires. Interviewed 2011

Noah and Yosef

Noah is a 32 year-old Jewish gay male who holds citizenship in both Israel and the United States. Yosef is a 33 year-old Jewish gay male who was born in Israel. The couple met when Noah was living in Israel, and they now live together in New York City. They have been together for eleven years. Noah holds a Masters degree, and is about to embark on a second, different Masters degree program. Yosef holds the equivalent to two undergraduate degrees. Noah has supported both partners by working at the university he is about to enter. Yosef entered the U.S. on a diplomatic visa and worked in an embassy, however, his position was no longer needed and he lost his job and his visa. Yosef is living without documented immigration status, and both partners are concerned for both their economic and emotional well-being. Interviewed 2011

Kerry and Selah

Kerry is a 28 year-old white queer femme who was born in California. Selah is a 33 year-old East Indian queer female from Trinidad and Tobago. The couple met while attending the same university in Georgia, and have been together for eleven years. Together they raise a son from Kerry's previous relationship. They live in the Hudson River Valley area just north of New York City. Kerry holds a Masters degree and works for a university, and Selah holds a bachelors and works as a social worker for a program for "at risk" youth. The couple has done significant work so that Selah could move to New York from Georgia and maintain immigration status, and she now holds an employment based visa. Interviewed 2011

Brenda and Agathe

Brenda is a 71 year-old white lesbian female who was born in California. Agathe is a 63 year-old white lesbian female from Germany. The couple met online while Agathe was visiting Oregon, and they have been together for six years. They currently live in California, and often refer to themselves as "activist grandmas." They have been incredibly active in the fight for binational same sex couples, taking public stands against current immigration laws in multiple venues. Brenda has a Masters degree, though she took early retirement from the university system that she worked for so that she could travel with Agathe when Agathe had to comply with the terms of her visitors visa. Agathe holds the equivalent of a high school degree, though she has completed some college level education. She is currently unemployed. Agathe's immigration status is somewhat

precarious. She had a visitor's visa that had expired, but her attorney had filed for an extension and they were waiting on a response. Brenda and Agathe are anxiously awaiting the results of this application.

Interviewed 2011

Christine and Juliette

Christine is a 30 year-old white queer-identified female, who lives with her wife, Juliette, a 27 year-old white female from Canada who also identifies as queer, in New Jersey. The couple of six years met while Christine was living in Canada completing a Masters degree. Christine ultimately moved back to the United States to complete a Ph.D., and the couple lived apart for a period while they figured out a way to be in the same country.

Juliette, who is a musician and otherwise not interested in pursuing a Masters degree, eventually applied for and received a student visa that enabled her to be in the States with Christine. Christine is currently working as a professor at a university in New Jersey, though the couple plans to move back to Canada or outside the United States if possible.

Interviewed 2011

Charles and Sergio

Charles is a 47 year-old gay man from Florida, and his partner is Sergio, a 44 year-old gay man from Guerrero, Mexico. The partners live together in southern California, and at the time of our interview had been together for just over six years. They met cruising on the beach near where they now live; at the time, Sergio had already been living in the United States without immigration status for some time, and Charles was living on his boat. Charles has a Masters and is a sales engineer, and Sergio has a GED and refers to works doing multiple informal jobs. The couple recently bought a house that is further north of the border in a well known resort town. At the same time, they talked at length about the emotional, financial, and logistical implications of Sergio's undocumented status and how it impacted their everyday lives.

Interviewed 2011

Ryan and Oswin

Ryan is a 48 year-old male born on the east coast United States, and Oswin is a 50 year-old gay man from a rural area in Germany. Ryan has a bachelors degree and Oswin has a Masters degree, and they own a small business together in northern California. Ryan and Oswin met in a sex club in San Francisco in the early 1990s, and they have been together for over 20 years. Both partners are HIV+, and when Oswin overstayed the terms of his visa in the mid-1990s, the U.S.' HIV/AIDS restriction on immigration prevented him from having any practical avenue to obtaining a new visa. Oswin has lived in the States without documented immigration status since. Ryan described how isolating this experience has been for both of them, and the various ways that this legal status has impacted multiple areas of their lives.

Interviewed 2011

Ashley and Araceli

Ashley and Araceli both identify as female and as queer. Ashley is a 32 year-old white female from the Midwest, she holds a bachelors degree and works as a paralegal. Araceli

is a 38 year-old Latina from Paraguay who is working on a Masters degree. The couple met through professional connections—both were campus pastors on college campuses in different Latin American countries. They ended up leaving the ministry in large part because of their relationship, and have now been together for six years. They were living together in Argentina until Araceli was offered a visa through the Diversity Visa lottery program. The couple now lives just outside Chicago, IL.

Interviewed 2011

Harold and Jose

Harold is a 62 year-old white gay male who lives in the north-midwestern United States. His partner, Jose, is a 22 year-old Filipino gay male who lives in the Philippines. Harold holds a Masters degree, and is currently retired. Jose holds a certificate in physical therapy from a school in the Philippines. Harold and Jose met online, and they have been together a year and a half. During this time, Jose has been unable to get a visa to the United States, and although Harold has visited Jose they have only been together in person a few times. They connect by phone and internet, and in our interview Harold described being very proactive in both looking for immigration alternatives for Jose and in working with his elected officials to try to find some way so that the couple can live together in the United States.

Interviewed 2011

Lauren and Kyra

Lauren is a 36 year-old white female who describes herself as open, and lives in New Jersey. Her partner, Kyra, is a 30 year-old UK national of Punjabi descent who also identifies as open/not wanting to commit to a category. Lauren works as a social worker, and Kyra works as an executive for an international company. The couple met after Kyra was transferred by her company from the London to the New York office. The couple had been together for almost 4 years when Kyra found out her company was sending her back to London. Kyra did not have any other option to stay in the United States and work lawfully, so she returned. The couple has lived apart now for almost a year, and are struggling to deal with the long distance relationship.

Interviewed 2011

Timothy and Andre

Timothy is a 37 year-old, white male, who lives in Philadelphia with his partner Andre, a 27 year-old Hispanic gay male. Andre, a Panamanian national, originally came to the United States for school in Miami. He earned a Masters degree, completed his OPT (Optional Practical Training), and obtained sponsored for a work visa. Timothy, who holds a high school degree and has taken some college courses, had moved to Miami to open a yoga studio. The couple met and quickly started a relationship, but soon were confronted with the reality that Andre's work visa would expire. Without employer sponsorship for a renewal, or a viable possibility for getting a new visa, the couple decided to start the process to apply to migrate to Canada, which was approved. However, due to an overlap between the expiration of Andre's employment visa and the couples' approval to move to Canada, Andre's immigration status has been tenuous and a

real concern for the couple. They moved to Philadelphia in the interim, where they are both working for a yoga studio.

Interviewed 2011

Megan and Mae

Megan is a white, 33 year-old, female lesbian; Mae is a 35 year-old Filipina, who also identifies as female and lesbian. Both partners have a bachelors degree; Megan works as an administrative assistant, and Mae is a barista. Megan and Mae met online, and have been together for nearly 3 years. They were recently married. Megan lives in northern California and Mae lives in Canada. Because they have been unable to obtain immigration status for Mae, Megan has started the process of applying for immigration to Canada, but describes the financial hardships that immigration barriers have created for them.

Interview 2011

Steven and Dominik

Steven and Dominik have been together for 16 years, and live together in Budapest, Hungary. They met in 1995 in New York, and lived together in New York and then New Jersey until Dominik's work visa expired in 2003. Steven is 52 years-old, Dominik is 43 years-old, and both partners describe themselves as white, gay, males. Dominik was born in Hungary, and when his visa expired, the couple decided to return to his country of origin where they could live together. Dominik teaches English and Steven teaches yoga. In our interview, Steven described how their whole life plan was derailed by immigration laws, and though they have made it work in Budapest, it has created hardships and struggles for the couple.

Interview 2011

Carol and Magda

Carol and Magda both describe themselves as white, female, lesbians, and they live together in Berlin, Germany. Carol is 43 years-old, hold a bachelors degree and works in event planning. Magda is 31 years-old, also holds a bachelors degree, and works as an IT professional. The couple first met online and became what Carol described as pen pals; they have now been in a romantic relationship for 12 years. Carol recounted their struggles with the U.S. immigration service over the frequency of Magda's visits the States, and how when they tried to obtain a student visa for Magda, it was denied. The couple was married in Germany in 2005, and Carol now is considered a German citizen through her relationship with Magda. Carol described how she is quite happy with her life in Germany, and likely wouldn't move back to the States permanently even if same sex couples were able to access immigration benefits.

Interview 2011

Cynthia and Bonnie

Cynthia is a 30 year-old who identifies as Asian American, female, and lesbian. She lives in Edinburgh, Scotland, with her wife, Bonnie. Bonnie is 39 years old, and identifies as white, female, and lesbian. The couple met through mutual friends. Cynthia had just finished her degree at a school in Australia and moved to the UK to do some volunteer

work, and the relationship took off quickly. They have been together for seven years, but not without struggles to maintain Cynthia's status in the UK through a student visa, an employment-based visa, and finally a visa based on their civil partnership. However, the state of the economy in Scotland has pushed the couple to decide to move. Because they have been unable to secure a visa for Bonnie to live and work in the United States, the couple has made arrangements to move together to Australia.

Interview 2012

Alejandro and Javier

Alejandro and Javier have been together for 21 years and live in Queens, New York. Alejandro is 56 years-old, Javier is 51, and both identify as gay males. Alejandro was born in Puerto Rico, but has lived much of his adult life in New York. Javier is from Venezuela. They met when Alejandro was in Venezuela seeking treatment for HIV, and they developed a relationship. Alejandro became very sick due to complications with HIV, and Javier obtained a visitors visa to come to New York to visit. He ultimately ended up staying beyond the terms of that visa, and has lived in the United States without documented immigration status since. Due to his health, Alejandro had to retire, and the couple has earned some money through various odd jobs such as translating and Javier worked as a freelance journalist. Javier has a background in theater, and continued to create and produce plays as well as became involved in local community development projects. Javier began schooling for a PhD at a local college, although at the time of our interview, he was taking a break because even the in-state tuition he was allowed to pay was simply too expensive for the couple to maintain.

Interviewed 2012

Ruth and Sabine

Ruth and Sabine have been together for just over 12 years and live together in Connecticut, however due to impending changes with Sabine's visa status, the couple has applied for, and will soon migrate together to Canada. Ruth is 52 years old, African-American, holds a Ph.D., and works as a professional consultant. Sabine is 56 years old, born in Germany, holds a Masters degree, and has worked until now as a teacher. Both identify as female and as lesbian. In our interview, the couple focused especially on the multiple types of labor they had engaged in to try and maintain Sabine's immigration status in the United States, and the various ways in which immigration laws have impacted their lives.

Interviewed 2012

Daniel and Giovanni

Daniel is a 56 year-old white male who lives in Munich, Germany with his partner, Giovanni. Giovanni is 42 years old and was born in Italy. The couple met online when Giovanni was doing research for a planned trip to visit the United States, and they described how when they met in person in Daniel's home of Salt Lake City, Utah, they knew they a connection. However, because Giovanni was unable to obtain a visa that allowed him to stay and work in the United States, and he was concerned about employment in Italy, the couple migrated to Germany where Giovanni works in sales. Daniel is a retired military veteran, and he is in poor health, so the couple said their

biggest concerns related to health care for Daniel and financially struggling to make ends meet.

Interviewed 2012

Brandon and Jean

Brandon and Jean met when Brandon was working in the Peace Corps in west Africa. Jean, a 32 year-old African male who identifies as gay, is from the Ivory Coast, but was working in Burkina Faso, where Brandon was stationed at the time. When Brandon, a 25 year old white, gay, male from the Pacific Northwest U.S., finished his time in the Peace Corps, he and Jean decided that Jean would accompany him back to the United States. Once they arrived, and Jean's visitor's visa was set to expire, they applied for an extension and were granted. However, the second extension was denied, and Jean is now living in the United States without documentation. Jean was a fashion designer prior to migrating, and is now working under the table doing tailoring work for designers around New York City. Brandon is now in a Ph.D. program, and the couple lives together in a small apartment near Brandon's university.

Interview 2012

Nathan and Liam

Nathan and Liam have been together for 11 years, and live in an apartment in Queens, New York. Nathan is a Chinese-American male from Texas, and Liam is a white male from Canada. Both partners are 40 years old, and they both identify as gay. They both hold Masters degrees, and have professional jobs in their respective fields. Liam has been in the United States on a business visa, and was recently sponsored for Lawful Permanent Resident (LPR) status by his employer. In our interview, the couple described the emotional and financial costs to the revolving process of visa renewal and dealing with employer sponsorship.

Interview 2012

Helen and Klara

Helen and Klara have been together for 13 years, but live in different countries. Helen lives in New York, and Klara lives in Germany. They travel back and forth to visit each other, and Helen, an artist, often has work commissioned in Germany. Both partners hold Masters degrees, and Klara works for her family's company. At the moment, Helen tells me that immigration is not an issue for them because their respective careers need for them to live in different places.

Interview 2009

Andrew and Vlad

Andrew and Vlad met through their shared interest in social justice efforts, at an international conference for human rights. Vlad is 34 years old, from Belarus, and now living and working on a Masters degree in the United States. Andrew is 39 years old, an attorney, and works for a prominent LGBT rights NGO. For some time after they met, Andrew would travel to visit Vlad because Vlad could not get a visa to the States. He was ultimately able to obtain a special student visa, however, the couple is concerned because the terms of Vlad's visa require him to return to his home country for a period of time

upon completion of his schooling. They talked with me at length about how immigration laws have radiated outward to impact so many areas of their lives.

Interview 2009

George and Luiz

George is a 43 year-old white male born in the United States, and Luiz is a 41 year-old Hispanic male from Brazil. George and Luiz met while cruising in a park in New York City, and developed a relationship. George, a marketing executive, described to me how they struggled to find information about the best steps to take to maintain Luiz in lawful immigration status. Although he had no intrinsic interest in obtaining an advanced degree, Luiz obtained a student visa so that he could gain lawful status. George discussed how this scenario has created significant problems, because Luiz did not want to be in school and was restricted by the terms of the student visa on how many hours he could work.

Interview 2009

Appendix B: Chart of Participants

COUPLE	FN Gender Identity	USC Gender Identity	FN Sexuality	USC Sexuality	FN Age	USC Age	Length of Relationship
Brett and Stefano	Male	Male	Gay	Gay	41	29	4 years
Susan and Hanne	Genderqueer	Female	Prefers not to label	Queer	39	49	10 years
Nathan and Liam	Male	Male	Gay	Gay	40	40	11 years
Ryan and Oswin	Male	Male	Gay	Queer/Gay	51	48	20 years
Ruth and Sabine	Female	Female	Lesbian	Lesbian	56	51	12 years
Helen and Klara	Female	Female	Lesbian	Lesbian			13 years
Andrew and Vlad	Male	Male	Gay	Gay	34	39	5 years
Joshua and Kader	Male	Male	Gay	Gay	32	35	4 years
Kerry and Selah	Female	Female	Queer	Queer	33	28	4 years
Brenda and Agathe	Female	Female	Lesbian	Lesbian	63	71	6 years
Christine and Juliette	Female	Female	Queer	Queer	27	30	6 years
Charles and Sergio	Male	Male	Gay	Gay	44	47	6 years
Ashley and Araceli	Female	Female	Queer	Queer	38	32	6 years
Lauren and Kyra	Female	Female	Open	Open/Lesbian	30	36	4 years
Timothy and Andre	Male	Male	Gay	Gay	27	37	3 years
Steven and Dominik	Male	Male	Gay	Gay	43	52	15 years
Carol and Magda	Female	Female	Lesbian	Lesbian	31	43	12 years
Cynthia and Bonnie	Female	Female	Lesbian	Lesbian	39	30	7 years
George and Luiz	Male	Male	Gay	Gay	41	43	7 years
Brandon and Jean	Male	Male	Gay	Gay	32	25	2 years
Daniel and Giovanni	Male	Male	Gay	Gay	42	56	4 years
Mike and Lukas	Male	Male	Gay	Gay	32	47	3 years
Alejandro and Javier	Male	Male	Gay	Gay	51	56	21 years
Harold and Jose	Male	Male	Gay	Gay	22	62	1 year
Megan and Mae	Female	Female	Lesbian	Lesbian	35	33	2 years
Noah and Yosef	Male	Male	Gay	Gay	33	32	11 years

COUPLE	FN Country of Birth	USC Country of Birth	FN Race/Ethnicity	USC Race/Ethnicity	Current Living Situation
Brett and Stefano	Italy	US	White	White	Separate countries
Susan and Hanne	Germany	US	White	White	Living together in US
Nathan and Liam	Canada	US	White	Chinese American	Living together in US
Ryan and Oswin	Germany	US	White	White	Living together in US
Ruth and Sabine	Germany	US	White	African American	Living together in US
Helen and Klara	Germany	US	White	White	Separate countries
Andrew and Vlad	Belarus	US	White	White	Living together in US
Joshua and Kader	South Africa	Phillipines	Indian	Filipino	Living together in US
Kerry and Selah	Trinidad and Tabago	US	Indian	White	Living together in US
Brenda and Agathe	Germany	US	White	White	Living together in US
Christine and Juliette	Canada	US	White	White	Living together in US
Charles and Sergio	Mexico	US	Hispanic/Latino	White	Living together in US
Ashley and Araceli	Paraguay	US	Hispanic/Latino	White	Living together in US
Lauren and Kyra	England	US	Indian	White	Separate countries
Timothy and Andre	Panama	US	Hispanic/Latino	White	Living together in US
Steven and Dominik	Hungary	US	Hungarian	White	Living together outside U
Carol and Magda	Germany	US	White	White	Living together outside U
Cynthia and Bonnie	Scotland	US	White	Asian American	Living together outside U
George and Luiz	Brazil	US	Hispanic/Latino	White	Living together in US
Brandon and Jean	Cote d'Ivoire	US	African	White	Living together in US
Daniel and Giovanni	Italy	US	White	White	Living together outside U
Mike and Lukas	Slovakia	US	White	White	Living together in US
Alejandro and Javier	Venezuela	Puerto Rico/US	Hispanic/Latino	Hispanic/Latino	Living together in US
Harold and Jose	Philippines	US	Filipino	White	Separate countries
Megan and Mae	Philippines	US	Filipino	Taiwanese and Hisp	Separate countries
Noah and Yosef	Israel	US	Jewish	Jewish	Living together in US

COUPLE	FN Immigration Status	FN Visas Held (Ever)	FN Education	USC Education	FN Job	USC Job
Brett and Stefano	N/A	Visitor visa, J visa	PhD	Masters	College Professor	NGO professional
Susan and Hanne	LPR	Employment visa, J v	PhD	PhD	College Professor	College Professor
Nathan and Liam	Visa holder	Employment visa	Masters	Masters	Urban planner	College Professor a
Ryan and Oswin	Undocumented- visa ov	Student visa	Bachelors	Masters	Self-employed/ow	Self-employed/own
Ruth and Sabine	Transition	Employment visa, stu	Masters	PhD	Teacher	Consultant
Helen and Klara	N/A	Visitor visa	Masters	Masters	Family business	Artist
Andrew and Vlad	Visa holder	Visitor visa, Student	Bachelors	JD	Student	NGO Professional/ a
Joshua and Kader	Visa holder	Visitor visa, Student	Masters	Masters	Student	Business Professio
Kerry and Selah	Visa holder	Employment visa, stu	Bachelors	Masters	Social work	Program administr
Brenda and Agathe	Transition	Visitor visa	HS Degree	Masters	Unemployed	Retired
Christine and Juliette	Visa holder	Student visa	Masters	PhD	Student	College Professor
Charles and Sergio	Undocumented- EWI	N/A	HS Degree	Masters	Self-employed/inf	Business Professio
Ashley and Araceli	Visa holder	Diversity visa	Bachelors	Bachelors	Student	Paralegal
Lauren and Kyra	N/A	Employment visa	Masters	Bachelors	Business Professio	Social work
Timothy and Andre	Transition	Employment visa, stu	Masters	HS Degree	Yoga teacher	Yoga teacher
Steven and Dominik	N/A	Employment visa, vis	Bachelors	Masters	Teacher	Yoga teacher
Carol and Magda	N/A	Visitor visa	Bachelors	Bachelors	IT Professional	Event planning
Cynthia and Bonnie	N/A	Visitor visa	Bachelors	Masters	Health professional	Urban planner
George and Luiz	Visa holder	Visitor visa, Student	Bachelors	Bachelors	Student	Marketing professi
Brandon and Jean	Undocumented- visa ov	Visitor visa	Technical degr	Masters	Self-employed/inf	Student
Daniel and Giovanni	N/A	Visitor visa, Student	Associates	Bachelors	Sales	Retired
Mike and Lukas	CLPR	Visitor visa, Student	HS Degree	HS Degree	Service industry	Service industry/m
Alejandro and Javier	Undocumented- visa ov	Visitor visa	Masters	Masters	Student	Retired
Harold and Jose	N/A	N/A	HS Degree	Masters	Unemployed	Retired
Megan and Mae	N/A	N/A	Bachelors	Bachelors	Service industry	Administrative assi
Noah and Yosef	Undocumented- visa ov	Student visa, diploma	Bachelors	Masters	Unemployed	Student and admin

COUPLE	FN Job pre-migration	
Brett and Stefano	College Professor	
Susan and Hanne	Student	
Nathan and Liam	Urban planner	
Ryan and Oswin	Student	
Ruth and Sabine	Teacher	
Helen and Klara	Did not migrate	
Andrew and Vlad	Human rights activist	
Joshua and Kader	Business Professional	
Kerry and Selah	Business Professional	
Brenda and Agathe	No response	
Christine and Juliette	Musician	
Charles and Sergio	Self-employed/informal sector	
Ashley and Araceli	College campus pastor	
Lauren and Kyra	Business Professional	
Timothy and Andre	Student	
Steven and Dominik	No response	
Carol and Magda	Did not migrate	
Cynthia and Bonnie	Did not migrate	
George and Luiz	No response	
Brandon and Jean	Fashion designer	
Daniel and Giovanni	Student	
Mike and Lukas	Student	
Alejandro and Javier	Museum guide/ Theater work	
Harold and Jose	Student	
Megan and Mae	Student	
Noah and Yosef	Pharmacist	

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