

October 2020

Ghostly Others: Limiting Constructions of Deserving Subjects in Asylum Claims and Sanctuary Protection

Maria E. Vargas
California State University, Sacramento

Follow this and additional works at: <https://vc.bridgew.edu/jiws>



Part of the [Women's Studies Commons](#)

Recommended Citation

Vargas, Maria E. (2020). Ghostly Others: Limiting Constructions of Deserving Subjects in Asylum Claims and Sanctuary Protection. *Journal of International Women's Studies*, 21(7), 77-90.
Available at: <https://vc.bridgew.edu/jiws/vol21/iss7/7>

This item is available as part of Virtual Commons, the open-access institutional repository of Bridgewater State University, Bridgewater, Massachusetts.

Ghostly Others: Limiting Constructions of Deserving Subjects in Asylum Claims and Sanctuary Protection

By Maria Elena Vargas¹

Abstract

In this article, I examine the different constructions of deserving subjects in the new Sanctuary Movement and how sexuality, gender, whiteness, and class create an ostensibly inclusionary agenda that produces ghostly others. Punitive anti-immigrant legislation in the United States has incited mass protests to defend the rights of undocumented migrants. In 2007 this pro-immigrant movement sought to deploy the sanctuary strategy as practiced in the Central American Sanctuary Movement of the 1980s. Using the case of Sulma Franco, a Guatemalan lesbian who was granted Sanctuary by the First Unitarian Universalist Church in Austin, I illuminate the limitations of deservingness under sanctuary religious discourses. Such constructions rely on a particular “tellability” scripted to bearing witness, evoking empathy from faith-based audiences and conforming to heteronormative or homonormative ideas of gender and sexuality. Therefore, I use Maria Lugones theory of the coloniality of gender to expose how sanctuary constructions of deserving subjects lack decolonial and intersectional lenses of race, gender and sexuality liberation. I draw on two stories that were not tellable under sanctuary discourses to demonstrate how constructing the Guatemalan lesbian as the new deserving refugee erases indigeneity because the U.S. only recognizes gender when embodied by a non-indigenous, middle class, educated woman like Franco. It is imperative to use Franco's story to critique the restructuring of LGBTQ identity politics that evoke empathy and repackage essentialist logics of deserving sanctuary. If left uninterrupted these new constructions of deserving sanctuary will further disappear those ghostly others such as indigenous men and women, whose subjectivities and narratives are already in the shadows.

Keywords: Sanctuary Movement, Maria Lugones, decoloniality, intersectionality, LGBTQ, identity politics, Guatemala, Guatemalan women, Latin America, Latin American women, migration, queer migration politics

Deserving vs. Not Deserving Refugees

“Do we as people who believe in justice and fairness want to leave anyone behind?”

-Karma Chavez, *Queer Migration Politics*

¹ Dr. Maria Elena Vargas is an Assistant Professor of Ethnic Studies at California State University, Sacramento. She received her Ph.D. in American Studies from University of Maryland-College Park. Her work focuses on transnational and decolonial approaches that challenge the impunity of racialized feminicides or hyper-sexualized racial violence towards indigenous women in Guatemala. Her areas of specialization include Central American studies, Women and Gender studies and Decolonial studies. Address correspondence to the author at vargas@csus.edu

Situated amidst the ambiguities of coloniality, this paper deconstructs the politics of oppression that produce distinct constructions of deserving subjects related to gender and sexuality claims of asylum and sanctuary. The epigraph takes us to Queer Migration scholar, Karma Chavez's warning on the dangers of who these categories leave behind under the name of justice and fairness. Asylum and Sanctuary social movements are mainstream discourses predicated on ostensibly inclusionary practices that appear to protect immigrant communities. In this article, I unravel how constructions of legally deserving refugees use the fixed identity categories of "refugee" and "LGBT" to tell stories that are contingent on bearing witness, evoking empathy, and conforming to homonormative ideals of gender and sexuality.

I center the case of Sulma Franco, a Guatemalan lesbian who, in 2016, was given sanctuary in Austin, Texas, by the First Unitarian Church. Franco's case is the first in the United States where a church provides a lesbian sanctuary (Kamp). Therefore, challenging the historic homophobic attitudes of Catholic Churches and immigration rights movements that deployed the heterosexual family as the deserving immigrant worthy of protection. The success of Franco's case and how the First Unitarian Church protected her from deportation sparked excitement amongst pro-immigration advocates that this victory would revive the Central American Sanctuary Movement of the 1980s.

Both old and new Sanctuary Movements consist of religious activists providing temporary housing to mixed-status families where one person, typically the mother or father, was facing deportation (Yukich 306). Instead of reading Franco's case as a celebratory moment for LGBTQ immigrants, I use this case to illuminate the complicity of the new Sanctuary Movement in rushing to diversify deservingness over other historically excluded migrants. I interrogate racist and classist ideology to find how the state is complicit in recycling heteronormative discourse of refugee rights used in the 1980s to appeal to newer LGBT migrant cases. Yet the outcome, as seen in the Franco case, was a victory for one woman, not a revolutionary rupture signifying a radical inclusion for all undocumented immigrants facing death in their home country regardless of sexual orientation. I argue that Franco's case is complicit in conforming ways of thinking that reduce oppression into simplified understandings of the lesbian immigrant that create further exclusionary practices.

I draw on the work of Maria Lugones, who argues that focusing solely on the racial classification of colonized people undermines the gender system that is simultaneously operating on an axis of the coloniality of power. Lugones advocates for a rereading of "the coloniality of power" through racial structures and through "the process of intertwining the production of race and gender" (189). Lugones proposes that gender and sexuality are colonial impositions onto indigenous ontology as much as race. I apply a decoloniality of gender lens onto Franco's non-indigenous body to expose significant histories of colonialism and US foreign intervention that have historically oppressed indigenous Guatemalan women. I seek to illuminate indigenous Guatemalan peoples' who remain in the shadows of US asylum policy. *How can we explain logics of exclusivity in which the stories of claimants that do not fit stereotypical western identities of sexuality are rendered untellable?* A research question that guides this analysis is how do sexuality, gender, whiteness, and class play against each other in constructions of sanctuary? Understanding how identity politics interacts with colonial systems of domination to normalize exclusionary logic is crucial to decoloniality and to call on transformative ways of sanctuary that protects all marginalized migrants seeking refuge.

What is the significance of Franco's case to the inclusionary agenda of the new Sanctuary Movement? Will sexual orientation now take precedence over racial and ethnic differences? Why

is it that during a time where the majority of LGBT immigrants fleeing Central America are transgender women, the ideal refugee that becomes visible in mainstream news is a lesbian? These questions point us towards what Avery Gordon identifies as ‘ghostly matters,’ who in this case are the migrants who are more vulnerable to disappearance by systemic oppression than Franco. Gordon complicates the binary notion of invisibility and visibility by drawing on ghostly figures with an invisible presence felt through social and political effects” (7). Gordon asserts that to understand the generative social structures of a haunting, one must follow the ghostly matters. How can we re-write haunted stories like Franco's and trace the missing signs that lead us not to legibility or visibility but the underside of freedom, gay rights, and progress? This involves pushing for innovative methods that capture the haunting and yield different modes of production and knowing about the social world.

A primary way in which the intersections of knowledge and power are challenged is by what Gordon refers to as “writing ghost stories”. Gordon states “To write ghost stories implies that ghosts are real, that is to say, that they produce material effects” (17). Writing of the ghost as “real” and in an objective light exposes the “fictive” or what Gordon refers to as the sociological imagination, “the ensemble of cultural meanings, affective experiences, animated objects, marginal voices, narrative densities, and the eccentric traces of power’s presence” (25). For Gordon, a crucial alternative way of understanding social life is by reckoning with our own ghosts, writing from a location that is haunted in order to gain insight into how a post-modern, late-capitalist, postcolonial world represses what it dares not name. In other words, to write a ghost story, you need to follow ghosts, including your own. Gordon states, “Following the ghosts is about making a contact that changes you and refashions the social relations in which you are located. It is about putting life back in where only a vague memory or a bare trace was visible to those who bothered to look” (23).

What happens to the migrants whose subjectivities and narratives do not align with heteronormative and white supremacist logic of sanctuary deserving? Were they deported back to their deaths? Did they disappear in the US immigration system? I situate these ghostly matters as the precarious colonial condition that inhabits the brokenness of dominant social movements, thus pushing us to reconsider the relationship between visibility and solidarity. If social movements gravitate towards protecting only legible subjectivities that engender affective responses like empathy to produce change, how limited are the radical possibilities for regeneration and transformation? The missing signs that I trace in this article are the asylum denial of an indigenous Guatemalan woman in 2008 and the failure of activists in helping two unnamed Mayan male youth during the Central American Sanctuary Movement of the 1980s.

Sulma Franco

“Discrimination in Central America is very cruel; it’s something that doesn’t allow you to live” (Casey). Sulma Carina Franco Chamale uttered these words as she told her story to journalist Anna Casey. Running for her life, Franco fled her homeland of Guatemala because of the sexual and physical abuse she had endured as a lesbian. In her attempt to reach the United States, Franco was apprehended by Border Patrol officers and taken to the Hutto Detention Center in Taylor, Texas, where she began applying for asylum in 2009. All individuals who apply for asylum have to go through a credible fear interview conducted by a United States Citizenship and Immigration Services (USCIS) officer. In the interview the asylum applicant must establish a credible fear of prosecution defined as “a significant possibility, taking into account the credibility of the

statements made by the alien in support of the alien's claim and such other facts as are known to the officer, that the alien could establish eligibility for asylum" (United States. Immigration and Nationality Act). If the applicant fails to convince the USCIS officer that they are truthful, they can appeal the decision to an immigration judge. Denial of the appeal means that the applicant is put through expedited removal. Franco successfully passed her credible fear interview and was released from detention and allowed to work (Aguilar). However, in 2012 a deportation order was issued against her. Franco describes how faulty representation from her former lawyer who filed her paperwork in the wrong court led to her long and hard fight towards being granted asylum falling apart, and Franco was left to deal with the cruel consequences of her lawyers' errors (Guarecuco). Franco's case made headlines in Texas when the First Unitarian Church in Austin offered her sanctuary after hearing about her case. Marisol Caballero, assistant minister of the church, stated, "As a queer, undocumented woman who's an immigrant, who faces violence and even death if she returns to Guatemala, Franco is particularly vulnerable to injustice. As a people of faith, we believe that we are called to stand with Franco, who deserves the right to safety and happiness as much as I do, as much as all of you do" (Guarecuco).

Caballero's belief that it is the duty of religious congregations to protect and offer refuge to Central American immigrants fleeing state violence dates back to the Sanctuary Movement that started in Arizona during the Ronald Reagan administration. According to journalists such as Anna Casey, "Now, 25 years later, Franco's case has been cast as a revival of sorts for the Sanctuary Movement. First Unitarian Church, the congregation that housed Franco, was active in the movement in the 1980s, helping to transport people seeking refuge to and from the airport" (Casey). However, an essential component missing from Casey's claim is that the 1980s Central American Sanctuary Movement was a response to the risk of deportation of heterosexual men, women, and children. Franco represented a Lesbian, Gay, Bisexual, and Transgender community that had historically been left out of pro-immigrant social movements that continue to preach heteronormative rhetoric of family separation. Therefore, it is ironic that her case is used as a symbol to invoke a social movement that never centered on LGBT identities in the first place. I argue that Franco was offered sanctuary because her story was rendered tellable when translated onto a homonationalist script, where she became a hyper-visible queer subject at the expense of other racialized, gendered and queer refugees who remain disappeared.

Decoloniality of Gender

The indispensable identity marker that gives Franco political agency is her identification as a lesbian, because it is an essentialist identity recognized by the Unitarian Church in the United States. Her lesbian identity makes her recognizable to the congregation members, because they place her in a "gay rights discourse of out, white, middle class and productive citizen" (McGuirk 7). The Westernized gay discourse is a component of the larger gender and sexual systems of domination that operate to remove epistemological and ontological fluidity from indigenous gender and sexuality expressions. To illustrate this point, I use the framework of light and dark sides of gender proposed by Lugones and provide the case of indigenous Guatemalan woman Angelina Castillo-Hernandez who was not protected by US asylum or any type of sanctuary.

In decolonial studies, Lugones goes beyond a singular analysis of race and pushes its focus to the sexual differentials that changed pre-colonial cultures by imposing biology's construction onto colonized bodies" (190). These sexual differentials were then enforced through binaries and categories to mark bodies for control and exploitation sexually. Lugones asserts that the racializing

of women as inferior under global, Eurocentric capitalism facilitated the dehumanization of their bodies as animals and as violable for heterosexual rape (203). For example, during the Guatemalan Civil war that lasted from 1960-1996, 200,000 people were killed and disappeared including acts of genocide in which 85% of massacres involved sexual violence committed against Mayan women (CEH). Furthermore, women's testimonios found in a Guatemalan historical memory report on sexual violence painfully depict this, "The people who were raped were the indigenous, the peasants because before it was said that we were animals, that is why they did that to us because we are not worth anything" (Consortium Agents of Change 165). "I told them it was not fair that they rape me multiple times because I am not an animal" (Consortium Agents of Change 263). Such testimonios speak to the dark side of gender conceived by Lugones as the violent dimension that violently inferiorizes colonized women for the colonizers' ravishment. "The light side constructs gender relations hegemonically, ordering only the lives of the white bourgeois men and women" (Lugones 263). The light side of gender applies to non-indigenous Guatemalan women and their constructions of sexual morality, and purity, as well as submissiveness that reduce them to the private sphere of domesticity and patriarchal control. The light and dark sides of gender are useful frameworks for understanding the historical processes of racial purity that gender non-indigenous women bodies differently from those of indigenous women in Guatemala. However, the light and dark sides of gender collapse into the category of *immigrant women* when non-indigenous and indigenous women migrate to the US and are simply seen as "Guatemalan women". Understanding gender as a colonial introduction allows my analysis to go further than merely claiming all Guatemalan women were impacted the same way during colonial times and the civil war that occurred from 1960-1996.

Despite Franco's lesbian identity negating her heteronormative privileges afforded to straight women, she primarily benefited from her non-indigenous, middle class, and educated status that Guatemalan indigenous women do not have. In reading Franco's case, I was haunted by the ghostly figure of Angelina Castillo-Hernandez, a Guatemalan indigenous woman who feared future persecution on the grounds of being a member of illiterate, impoverished Canjobal-speaking Mayan females. Castillo-Hernandez lived with her mother in a rural village in Guatemala. In 2004, ex-guerrillas who demanded food from them and became enraged when the woman did not have any to offer attacked them. "One of the men raped her and then told her that if she said anything, the men would kill her. Castillo-Hernandez was able to leave the house and hide in the forest the rest of the night while the men raped her mother" (Castillo-Hernandez v. US. Attorney General). Two years later, due to lack of medical treatment, Castillo-Hernandez's mother died from her injuries she sustained in the attack, and Castillo-Hernandez fled with her husband to the United States. In 2008, the court of appeals denied Castillo-Hernandez's case stating that "The evidence indicates that although sexual violence against women is common in Guatemala and Castillo-Hernandez's village, the attackers made no comments indicating they were attacking her and her mother because they were Mayan and spoke Canjobal" (Castillo-Hernandez v. US. Attorney General). I point to Castillo-Hernandez because she is a ghost that haunts Franco's story; she violently interrupts the celebratory justice and freedom portrayed in Franco's story with unimaginable injustice. Yet it is this tracing back to Castillo-Hernandez that moves us closer towards the social residue of racialized feminicides.

According to Guatemalan scholar, Eglá Martínez-Salazar, racialized feminicides are the underside of genocide that link racialized, gendered, sexualized, and classed violence (Salazar 127). Martínez-Salazar situates racialized feminicides within the interlocking colonial structures designed to brutalize indigenous, gendered and racialized bodies. Specifically, the bodies of

Mayan women in Guatemala who have historically been brutalized under cyclical violence such as Spanish colonialism, the civil war (1960-1996) and contemporary state terror. According to a historical memory report, 85% of the massacres that occurred during Guatemala's civil war consisted of sexual violence, and 87% of those cases were Mayan women, including 35% that were girls under 17 years old (Consortium Agents of Change). Another historical memory report claimed that 88.7% of sexual violence victims were Mayan, and 10.3% were ladinas (CEH). These statistics point to the Guatemalan ladino² state's genocidal tendencies that demonstrate a stark contrast between the experiences of non-indigenous and indigenous Guatemalan women. By extension, the coloniality of gender in US asylum law functions to disavow Hernandez-Castillo's sexual trauma she experienced in Guatemala. Castillo-Hernandez's case illuminates the cruel mercy of US asylum law that did not grant asylum to an indigenous woman who was socially, politically, and economically more vulnerable than a non-indigenous woman. The denial of Castillo-Hernandez's appeal left her susceptible to deportation—yet no church offered her sanctuary? These are the haunting questions that demonstrate how racialized feminicide goes unrecognized through the lens of the new Sanctuary Movement because as the following section will show. The new Sanctuary Movement still functions under Christian beliefs of family and humanity founded on the negation of women like Hernandez-Castillo.

The Sanctuary Movement of the 1980s and emergence of the New Sanctuary Movement

John Fife, a Presbyterian minister, and Jim Corbet, a Quaker, started the Central American Sanctuary Movement in Tucson as a humanitarian response to the large numbers of undocumented Central Americans unable to obtain asylum deported back to their unstable and hostile home countries. According to Central American scholar Norma Chinchilla, the Sanctuary Movement of the 1980s was a social movement that "challenged the status quo; more broadly, it aimed to effect a fundamental change in policy" (Chinchilla et al 104). The movement grew at an accelerated pace and transformed into its underground railroad across the U.S./Mexico border. Mexican and American activists organized to move migrants to cities like Tucson, San Antonio, and Los Angeles. According to Chinchilla, the flow of migrants into this underground railroad required sophisticated and precise coordination at each stage. These included providing food, shelter, and transportation until arriving at the final destination of a church where the congregation took responsibility for refugees' wellbeing. The Sanctuary Movement's success is undeniable, and a source of pride for those involved in the movement and saved the lives of many Central Americans. Franco's story has reignited the spirit of the Sanctuary Movement. Now, the hotbed of religious outcry and consciousness-raising is not Tucson, Arizona, but Austin, Texas, and the face evoking empathy is not a Central American mother, child, or father but a Central American lesbian. The New Sanctuary Movement continues the practice of sanctuary in churches such as seen in the case of Franco. However, according to Yukich the New Sanctuary Movement needs to develop new strategies that meet the needs of 21st century immigrants such as DREAMers³ and families impacted by the large-scale raids currently deployed by the Donald Trump administration. Yukich states, "Given the apparent inability of sanctuary to meet the needs of many of today's

² Ladino is constructed in opposition to "Indian," thus collapsing the ethnic diversity of Guatemala into Ladino vs. Indian.

³ DREAMers refer to undocumented youth who are eligible for the Deferred Action for Childhood Arrivals (DACA) because they were brought to the U.S. as children by their parents.

undocumented immigrants, why did activists choose sanctuary” (128). This statement highlights the flaws and new exclusions of the New Sanctuary Movement that despite inheriting the powerful religious and political symbolism of its predecessor has also revealed the limitations of religious activism that struggles to adapt to new political contexts.

In the article “(In)credible Subjects: NGOs, Attorneys and Permissible LGBT Asylum Identities,” Siobhan McGuirk exposes the new forms of exclusion created by existing US asylum policy in the application process of LGBT claimants. Building on ethnographies she collected with NGO workers and their clients, McGuirk argues that the client selection and intake process practiced by NGOs produce “homonormative ideals and subtly yet effectively replicate existing adjudication norms” (4). US asylum policy adopted a rigorous and invasive procedure in which LGBT applicants had to demonstrate visible evidence of “true gay” identity and tell a story that fit western normative conceptions of queerness. As a result, credibility becomes central for LGBT claimants to establish themselves as believable and sympathetic subjects. For many NGO workers, this meant the expectation of all LGBT claimants having a coming-out narrative, thus imposing a particular form of sexuality disclosure that does not fit the experience of bisexual or transgender migrants. The underlying theme in McGuirk’s findings was that US asylum policy for LGBT applicants reproduces a persecution discourse through homo-nationalist ideals. Consequently, US asylum policy writes credibility scripts that cast a homonationalist body as the ideal LGBT refugee to the detriment of alternative or other sexual minority identities.

Telling Stories that Move

In the following section, I examine how the tellability of Franco's story rests on the familiarity of the script from the 1980's Sanctuary Movement where it was the empathy of a faith-based audience that ignited the movement. Both the 1980s and new Sanctuary Movements are rooted in the religious practices of white, middle class, US-born Christians. For example, as seen in the history of the 1980s Sanctuary Movement, tellability emerges from the core tenets of Christianity that teach their followers the importance of bearing witness. As a person of faith, Christians must help those in need (Sobrino 67). In other words, to see an unfortunate person suffering and do nothing is not what a Christian would do. Tellability in religious context is constructed through social relations beyond the individual refugee and onto the Christian group membership. Thus, no matter how heart-wrenching and profound a story can be, its tellability is measured on its ability to evoke empathy from a faith-based audience. The move towards empathy is also contingent on constructions of deservingness that normalize distinctions between bodies that matter to particular audiences, such as Christians and pro-immigrant activists.

The second sign I use to write ghost stories is that of two unnamed male Mayan youth from Guatemala who, during the Sanctuary Movement of the 1980s passed through the underground railroad and arrived in Chicago seeking sanctuary. However, Chicago sanctuary activists decided that the youth were a lost cause because they “did not convey the narrative of migration that underpinned much of the Sanctuary work” (Houston and Morse 33). Through the sanctuary activists' eyes, the young men appeared irrelevant to the movement, which is ironic due to their indigenous identity that has historically been the most terrorized and under attack during the 21st century in Central America. As this story shows, the flow of indigenous marked bodies and targets of state violence continues to embody unintelligible and unrelatable violence through the eyes of a white American faith-based audience. Instead of offering additional assistance to the young men and understanding their reasons for migration, even if it departed from the broader goals of the

movement, sanctuary activists never saw them again (Houston and Morse). They simply disappeared. The ghostly matters of Guatemalan Mayan youth do not represent death or complete absence but rather social figures that if traced can lead to nuanced understandings of migration different to that embodied by non-indigenous, Christian families.

In her article, *Constructing the Model Immigrant Movement Strategy*, Grace Yukich examines undocumented immigrants and pro-immigrant actors in constructions of immigrant deservingness. Yukich argues that the New Sanctuary Movement is deploying a model movement strategy that operates to “reframe members of stigmatized groups as deserving” (Yukich 303). How is Franco being reframed as deserving and worthy of empathy despite her sexual deviance and immigrant status? Additionally, Yukich discusses the ‘casting technique,’ that is used in the “intentional selection of particular, concrete embodied individuals for a specific set of roles in a movement or movement organization” (305). Yukich uses the idea of casting to go beyond a rhetorical analysis of immigrant deservingness and instead interrupts the visual framing that intentionally selects bodies to mobilize audiences and incite outrage and empathy. Yukich asks, “What are the consequences of using highly selective casting—models—in seeking to change dominant ideas about a stigmatized group of people” (306). Franco’s case is an example of those consequences. The Unitarian Church chose her through the model immigrant strategy due to her non-indigenous and cisgender body. The Unitarian Church selected Franco because she would fulfill the “gay enough” test with the congregation members, just like in her initial credibility interview. Institutions such as lawyers and churches choose what bodies most appropriately fit the script because they understand the role that ontology plays in the tellability of the story. When browsing through numerous newspaper articles written about Franco, a recurring body that emerged on photographs was Rev. Chris Jimmerson, minister of Austin’s First Unitarian church. Jimmerson did not leave Franco’s side during the sanctuary process, especially at stressful moments when she felt the most vulnerable to US Immigration and Customs Enforcement (ICE) authorities. It is important to note that Jimmerson identifies as a gay man and that the Unitarian congregation is composed mostly of white members.

Serin D. Houston and Charlotte Morse critique the ways that Sanctuary activists and religious members of the 1980s constructed refugees as the traumatized Other. Thus, the pro-immigrant sentiment amongst faith-based movements specifically favored what Houston and Morse call the “prophetic witness,” whose story was evidence of their limitless capacity to suffer yet who, thanks to that suffering, their faith strengthened. Consequently, the refugee was given the role of “prophetic witnesses” and expected to “provide direct and tangible evidence of conditions most parishioners were not aware of” (Houston and Morse 32). Similarly, we see that the same logic operates in the Franco case, where she was cast as a prophetic witness to appeal to the congregation’s religious ideals. The main difference between the old Sanctuary Movement and the new one is that it now functions as a homonationalist institution instead of a heteronormative one. The casting of white gay male bodies solidifies the homonationalist narrative, as seen in the pictures where Jimmerson is standing next to Franco. The bodies that become visible through the telling of a homonationalist script are the bodies of values that can momentarily offer Franco protection. For example, Jimmerson made the following comment to the Texas Tribune newspaper, “Unitarian Universalists are completely open to the LGBT community. “I am a gay man myself serving as a minister, so it was a good fit for us. We believe that she has a legal case to be here, and in fact, it’s our government that is acting illegally by deporting her” (Aguilar). Therefore, Jimmerson’s body alone protected Franco because she was attached to a familiar white gay male subjectivity visible through the history of the Gay rights movement.

Similarly, the ability to bear witness to atrocities, and tell them through a religious discourse to a predominantly white Christian audience, provided the weight for mobilizing the Sanctuary Movement of the 1980s. According to Houston and Morse, Central American migrants recognized the power of narrative and consciously played the role of “extraordinary Christians” to distinguish themselves from other immigrant groups.⁴ This analysis aims to deconstruct stories, religions, identities, and experiences to show how the US asylum system and the Sanctuary Movement construct liminal space of conditional support only offered to individual migrants. “The repetition of stories about the extraordinary adversities that migrants suffered solidify normative assumptions within the Sanctuary Movement about whose stories were profound enough to stimulate support and recognition for the movement” (Houston and Morse 33). Thus, husbands, wives, and children use heteronormativity to perform the script of the extraordinary Christian family by evoking empathy from the religious institution that had the power to grant them protection. Subsequently, the repeated stories that come out as the most coherent and legitimate in legal discourse and social movement discourse of immigrant and sanctuary deservingness run counter to the complexity of queer intersectional identities.

The repetition of these scripted stories is the haunting of / haunted by the two unnamed male indigenous youth who did not fit this script, which is why they failed to ignite public support in the Sanctuary Movement of the 1980s. It is also essential to understand queer as representative of not only gender and sexuality, but also racialized bodies that fall outside of ideal citizens' normative conceptions (Ferguson 17). Therefore, even though the Guatemalan youth were read as cisgender, heterosexual men, their indigeneity queered them from their non-indigenous Guatemalan counterparts who sought sanctuary with their families. However, the US asylum system and the new Sanctuary Movement interpret *queer* strictly through what Lugones refers to as the colonial/modern gender system, which in this case is LGBT identity. In the case of Guatemala, it is necessary to expand our vision of queer not only to sexual minorities but also racialized bodies because the white-ladino state has terrorized both. We need to protect those persons whose violent experiences are always illegible through the eyes of racist, homophobic, and transphobic American audiences. Franco had the support of an entire religious community who stood behind her and testified on her behalf. Like the pastor, many of the congregation members also identified as a sexual minority, and other members supported her because she was a Christian like them. However, what happens to other queer bodies, such as that of the two unnamed male youth, who have nobody to bear witness to them because they do not identify as a sexual minority or are not Christian, and do not fit into a tellable legible script that incites no outrage or empathy in the American audience? Moreover, survivors of rape and torture should not feel forced to disclose their darkest wounds for the satisfaction of more privileged identities to use them as opportunities to practice their faith.

The Unitarian Church offering sanctuary to Franco was conditional because it depended on Franco's ability to fit a credibility script that allowed her to tell a story that the church members could recognize and gain something. In other words, the Unitarian church mirrors the same demands for a fixed and immutable same-sex identity that the US asylum process does. The Unitarian church and its congregation mimic the same persecution discourse that demands sexuality disclosure to guarantee protection for the migrant. Subsequently, the large room of

⁴ I understand that the Central American migrant agency was limited, leading them to fight for their survival and use any tool and support. This analysis does not scrutinize the migrants' actions because their little resistance is an act of subversion against the legal system whose goal was to expel them from the nation.

suspicion for many queer refugees that do not satisfy the expectations of sexuality disclosure, such as those who identify as bisexual, automatically deems them incompatible by US political asylum and Sanctuary Movement discourse. However, sexuality disclosure was never a problem for Franco since she was already living as an open lesbian in Guatemala, criteria that made her narrative compatible. Franco's privileges as a non-indigenous, middle class, educated Guatemalan lesbian make her a perfect fit for a homonationalist script of extraordinary suffering. Franco's story reifies the United States' refusal to accept responsibility for their role in funding and training the Guatemalan military and subsequent complicity in war crimes (Velasquez Nimatuj). Instead, Franco is represented as a hypervisible sexual subject to carve out a deserving homonationalist subject devoid of race. Houston and Morse ask, "Where is the concern for the unauthorized migrants facing deportations who do not fit the sanctuary criteria" (Houston and Morse 42). The lack of concern that Houston and Morse question is itself an extension of genocidal practices aimed at racialized, gendered and sexualized subjects, who are also not recognized as sympathetic immigrants because they fall outside the script that binds hetero-patriarchal racist nation-states, in this case the US and Guatemala.

Critiquing the Movement

In the Sanctuary Movement of the 1980s, *testimonios* (testimonies) became standard practices for how Central American refugees shared their struggle for freedom with Sanctuary activists. A testimonio is a Latin American literary genre rooted in "firsthand accounts, which the witnesses then wrote themselves, or dictated to a transcriber" (Smith 22). These testimonios served to educate American audiences about the forms of land dispossession, murders, and political corruption in Central America, in which the US government was complicit. In the interviews that I reviewed of Franco speaking to newspapers, NGOs and magazines there is minimal attention to the history of civil war and US foreign intervention in Guatemala, especially how the militarized and repressive Guatemalan state continues to disenfranchise and neglect the basic human rights of poor, rural, indigenous people. This was a glaring absence in the discourse generated in the media about Franco's case. Even though the articles did discuss Guatemala's contemporary homophobic and transphobic culture, there was an evident minimization of the historical oppression of indigenous people and genocidal tendencies of terror deployed by Guatemalan and the US nation-states.

US political asylum and Sanctuary Movement discourses lack an intersectional lens that critically understands the social hierarchy of the migrant in the US and their country of origin. Thus, a transnational and intersectional approach of Franco's history as a ladina lesbian is necessary, instead of only using her immigrant status in the US as an empty signifier that collapses nuanced understandings of race and ethnicity. For example, newspaper articles describe Franco as "Guatemalan" and "immigrant" yet render an absence of substantial knowledge of race and ethnicity in Guatemala. Furthermore, Franco's scripting of credibility is not intersectional, in that it does not recognize the simultaneous oppression caused by multiple identities of race, gender, class, and sexuality. The focal point repeatedly referenced in her interviews and by ministers and congregation members is that if she were to return to Guatemala, her life would be put in danger by machista, homophobic men and gangs that would attack her. Legitimizing male violence in Guatemala as the most visible form of threat is problematic because it reproduces historical stereotypes of savage, backward, and "third world" men. Additionally, reducing patriarchy to individual acts done by homophobic men softens the unspeakable violence experienced in

Guatemala's civil war in which white-hetero-patriarchal oligarchies and the US nation-state murdered and disappeared indigenous men and working-class ladino men who defended their lands from capitalist interests (Martinez-Salazar 117). Femicide victims in Guatemala include women from diverse class and racial backgrounds, the majority of which are heterosexual women who are killed by their intimate male partners such as boyfriend or husband. Thus, what do we do with nuanced forms of violence; such as the war on drugs that has impacted young poor Central American and Mexican men, or neoliberal violence that displaces indigenous people from their lands, and how about the straight women in Guatemala who are killed in extreme rates by intimate partner violence? All of these complex forms of gendered, classed and racialized violence are distorted or removed all together to paint a particular misogynist and homophobic violence that endangers only lesbians. However, this is only part of the larger reality for marginalized people in Guatemala. Yet, Franco's case shows us that to produce a homonationalist credible and victorious subject, you simply don't tell, you discard these forms of violence from the script. Consequently, histories that plague colonized peoples are removed from the story to tame the familiar, patriarchal and racist violence in which the US nation-state has also been complicit in committing against racialized gendered bodies residing in its territory. Stripping the script of colonialism and US foreign intervention makes it easier to gain the support and empathy of a white middle-class US-born audience that already sees Guatemalan or men of color in the U.S. as inherently violent, and only sees discrimination against lesbian and gay people through the analysis of gender and sexuality not race, ethnicity or class. I propose that the first step towards rethinking these colonial structures that work within the Sanctuary Movement is to change the way we witness trauma.

I use Lilian G. Mengesha's concept of 'defecting witness' to challenge the positivistic and westernized discourses of bearing witness. Mengesha uses defecting to shift away from truth and move towards the uncertainty that lurks in the crevices of fact and fiction. "Falling away from a mastery of details, from the certainty of an event, towards an active and ethical uncertainty allies the spectator with another's pain, a pain they *can never know* yet can bear alongside" (Mengesha 144). In contrast to testimonios that bear witness and act as a medium to convince others of the truth, Mengesha calls for a defecting that witnesses pain differently than that of the traditional approach of empathy. Empathy constitutes a crucial component in Franco's case and in all asylum applicants' ability to persuade their audiences, whether in court or a church. The congregation members' empathy for Franco drives the homonationalist rhetoric and separates it from the spectre of an imperialistic and anti-indigenous empire like the United States. Additionally, her privileges as a ladina, middle class, and college-educated woman shaped her story as believable because it was familiar pain to other gay or lesbian congregation members. However, Mengesha pushes us to go further, beyond the realm of coherent stories that produce typical characters of a model citizen or a traumatized migrant. Defecting challenges us not to settle for different manifestations of the same narratives produced by universal human rights logics that already failed those ghosts who are not seen as humans in legal, social, and religious discourses. Mengesha calls on us to support someone else's pain *without* understanding it, knowing it, hearing it, and empathizing with it. Instead, she challenges us to "...be moved from being a spectator to present bearer of one's pain...to feel the material trace of pain, we cannot know, while we continue to push against the catalyst" (155). It is the act of "pushing against the catalyst" that requires a more sophisticated understanding of haunting than merely understanding it through typical emotions of anger or sadness. Mengesha proposes a more profound articulation of affect to intervene in bearing witness and, to "behold the pain of femicide as social residue without substituting it with our pain, a sense of intimacy from a distance" (143). Mengesha's push to defect instead of bear witness

presents the broader question of, how do we reimagine sanctuary to protect and gain justice for "the ghosts who are not organized into the realm of remembering and documentation" (Shakhsari 1000)?

It is pivotal to re-shift our focus on how the Sanctuary Movement constructs the Central American immigrant as a deserving refugee. The focus should be on issues of political agency and questions around what constitutes lawful mobility for all migrants, not an exceptional few. Normalizing the deservingness of certain legal categories over others is a result of humanitarian discourse that, Didier Fassin argues, uses the refugee figure to exclude immigrants from the Global South through the logic of repression and compassion (Fassin). Borders are meant to keep out all racialized, gendered, classed persons who appear too different and dangerous to belong to the nation-state. When many migrants are using established legal processes within their rights to do so, such as seeking asylum, the US only admits a selected exceptional few. Subsequently, Fassin asserts that humanitarian discourse "emphasizes more suffering than rights and appeals to compassion rather than it claims entitlement" (Fassin 12). The key issue exposed by Fassin is that migrants' political right to protection should not depend on whose suffering is most deserving, because that only further depoliticizes the migrant and continues to "govern them through new and precarious legal limits" (Thomaz 202).

In conclusion, this analysis is an attempt to embrace what sociologist Avery Gordon calls the "power of hauntings," by exposing the ways the Sanctuary Movement draws from U.S. asylum discourses and Sanctuary Movement discourses to construct Sulma Franco into a deserving homonationalist refugee. As demonstrated in my analysis, it was Franco's privileges as a non-indigenous, middle class, educated woman that shaped her potential for Sanctuary activists to recognize her humanity. Franco also benefited from the already established historical memory of the 1980s in which religious ideology moved faith-based communities to help the Central American Other. Despite its racial politics being problematic, the role of the extraordinary migrant acts as the fire that fuels public support. Additionally, Franco's sexual orientation as a lesbian woman was rendered tellable under the history of the Gay Rights movements and the white gay male bodies imagined as the pioneers of that movement. The aim in this paper is not to focus on Franco's story, and what it represents but instead hail the ghosts it makes unrepresentable and re-orient the way we witness trauma. 'Defecting witness' demands a witness to re-think the relationship between spectatorship and violence and to stop understanding truth solely as empirical. Those are the conditions that produce the tellable, repeated scripts that underpin testimonios and lead to exclusive constructions of deservingness. Instead, 'defecting witness' yields transformative possibilities that transcend evidentiary value and trace violence back to its social effects that often cannot be seen or named. As Yukich reminds us, why do religious and immigration activists persist on social movements founded on bearing witness despite its continuous exclusions of who is supported and protected? To follow Karma Chavez's message highlighted in the epigraph of not leaving anybody behind we must work towards more nuanced ways of interacting with affect and trauma. The deserving of protection and a better life for another human being should not be dependent on whether or not we see their pain or have empathy for them. I end with Mengesha's haunting words, "How might one emotionally engage with residues of excessive violence or bear what feels unbearable" (145).

Works Cited

- Aguilar, Julian. (2015, June 11). Church Offers Haven to Lesbian Facing Deportation. *The Texas Tribune*. <https://www.texastribune.org/2015/06/11/austin-church-offers-safe-haven-lgbt-guatemalan/>
- Casey, Anna. (2015, November 17). When Strapping Yourself To The Roof Of A Train Is Safer Than Staying At Home. *Refinery29*. <https://www.refinery29.com/en-us/2015/11/97174/sulma-franco-guatemala-activist-stay-of-removal> (accessed November 21, 2018).
- Consortium Agents of Change / Community Studies and Psychosocial Action (ECAP) and National Union of Guatemalan Women. *Stitches of the Soul: Memories of Mayan Women Survivors of Sexual Violence During the Armed Conflict*. Guatemala City: F&G, 2011.
- Fassin, Didier. "The Precarious Truth of Asylum." *Public Cultures*, vol. 25, no.1, 2013, pp. 39-63.
- Gordon, Avery. *Ghostly Matters: Haunting and the Sociological Imagination*. University of Minnesota Press, 2008.
- Guarecuco, Lyanne. (2015, July 30). Fearing Deportation, Guatemalan LGBT Activist Finds Sanctuary in Austin Church. *The Texas Observer*. <https://www.texasobserver.org/guatemalan-lgbt-activist-sulma-carina-franco-chamale-finds-sanctuary-in-austin-church/>
- Houston, Serin D., and Charlotte Morse. "The Ordinary and Extraordinary: Producing Migrant Inclusion and Exclusion in US Sanctuary Movements." *Studies in Social Justice*, vol. 11, no. 1, 2017, pp. 27–47.
- Kamp, Amy. (2015, August 18) Sulma Is Welcome Here. *The Austin Chronicle*. <https://www.austinchronicle.com/daily/news/2015-08-18/sulma-is-welcome-here/>
- Lugones, Maria. "Heterosexuality and the Colonial/Modern Gender System," *Hypatia*, vol. 22, no. 1, 2007, pp. 186-209.
- McGuirk, Siobhán. "(In) Credible Subjects: NGOs, Attorneys, and Permissible LGBT Asylum Seeker Identities." *PoLAR: Political and Legal Anthropology Review*, vol. 41, no. S1, 2018, pp. 4–18.
- Mengesha, Lilian G. "Defecting Witness: The Difficulty in Watching Regina José Galindo's PERRA." *TDR/The Drama Review*, vol. 61, no. 2, 2017, pp. 140–157.
- Nimatuj, Irma Alicia Velasquez. (2013, May 19). Guatemala Suffered for US Foreign Policy. *The New York Times*. <https://www.nytimes.com/roomfordebate/2013/05/19/what-guilt-does-the-us-bear-in-guatemala/guatemala-suffered-for-us-foreign-policy>
- Ferguson, Roderick. *Aberrations in Black: Toward a Queer of Color Critique*. Minnesota Press, 2003.
- Salazar, Eglá Martínez. *Global Coloniality of Power in Guatemala: Racism, Genocide, Citizenship*. Lexington Books, 2012.
- Shakhsari, Sima. "The Queer Time of Death: Temporality, Geopolitics, and Refugee Rights." *Sexualities*, vol.17, no. 8, 2014, pp. 998–1015.
- Sobrinho, Jon. *Archbishop Romero: Memories and Reflections*. Orbis Books, 2016.
- Stoltz Chinchilla, Norma, Nora Hamilton, and James Loucky. "The Sanctuary Movement and Central American Activism in Los Angeles." *Latin American Perspectives*, vol. 36, no. 6, 2009, pp. 101–126.
- Thomaz, Diana. "What's in a Category? The Politics of Not Being a Refugee." *Social and Legal Studies*, vol. 27, no. 2 2018, pp. 200-218.

- The Commission for Historical Clarification (CEH), *Guatemala: Memory of Silence: Report of the Commission for Historical Clarification, conclusions and recommendations*. Guatemala City: CEH, 1999.
- United States. Immigration and Nationality Act. 8 USC. §§ 1104-1401. 1964.
- Yukich, Grace. "Constructing the Model Immigrant: Movement Strategy and Immigrant Deservingness in the New Sanctuary Movement." *Social Problems*, vol. 60, no. 3, 2013, pp. 302–320.
- Yukich, Grace. "I didn't know if this was Sanctuary: Strategic adaptation in the US New Sanctuary Movement." *Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements*, edited by Randy K. Lippert and Sean Rehaag, Routledge Press, 2013, pp. 126-138.