

# ILLEGAL SKIN, WHITE MASK: A CRITICAL PHENOMENOLOGY OF IRREGULAR CHILD MIGRANTS AND THE MAINTENANCE OF WHITENESS IN THE UNITED STATES

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*The struggle is inner: Chicano, Indio, American Indian, Mojado, Mexicano, immigrant Latino, Anglo in power, working class Anglo, Black, Asian.... Awareness of our situation must come before inner changes, which in turn come before changes in society. Nothing happens in the “real” world unless it first happens in the images in our heads.*

—Gloria Anzaldúa, *Borderlands/La Frontera: The New Mestiza*

In 2014, nearly 70,000 unaccompanied irregular child migrants (ICM)<sup>1</sup> arriving from the northern triangle (Guatemala, Venezuela, and Honduras) were apprehended at the southern border of the United States (Ataiants et al. 2018). This surge overwhelmed US facilities, and child migrants were placed in detention centers and other makeshift holding areas until they could be released to family or deported. In these facilities, many children received improper nutrition and medication, while others experienced physical and sexual abuse, and others died or “went missing” (Cantor 2015). In the ensuing years, the treatment of ICM in the United States garnered international attention and backlash, particularly during the family separation policy instituted by the Trump Administration in 2017. In spite of this backlash and interference by the UN, conditions and rights for both child and adult migrants have disintegrated over the last decade.

I began this project in the summer of 2017, following the two-year-long barrage of racial epithets and calls to “build a wall” that characterized the Trump presidential campaign and laid a foundation for his administration (Lee 2015). The success of the Trump campaign emboldened the anti-immigration movement and, as Judith Butler poignantly stated in an interview, “emancipated unbridled hatred” toward marginalized communities, and particularly toward racialized migrants (Butler 2016). Donald Trump

<sup>1</sup> These children are typically referred to as “illegal migrants.” However, I will refer to them as “unaccompanied” or “irregular.” “Irregular” defines those who move outside regulatory norms of migration and is the language preferred by the International Association for Migration and the United Nations generally (n.d.).

continued to utilize the language of White Supremacy in order to gain support among White Americans and has cast “illegals” and “thugs” as the racialized antagonists of his presidency (Lee 2015). Though issues of racialization are sometimes addressed by migrant studies scholars, there is a noticeable lack of engagement with racialization by migrant studies scholars. Nevertheless, it has been shown that immigration and citizenship policies are, and have been, a core tool of White Supremacy in the US, which serve to dehumanize and deny rights to racialized migrants (Sáenz and Douglas 2015).

Images of child migrants have frequently been used by immigration activists to expose the suffering and dehumanization of all irregular migrants. Often, however, the rhetorical devices used to defend these children universalize their identities as children and obfuscate factors that lead to their mistreatment. For instance, in scholarship pertaining to migrant children’s rights, there is little to no mention of the role that racialization plays in the conferral of legal status and rights.<sup>2</sup> By failing to see the interaction between childhood and racialization, and the processes through which children become racialized, activists and scholars are unable to address the unique “collision” point or intersection at which these irregular child migrants find themselves. The suffering of the “racialized child” is rendered invisible under the suffering of universal children. Neutralizing the role of race and racialization in regard to understanding the issues faced by migrant children succeeds only in shifting the borders of Whiteness and legality a few inches, rather than pulling these walls down altogether.

In this paper, I reinterpret the experiences and perceptions of child migrants through the lens of racialization and White Supremacy by advancing work by Cheryl Harris (1993) and Lisa Guenther (2019) on the critical phenomenology of “Whiteness as Property” (WaP) and the protection of “White Space.” WaP is “the collective investment in state violence” to protect the economic, territorial, and legal privileges of Whiteness, while White Space describes its two dimensions: “enclosure and territorial expansion” (Guenther 2019, 202). I build on this foundation by examining the way WaP regulates sociogenic<sup>3</sup> and emotive states in order to protect its accrued resources, resulting in an “economy” of racial identity where ownership produces and is produced by particular societal structures and relationships. I use these concepts to understand the framework that willfully misinterprets racialized children. I establish “the Child” as a sociogenic concept and symbol of national futurity and universalism, and therefore of the futurity and universalism of Whiteness; reiterating and interrogating the inconsistency that many immigration and child activists point to, that there is no such thing as an “illegal” or racialized child. Thus, the ICM either loses the privileges and protections afforded to children or must don the White

<sup>2</sup> See *The Oxford Handbook of Refugee and Forced Migration Studies* (Fiddian-Qasmiyeh et al. 2016); the work of Mai Ngai (2014), Alex Sager (2016), and Joseph Carens (1987; 2013) in immigration studies; and Karl Hanson’s and Olga Nieuwenhuys’ (2012), and David Archard’s (2015) work in the study of children’s rights.

<sup>3</sup> I use “sociogeny” in opposition to ontology as it clearly marks these ideas as social-historic phenomena that masquerade under the notion of ontically fixed (or even fluctuating) principles. Capitalization of the words Black and White, an increasingly prevalent practice, also indicates this: the word references race as a sociogenic, historical construction. By categorizing race in this way, I foreground its lived-reality, while acknowledging it as socially produced; thus race becomes “racialization,” or a process of production and interpretation, rather than an ontic state.

Mask through a performance of victimhood. Through this framework, I undertake an examination of the ICMs as portrayed in the legal process using tools from legal sensorial studies and critical phenomenology, demonstrating the sociogenic shifts that occur for the ICM and how these shifts work to protect WaP.

### Race, Legality, and Property

Before moving further into WaP, which primarily concerns the racialization of African Americans, it is necessary to outline a brief history of racialization for Latine people in the United States. Although many Latine and specifically Chicano revolutionaries borrow from Black Critical Race Theory and Black revolutionary strategies in order to bolster their movements, racialization functions differently and appears slightly less “fixed” for Latine peoples than for African Americans.<sup>4</sup> Many Latine peoples living in the United States, for example Cubans and Argentineans, may consider themselves to be White and may pass as White. In contrast, White Americans frequently apply a homogenous lens to this diverse group—for instance, although the majority of child migrants come from the Northern Triangle, they are typically perceived as Mexican. Therefore, when we discuss the racialization of these ethnicities by White people, as opposed to colorism (Glenn 2009) or national/linguistic prejudice, it is primarily through the racialization of Mexicans.<sup>5</sup>

The homogenization and racialization of Latine peoples in the United States began after the annexation of the American southwest and the discovery of gold in California, effectively destroying existing social hierarchies in the region. We encounter the racial homogenization and calcification of Latine peoples as a distinct non-White racial group as a mode of territorial expansion, similar to the way Indigenous peoples were racialized and subjugated in order to allow for western expansion. Race was, at this time, conceived in terms of regional descent (African, Asian, European). Mexicans being largely of mixed descent (European, Indigenous and Black) symbolized the instability of race and the possibility of transgressive racial interaction and movement. They therefore presented a unique danger to the racial hierarchy of the US (Haney López 2004, 57). At the outset, Mexicans symbolized the instability of race and the possibility of transgressive racial interaction and movement.

While Mexicans were perceived as socially Brown, they remained legally White up until the mid-twentieth century when “Hispanic” became an ethnic category. Many Latine peoples actively fought (and still fight) to protect their “White” status. Although

<sup>4</sup> The slipperiness of race as applied to Latine people is illustrated in the trial of the East LA Thirteen, a group of Chicano student protestors. This case established a precedent for Chicano people not to be considered a unique racial group that could not, therefore, be discriminated against. As Ian F. Haney López (2004) illustrates in *Racism on Trial: The Chicano Fight for Justice*, this ruling reflects much of the “racial” history of the Latine peoples in the US as part of the expanding “boundaries of whiteness” while “many in our society remain victimized by the brutal politics of race” (ix-x).

<sup>5</sup> This is not to erase the racial and ethnic hierarchies that exist within Latine and Hispanic culture, of which there are many. See Teun A. van Dijk (2009).

this legal “Whiteness” may appear to give Latine peoples better access to resources, by maintaining their pseudo-whiteness, the state invisibly underserved communities of Latine peoples who were not a defined “racial group.” The Chicano Movement was the first to identify Mexicans as racially non-White (as in the case of the East LA Thirteen).<sup>6</sup> Although Mexicans are only one nationality of many that I discuss in this paper, the example of the Chicanos serves as a microcosm of the (perhaps non-intuitive) theoretical and practical ideas that I touch on. The backlash against the Chicano movement, as in the trial of the East LA Thirteen, demonstrates that the malleability of Whiteness is not an instability or weakness but is rather its strength—its shifting borders enable its survival and continuous presence, and thus the perpetuation of a racial hierarchy. In rejecting Whiteness, the Chicano movement does not reject the freedom from racial oppression that appears to be a property of Whiteness, but rather the right to exploit and oppress others that undergirds that freedom.

### Whiteness as Property and Proxy-Whiteness

In “Whiteness as Property,” Cheryl Harris (1993) maps a history of the United States that establishes the transition of Whiteness from color to race, and status to property. This is key to understanding the role of racialization in the US, where, as Frantz Fanon (2004) states:

two centuries ago, a former European colony took into its head to catch up with Europe. It has been so successful that the United States of America has become a master where the flaws, sickness, and inhumanity of Europe have reached frightening proportions. (236–37)

Although slavery is no longer a legal practice and the citizenship and personhood of non-White peoples has been established (at least on a surface level), this collective investment in Whiteness as Property explains the unique forms of racial violence that have underwritten American history.

By “property” Harris refers to the set of legal rights, rights of identification, and social privileges afforded to Whiteness as it came into being as a legal status. Harris offers several expansive interpretations of “property” that are useful in fleshing out this understanding of race. Property has never been limited to the rights one has over physical things and should rather be understood as the relationships (or potential relationships) one has with objects, other people, and the world (Harris 1993, 1725). WaP can only be understood as existing

<sup>6</sup> In the trial of the East LA Thirteen, Chicano leaders who had run student walk outs or “blow outs” were prosecuted. The defendants argued that they had been justly protesting unjust treatment due to racism. In order to argue this, they had to first prove Chicanos were a distinct racial group. While the ensuing arguments provide some of the most obvious evidence for the malleability of Whiteness being used to subjugate Latine people, this pattern can be traced backwards to the nascent period of westward expansion. See Haney López (2004).

within social contexts and attached to certain expectations—property becomes a mode through which the law restructures experience and individual orientations in the social world—this stands in stark contrast to the seeming naturalization of both race and property rights. As property, Whiteness has certain functions including rights of disposition, or inalienability; right to use or enjoyment; reputation and status property; and the absolute right to exclude (Harris 1993, 1733–37).

Despite WaP’s “inalienability,” some non-White people appear to be able to affect a proxy-Whiteness. Forms of “passing” are common in all nations structured upon White Supremacy, despite the psychological harms caused by doing so; this phenomenon points at once to the terrific privileges granted by Whiteness, and its movability when under scrutiny. However, while some People of Color (PoC) are able to “pass,” their access to White privilege only occurs by association with and superior performance of Whiteness, which can be brought into question at any time or rendered “unperformable.”

### **Emotional Economies of Whiteness: Niceness and Victimhood**

In her essay, “Seeing Like a Cop: A Critical Phenomenology of Whiteness as Property,” Lisa Guenther (2019) further links WaP to Fanon’s epidermal-racial schema wherein properties and rights that are attached to Whiteness are naturalized and de-historicized. WaP presents

[i]ts “I want,” “I can,” and “I ought to be able to”—as a fluid, natural body schema that dovetails fluidly with the White world . . . the racialization of Whites as owners of land and other property, as extractors of wealth from the bodies of others, and as excluders or selective includers of the right to claim Whiteness as property. (200)

By mapping the epidermal-racial schema of WaP, Guenther reveals the invisible center of racialization, which is essential to understanding and explaining the entwinement of White supremacy and border maintenance of White Space.<sup>7</sup>

It is implicit throughout Guenther’s paper that the epidermal-racial schema of Whiteness also includes an “I feel,” or entitlement to a set of emotions and emotional expression surrounding the acquisition of bodies, extraction of wealth, and exclusion. Guenther discusses this in terms of gentrification: White gentrifiers are entitled to feelings of excitement, safety, and “niceness”—a certain moral superiority to their suburban forebears in that they are purportedly willing to interact with and “improve” traditionally Black and Brown communities. Similarly, White people are entitled to sets of emotional ranges that are not accessible to PoC—for many PoC, it seems that any emotional display fuels racial stereotypes and makes them vulnerable to further violence from White people,

<sup>7</sup> I interpret race and racialization as “border-concepts,” an understanding introduced by Robert Bernasconi (2012) in his paper, “Crossed Lines in the Racialization Process: Race as a Border Concept.”

most immediately, in Guenther's scenario, police. To explicate this element of Guenther's work, I would like to propose an emotional economy tied to WaP.

This emotional economy recalls Sara Ahmed's (2014) work: she argues that although emotions and emotional characteristics may appear to be a-historical, individuated, or spontaneous, they in fact accumulate over time within and through specific groups. Within these economies, "emotions may involve 'being moved' for some precisely by fixing others as 'having' certain characteristics. The circulation of objects of emotion involves the transformation of others into objects of feeling" (11). I will focus, for the moment, on the seemingly unmoving center of this relationship, around which racialization orbits, but will later return to the way in which Latine peoples are "fixed" with certain characteristics. In particular, I focus on "niceness" and "victimhood." While the latter is something experienced generally by White people, American "niceness" is more unique to modern American settler-colonialism and imperialism.

In discussing the self-perceived national character of the United States, niceness is foundational. As Carrie Bramen (2017) notes in her cultural history of American niceness, niceness encompasses the child-likeness of the American spirit (5). Niceness here refers to a certain ability to facilitate social relationships, but without the self-discipline or manners of "civility," typically associated with the British. While the British, as Ahmed notes at the beginning of her book, frame themselves as cold and unaffected/unaffected, the Americans frame themselves within an impenetrable niceness and amiability (Bramen 2017). While the "undeserving" refugee threatens the British national character as Ahmed (2014) argues, the deported and caged child threatens the American national character. When this "niceness" is disrupted—the United States' actions are revealed as inhumane, the suffering of Black People in America comes to the fore, or images of children in cages reach the media—the White epidermal-racial schema is briefly shaken. However, often in these cases, Whiteness retreats within itself, reverting to its mode of "victimhood" until it can once again reclaim its "niceness." Robin DiAngelo (2011) notes that when confronted with the experiences of the racial other and the violent reality of racialization (which DiAngelo terms "racial stress"), White people retreat into "White Fragility" which manifests as "the outward display of emotions such as anger, fear, and guilt, and behaviors such as argumentation, silence, and leaving the stress-inducing situation" (57). Through the performance of certain kinds of victimhood, particularly "White Fragility," White people can re-center their experience and reassert the racial hierarchy (Accapedi 2007; Bonilla-Silva 2006, 2019).

Through understanding "niceness" as a justification for the expansion of property and "victimhood" as a retreat from the consequences of White-supremacy, the emotional framework that protects the White body-schema from the horror of Whiteness begins to reveal itself. Thus, by foregrounding the role of emotional states to the epidermal-racial schema and WaP, it becomes evident that the White Mask, or the performance of Whiteness, also includes aligning oneself with this kind of performative victimhood to appear on the horizon of the White world and justify inclusion in White Space.

## The Right to Childhood and White Fragility

The Child is an embedded archetype and symbol within the American cultural and political fabric; it is considered pre-social, innocent, and capable of infinite change (and is therefore worthy of forgiveness). The Child comes to represent the futurity, possibility, and economic investments of the US and is aligned with the project of American “niceness” and the preservation of WaP.<sup>8</sup> As Erica Burman (2015) states, “in particular, children figure as prototypical malleable material for the nation—whether in terms of prosperity or public order” (269). Just as children rely on their parents, the Child demands the protection and paternalistic intervention of the state. When children are under threat, the state is given permission to act in extremes, to protect the Child and ensure the state’s own longevity. Thus, it is also evident that children have a particular capacity for victimhood or potential victimhood.

Fanon frequently plays on the discordance within the image of the Child and its relationship to Whiteness and settler-colonialism, though the role of children in Fanon has received little analysis (Burman 2015). It is the boy on the train who causes the collapse of Fanon’s (2008) body-schema of the Black man by calling upon the symbolic-racial order when he says to his mother, “[l]ook a negro!” (79). Fanon thereby spoils the image of the Child by revealing its lack of racial innocence and ignorance and the way that the Child too is a sociogenic (socio-historical) production. Through this, in understanding the Child as a symbol of settler-colonial nations and of Whiteness itself, Fanon disturbs the pretense of the innocence of the Child and Whiteness, in effect emphasizing how these are two sides of one sociogenic production. Additionally, he portrays the Child, and through it this pretense of pre-social reality, as a tool through which racialization can be enacted. As Burman (2015) states, “it is in the name of the child . . . as the signifier of both deserving victimhood and site for the penetration of transnational capital—that imperialism is waged” (78). The image of the Child becomes a “political trump card”—one cannot oppose “fighting for *the* children” (Ropp 2019, 469; emphasis added). I emphasize “the” here as it indicates a kind of universal belonging. In a way, this means children are uniquely endowed with a cosmopolitical citizenship. Yet this appears to be exactly what some conservatives seek to destabilize, many anti-immigration protesters carrying signs with the sentiment of “they aren’t our children” (469). This tension points to an interesting sociogenic effect: the problem is not “our” children versus “the” children, but rather, who can be the Child when and within what contexts. Even though some Black and Brown children can appear as the Child to varying degrees (contingent upon their convincing performance of Whiteness), their racialized and Child identities cannot be acknowledged at the same time—a racialized Child is, in this sense, impossible.

<sup>8</sup> Erica Burman’s reading of the Child (which I share), comes primarily from the work of Lee Edelman. The debate regarding futurity and hope between Edelman and the Cuban critic José Estaban Muñoz is of note here as they offer slightly different understandings of futurity, failure, and (in my reading) the Child. While I am sympathetic to Muñoz’s perspective, the un-prescriptive future he outlines in *Cruising Utopia: The Then and There of Queer Futurity* (2009) stands defiantly against the projections of White futurity I seek to elucidate in this paper.

Notions of the Child stand in stark opposition to racial archetypes. In this case, as what Leo Chavez (2013) refers to as the “Latino Threat Narrative,” developed in the modern era of immigration anxiety in the United States that began in the 1980s (coinciding, incidentally, with a greater concern over children). Chavez condenses the Latino threat narrative to the following key tropes: reproductive threat, unwillingness to learn English, unwillingness to integrate into society, unchangeability or immutability (not subject to history or social forces), and desire to reconquer the US. The Latino Threat narrative makes two key assumptions—Latino/a’s are culturally and historically static and criminal. This stands in opposition to the Child, a collective embodied investment in the future that is figured as inherently innocent and capable of redemption.

It is not that the Child is always good, indeed a necessary aspect of the Child is their propensity to make mistakes. The Child may be hedonistic or mischievous, but this says nothing of its “actual” self—when the Child makes a mistake it is because they are *learning to be good*, but when the immigrant makes a mistake it is because *they are bad*. The Child is not caught up with sticky characteristics, indeed their “actual” self appears to be blank, with potential being its only attribute.

### Three Approaches to Children of Color

What can we then make of the reality of Latine children? There are a few possible answers to this question: first, that Latine children disappear into a racialized mass with little room for personhood; second, that Latine children are not seen as children, but rather “miniature adults;” and third, that some Latine children take on a “White Mask” until their inevitable Brownness is discovered.

In her book, *In the Wake*, Christina Sharpe (2016) draws attention to Black children and mothers in a way that has rarely occurred in scholarship. She illuminates how meaning slides around words like “child” within the overburdened signifier of Blackness. Sharpe states, “Black children are not seen as children and the corral of ‘urban youth’ holds them outside of the category of the child, they are offered more trauma by the state and state actors” (89). Here, Sharpe is directly invoking the exclusionary nature of the Child and the future that it represents: there are no Black children, only “urban youths” with a bleak and criminal future. There is a parallel to be drawn between the way Black children are dehumanized as described by Sharpe, and the way Latine children are dehumanized. Latine children are similarly transformed into “locusts,” a “plague,” and other designations that have no room for personhood, let alone the freedom and rights of childhood (Luiselli 2017, 15).

Sharpe’s (2016) critique also suggests a secondary feature: the presumed maturity or *adulthood* within the connotation of “youths” as opposed to “children” (89). The concept of “adultification” of Black and Brown children has come to national attention in recent years, particularly after the murders of Tamir Rice and other Black children by police officers. Adultification refers to the way that Children of Color (CoC) are perceived as more



adult than their White peers and are deprived of the rights and freedoms of childhood. While the concept of the “developmental child” has resulted in the expansion of children’s rights in the last several decades, this extension of rights and the perception of children has not included CoC (Kennedy 2006). Studies involving the Adultification of African American children conclude that they are perceived to be more independent, know more about adult topics, and need less nurturing and support (Epstein and Blake 2020). We can map a similar mode of Adultification onto Latine children—Latino boys are perceived as more dangerous, while Latina girls are perceived as hypersexual (Chavez 2013). Both are seen to be more culpable and less capable of growth than White children.

The final perception of Latine children, and of CoC in general, is that they are not Brown, but are rather “becoming White,” and come to bear the White Mask. This is, perhaps, the most insidious perception of the CoC discussed thus far, as it does not readily or easily bear its intentions and aims. This phenomenon occurs specifically when the characteristics of the Child, and therefore of a particular Whiteness, come to eclipse the brownness of a CoC. Like the Black man in Fanon’s conception must over-perform his Whiteness with impossible perfection and precision, the CoC must portray the Child’s innocence and purity to the extreme. While it is essential to acknowledge that the perception that CoC have more “adult-knowledge” than their White counterparts is part of a racializing lens, the actual experiences of CoC are often divergent from the experiences of their White counterparts because of racialization.

Bearing the White Mask does not simply mean being trapped within a strict emotional range; it also demands a destruction of culture and language in favor of assimilation. Children of the 1.5 generation, who arrived in their host country as children and young teens, must be “re-educated” in the United States, often being held back several grades and frequently being denied access to ELL resources or courses in Spanish (Luiselli 2017, 92–93). Of course, not all children can bear the White Mask as well or as frequently or carry it with them into adulthood. Those who more easily pass, have better mastery of English, and who come from wealthier backgrounds are able to bear the mask easier than others. Just as the Californios were dispatched into either the racialized mass of Mexicanos or dissolved into Whiteness, so too are children upon entering the US (Haney López 2004). They can be children, or “like children” insofar as they grow toward Whiteness and become complicit in it. Bearing the White Mask is, in other words, an investment in WaP: by performing Whiteness one seeks to benefit from the protections it offers. However, just as ICM may find temporary relief in the United States, any such benefits that WaP may offer only provides temporary protection from legal systems that are built on ongoing racial violence and segregation.

As I have shown so far, the Child and the Illegal Immigrant can be regarded as mutually exclusive categories. While the Child is innocent, the Immigrant is duplicitous; while the Child deserves forgiveness and love, the Immigrant absconds with care that they do not deserve; while the Child is the future owner of territory, the Immigrant must be evicted from it. And yet, images of children in cages still shake the national character of the US, with people/voices on both sides of the immigration debate finding conditions for children abhorrent (Cantor 2015). This is because the Child and the Illegal Immigrant trigger two opposing emotional scripts and threaten to shake away the filaments of American

Niceness—niceness, in its brazen unpolished and natural glory signifiatory of the Child itself. How can the United States seal the leakage of its national borders while preserving American Niceness?

### **The Incoherent/Unyielding Child**

Critical socio-legal theorists Dawn Moore and Rashmee Singh (2018) have undertaken a project studying the use of artefacts in the prosecution of interpersonal violence. Moore and Singh highlight the disharmony between a victim and the court-produced image of Victim, creating both truth effects and, in the words of Moore, “emotive responses that claim a degree of contestable universality which saturates their consumption,” or instigating an emotional script, which offers codified and culturally normative modes of “being moved” by another (117). Through the process of data collection prior to court proceedings, a data-double of the victim is created—an image of the victim as Victim. Unlike the real victim, the data-double does not tell contradictory stories, does not withhold its wounds, is not angry, is not uncooperative—the image of the Victim obscures the actual victim and becomes a docile non-agent, ripe for the intervention of a paternalistic state. Moore and Singh note that the dissonance between the victim and the image of Victim is not merely a gendered one; it is also racialized. The performance of White “female” fragility is necessary in the creation of a compelling emotional script in order to trigger a sympathetic emotional response, because paternalistic intervention relies on the assumption of a White gatekeeper/protector against a racialized other. Though donning the White Mask may allow migrant children to achieve refugee status in the United States through triggering the correct emotional script, they become coopted into the project of US settler-colonialism as they are weaponized against their racialized family and community.

Unlike proceedings for interpersonal violence and domestic abuse, immigration and deportation hearings do not primarily rely on pictures or visual evidence. Both proceedings do, however, develop a compelling image of the Victim. In deportation hearings, particularly for those involving children, this revolves around compelling narrative creation. And in a similar way, the image of “Child-Victim” eclipses the living child in court. The majority of these children do not know English well enough for lawyers to build a proficient case alone, necessitating translators. While the images of domestic abuse victims serve to filter and concretize the “data-double,” the necessity of translation serves to filter the child into the Child. The importance of the filter and presentation of the narrative/data-double of the child appears then to be key in the success of the appeal.

### **A Child in 40 Questions**

In her book, *Tell Me How It Ends*, Valeria Luiselli (2017) outlines her experience working as a translator for a non-profit that defends child migrants in deportation hearings. As part of

her role, she asks a series of forty questions developed to help build a defense and translates the responses into English. The majority of the children she works with are in the United States to escape extreme gang violence in Latin America. To achieve Special Immigrant Juvenile (SIJ) status, a child must be impeded from reunification with at least one of their parents because of abuse, abandonment, or neglect, and must further demonstrate that returning to their home country is not in their best interest (as determined by the court). Luiselli (2017) stipulates that there are “correct” answers to the questionnaire: “an answer is ‘correct’ if it strengthens the child’s case and provides a potential avenue of relief” (61). Although Luiselli, as a translator, claims to render the child’s words directly, she frequently guides the children toward particular answers and/or categorizes their experiences into certain sub-groups (prostitution, sexual abuse, gang violence, etc.) in order to improve their chances of having their case taken by a lawyer. Essentially, Luiselli works to establish the victimhood of these children.

The analogy between trials for inter-personal violence and deportation hearings is clear: the trauma or potential trauma must render itself visible on either the physical or legal body. Many of the questions on the questionnaire are fishing for answers that are imperative for building a legal case. Questions oriented around school and work seek to discover whether the child was forced to do hard labor or was not allowed to attend school; others are more direct, such as, “Were you punished if you did something wrong?” . . . “How often were you punished?” and “Did anything happen on your trip to the U.S. that scared you or hurt you?” (65, 28). While Luiselli states that translators cannot answer these questions on behalf of children, in particularly frustrating cases Luiselli rephrases or frames the questions in order to obtain the kind of answers lawyers are looking for when deciding to take the case or not.

Luiselli compares the court system and “screening” as viewing the child as a roll of film:

a term that is as cynical as it is appropriate: the child a reel of footage, the translator-interpreter an obsolete apparatus used to channel that footage, the legal system a screen, itself too worn out, too filthy and tattered to allow any clarity, any attention to detail. (11)

For migrants, there is no clear beginning or end to their migration, only a constant liminality. As the “Immigrant’s Prayer” states, “[t]o leave is to die a little / To arrive is never to arrive” (98). Many of the children Luiselli screens do not know the answers to the questions Luiselli asks—they do not know when they crossed the border, when they left, where they entered the United States, where their parents live. Some are not even able to answer the first question to the screening: “Why did you come to the United States?”

The experiences of the migrant children as expressed through their answers resist the trauma-narrative that is demanded of their cases in court. Their experiences also resist the narratives of children and childhood, particularly that of the teleology of the Child—their lives are disrupted and pieced together through the loss of friends and family, gang violence, systemic rape, and other abuses that are part of their reality. These are experiences children may be reticent to talk about in court, either from shame, trauma, or misunderstanding.

While this trauma is necessary in order to be granted relief, the specific modes of expressing it are limited. Furthermore, the trauma must be presented in specific forms and manifest in particular ways (on the body or legally). The extensive lengths to which these children must go in order to claim their immigration status (or need of status) is not unique among PoC, who often must go to greater lengths to have their pain or emotions acknowledged. Through the process of proving their trauma, however, these children are able to enter into a state of “victimhood” and be “rescued” by the United States.

This is but one example of the dissonance—one that is non-linear and racialized—between the lived-experience of migrant children and who they must present themselves as in the courtroom to be granted a path to citizenship. This narrative myth-making for the court functions to preserve overarching ideologies touched on in this paper and that Luiselli highlights in her book—the United States does not acknowledge the way it systematically underserves and criminalizes the Latine and migrant communities, exposing them to the same dangers experienced in their own country. These are the islands of non-White Space that exist within the frontier of the United States. This matrix of state violence contradicts the second criteria that Luiselli outlines for the “correct” answer: there must be a clear potential avenue for relief. In other words, it is in the interest of the child not to reveal their mistreatment once they have entered the United States despite its frequent inconsistency with their experience.

Furthermore, ICMs are often forced to “out” illegal family and community members. All children in the United States must give the name, address, and immigration status of their sponsor, and are asked to provide the immigration statuses of other family members.

The immigration status of family members is almost always “undocumented.” This, of course, means that presenting themselves in court in the company of a sponsor exposes other members of their family to a system that they have been dodging, sometimes for decades. This guilt weighs on some children noticeably. (2017, 49)

Children that apply for the N-visa, which grants residency status and a fast-track to citizenship to those who have suffered great harm within the United States, must further comply completely with the police, implicitly rewarding those who are able to provide substantial information that leads to the incarceration of other individuals. This usually involves exposing many undocumented people, sometimes family members, to the government, and still operates within the pitfalls of our current system for prosecuting those accused of inter-personal violence. Essentially, in order to become a citizen, these children are forced to betray their own families and communities, further rendering them docile agents of the state.

In doing so, the state is able to fulfill a paternalistic role for these children—to “rescue” them, if they prove themselves worthy of “rescuing.” The questions asked of these children in court reflect a duality of fears held by the state about the other—as immigration questionnaires often do. However, while the green-card questionnaire contains anxieties over communists and polygamists, the questionnaire for child migrants seeks to distinguish

the child from the Brown other. It seeks to uncover the Child from the violence imposed on them by their Brownness, to rescue them, and to raise them towards a proxy Whiteness they will never be able to fully embody.

### **Data-Doubles: Uncovering the Migrant Child as the Child**

Despite the repression of sensorial data related to child migrants, a handful of recordings and photos have made it out to the public, along with some narrative accounts, such as Luiselli's (2017), and a video-recreation of child migrant hearings. These materials have sparked international outrage, particularly regarding the family separation policy. While these materials have garnered rights for child migrants, the basis of their emotive pull is the image of the Child and effaces larger issues faced by migrants. Indeed, despite some changes to allow for family reunification, there has been little positive shift in migrant rights in the United States in the last decade.

Luiselli and other immigration advocates perform critical work in rendering visible the mechanisms of the state and the experiences of child migrants. Through her continued work as a translator and writer, Luiselli has revealed the migrant child and cultivated support in the American public, particularly the White liberal public. A case in point: it is through Luiselli that I first encountered the experiences of these migrant children. Through exploring her own experiences as a Mexican immigrant and her work tying the current immigration crisis to the US's history of intervention in Latin America, Luiselli offers an emotive depiction of ICM. Nevertheless, her account relies on the notion of "the Child" to trigger sympathetic emotional scripts from her readership while ignoring the larger impacts of race on the Adultification and dehumanization of migrant children. This particularly effects those that she does not address, those who are angered by their circumstances in the United States, those who were unable to avoid induction into gangs, those who were not able to live up to "the Child." *Tell Me How It Ends* is a compelling piece of representational activism but succumbs to its own limitation—Brownness is still too overburdened a signifier to render a non-White child onto the White horizon, and thus race must be covered over with the White Mask of the Child in the way that a sheet may render visible the transparent ghost underneath.

Although Luiselli begins to address race through wondering "if the reactions would be different were all these children of a lighter color," she stops there, leading her readers to the question of race without addressing it in the text (2017, 15). As I have already shown, the experiences of CoC are intimately entangled with race and this cannot be discredited in the retelling of their experiences. Luiselli thus does not merely serve to translate these children to the court, but also translates and reveals them to her White readership. As she states in regard to the decision to cross the border, "children do what their stomachs tell them to do . . . [t]hey have an instinct for survival, perhaps, that allows them to endure almost anything just to make it to the other side of horror" (19–20). Luiselli draws upon the image of the Child here implicitly, both its universalism and its exceptionalism, as seen through her notes on the child's apparent pre-social qualities (19).

“UNACCOMPANIED: Alone in America” is a short documentary by Linda Freedman (2019) that includes scenes from deportation hearings for child migrants who have been separated from their families. Freedman calls this video a “reenactment” as opposed to a “dramatization” of court proceedings. Like Luiselli, Freedman claims that she transcribes the experiences of these children without fail, or angle; she claims to have erased her gaze. However, on my reading, the video inevitably falls within the genre of “poverty porn”—a sad orchestral track plays as nervous Latine children, beginning with a teenager and ending with a five-year-old girl, file into the court room, many of them finding it difficult to peek over the desk they sit behind. There is very little talking in the video, and no real depiction of court proceedings. Some atmospheric noise creeps in, the hollow echoes of the courtroom, serving to make the child appear alone and small. The judge, who appears visibly upset, asks each of the children a few preliminary questions, the children offer a yes or no answer, their voices small and diminished as compared to the closely-mic’ed judge. Across from the child sits the representative for the US government, the camera occasionally panning over to show him idly flipping through a book, or looking into the camera, eyebrows raised in impatience. The children, by contrast, never look into the camera, their gazes waver, darting between the judge, the translator, and the floor.

Although many of these same details are present in immigration court, by emphasizing them in the video, Freedman is able to elicit what she perceives as the “correct” emotional script from her audience, but in doing so she has created a data-double of the “child-migrant” that is forever trapped within the enactment and reenactment of victimhood—docility, smallness, alone-ness, and passivity. She uses the White judge to model the correct emotional response and foils him with the impatient and callous White prosecutor, who does not even look at the children throughout the video. Thus, Freedman does not only deny the agency and subjecthood of the children; she makes the dangerous implication that the US government is the sole villain. Meanwhile, the idea of justice and the American values it upholds can prevail, preserving the possibility of American niceness and moreover, saving the Child. As I demonstrated in the first section of this paper, the US judicial system, US values, and national character have done more to further White supremacy than any administration ever has. It thus becomes evident that the video intends not to rupture White Space or the leaky border, but rather renegotiate the borders of Whiteness to include and care for these children who are utterly “alone” as declared by the title of the film.

On the film’s website, Freedman (2019) relates her first encounter with the stories of child migrants and states her shock that this was happening “in my own country.” Freedman goes on to quote Hilary Clinton: “[t]here is no such thing as other people’s children” (as quoted in Brant 1996). This appears to be a call to “common sense”—of course all children matter. As Gayle Salamon (2018) states, “[c]ommon sense and shock thus work in concert, either for the purpose of establishing and enforcing norms or with the aim of challenging them” (109). Yet, calling back to the common sense of the Child frames this courtroom as an aberration of the American ideals rather than its inevitable consequence. These are *not* “our” children; they belong to families and communities of color, who reside both in the US and in Latin America. As CoC, they will face many of the same challenges within the United States that they faced in their home countries—persecution, police violence, gang

violence, under-funded education systems, and poverty. However, despite the continued oppression ICMs face, the fact that they made it to the United States, that someone paid for their transport and prayed for the betterment of their future proves that these children are loved and cared for by their racialized families and communities. These children may arrive to the United States unaccompanied, but they are not alone.

Casting ICMs as the Child and Victim in the courtroom (and in images of the courtroom) places a White Mask upon the child. This process, though offering temporary protection for some children, does not work to undo the function of the current immigration system—to protect WaP and White Space. Rather, this process of whitening ICM's, beyond the existential harms experienced by CoC as outlined in Fanon's work, supports the current system by concealing its racism. Under the guise of protecting these children, greater harm can be carried out against their families and communities, as they are forced to report undocumented relatives or caregivers. Furthermore, these children, though they come to perform Whiteness, or are portrayed as performing Whiteness, are not given access to WaP, as their precarious foothold in the United States can be destroyed, depending on the quality of this performance, ensuring that even if the United States loses some of its demographic Whiteness in terms of literal numbers, it continues to maintain White cultural and legal supremacy by defining who counts as citizens—who can vote and whose vote matters. By forcing and ensuring the continuation of this performance of Whiteness and rewarding those PoC who are able to effectively perform it, the legal system is able to quell dissent and further protect and disguise its protection of WaP.

### Reflections

This paper began with the assumption of a phenomenological perspective of race and racialization that sought to understand the unique positioning of Latine ICM. Although I initially hoped to reveal the way ICM disrupted the schemas of Whiteness, I discovered instead the way ICM are subsumed into the project of Whiteness through the prothesis of The Child—which transformed ICM into a form digestible by the emotional economy. This figurative emotional economy, to use Ahmed's term, reinforced a literal economy—the material economy of WaP. Just as the virtue of a border is to import and export materials and individuals according to the expansion and continuation of its nation, so too is the virtue of Whiteness.

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