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Chapter Author(s): JOANNA NÚÑEZ, JASMINE RUBALCAVA-CUARA and ANITA TIJERINA REVILLA

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Triunfando con o sin papeles

*Muxerista y jotx-historias of DACA-mentation
and Activism in Las Vegas*

JOANNA NÚÑEZ, JASMINE RUBALCAVA-CUARA, AND ANITA TIJERINA REVILLA

In December 2005 the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 (HR 4437) passed by a majority vote in the U.S. House of Representatives. The bill sought to further criminalize undocumented immigrants and anyone accused of aiding them with felony charges.¹ HR 4437 passed in the House, but because of the unexpected uproar and activism from the undocumented community, in particular high school students, it never gained the support of the U.S. Senate and did not become law. Las Vegas, Nevada, activists played an important role in resisting the criminalization of immigrants and rallying for a comprehensive immigration reform at a time when mass immigrant marches were still new in many parts of the country. “It was unheard of for Latina/o students in Las Vegas to walk out of school by the hundreds” (Revilla 2012, 97), and we were lucky enough to be among those who led those protests as both participants and leaders.

With the DREAM Act and immigration reform being debated in Congress for over two decades, the 2012 Deferred Action for Childhood Arrivals (DACA) program offered much-needed relief, even if it was incredibly limited.² August 15, 2020, marks the eight-year anniversary of the implementation of DACA. Over the years, recipients and their advocates have experienced an emotional and political tug-of-war. They are forced to apply every two years and endure constant threats of the elimination of the program as politicians use the program and the recipients as pawns in a political game. As recently as June 18, 2020, we were still uncertain about the

future of the program.³ The Supreme Court decision to restore the 2012 Obama administration DACA policy in full was again a welcome temporary relief. While the beneficiaries of this program are still considered to be undocumented, the risk of being deported is minimized as long as the recipient continues to meet the guidelines or until federal officials decide to end the program.

Although DACA had the potential to include more people in the undocumented community, it closed the doors to anyone who arrived to the United States after the age of sixteen and was over the age of thirty-one on June 15, 2012. It denied access to applicants who were not in school or had not obtained a high school diploma or GED. It rejected applicants who have a “criminal” history as little and insignificant as a misdemeanor; what is considered to be a significant misdemeanor has yet to be clarified. Along with the strict guidelines, there are other barriers that need to be overcome in order to apply. The applicants had to prove that they met the guidelines with documentation that showed physical presence in the United States since June 2007. This requirement does not take into account that the lack of immigration status in any nation often purposely necessitates an invisibilized experience with a limited paper trail.⁴

Legality versus Illegality

Historically, language has been used to dehumanize and marginalize muxeres, people of color, queer and trans people, immigrants, and anyone who resists hegemonic expectations and parameters. Discriminatory language not only creates an environment of hatred but also has the power to inform laws that deny access to those who lack structural power. When one refers to an immigrant as “illegal” because they are without documentation or status in the United States, it is both dehumanizing and a misnomer.⁵ While the act of being in this country without documentation may be deemed “illegal,” the human being is not “illegal.” Revilla and Evelyn Rangel-Medina’s research further adds that this phenomenon is fueled by a practice called “citizenism,” which is “the ideological practice of inherent citizen superiority, the [belief in the] right to dominance of citizens over noncitizens, and a system of unearned advantages and

privileges based on citizenship granted at birth” (2011, 168).⁶ Alternatives to “illegal” that are commonly used by social justice activists are “undocumented,” “economic refugees,” and “unauthorized.” In Spanish, we also say “sin papeles,” which translates to “without papers.” For the purpose of this research, we use “undocumented” or “DACA-mented,” which implies that a person is protected under the DACA program.

Undocumented youth activists, many of them queer or “undocuqueer,” continue to be at the forefront of (re)framing legality, “DREAMer” or DACA-mented identity, and migration narratives through their activism, artwork, and scholarship (Negrón-Gonzales 2014; Ochoa 2016). One notable moment in the fight for the liberation of immigrants in this country and full recognition of their humanity was when undocumented youth stepped out of the shadows in the spring of 2010 and declared that they were “undocumented and unafraid” (Cisneros 2018).⁷ This act challenged the mainstream media and policy makers’ conditional acceptance of DREAMers as “exceptional immigrants” while villainizing and criminalizing the majority of immigrants, and it demanded that all immigrants be free from fear of deportation.

Migration as Survival

The decision to migrate to the United States is not made as an isolated or spontaneous incident. People’s decisions to migrate are intimately connected to their struggle to survive under global capitalist trends, including free trade agreements, wars and military occupations fueled by economics, privatization, and other forms of economic displacement. In an effort to create lucrative economic gains, the United States put in place very intentional and strategic laws and regulations that led to the exploitation of immigrant labor and a limitation of the migration process. This issue expands far beyond the United States and is, in fact, a global phenomenon. Immigrant criminalization and labor exploitation in this country are directly linked to the 1994 North American Free Trade Agreement (NAFTA). Patricia Fernandez-Kelly and Douglas Massey (2007) illuminate the consequences of the passage of this policy. They argue that the

purpose of NAFTA was not to facilitate trade and open markets but rather to expand opportunities for capital investment. This led to the free exchange of business; however, it eventually led to the criminalization of laborers at the border. NAFTA omitted workers' rights and free mobility within trade zones to prevent Mexican workers from migrating to the United States. As a result, immigration from Mexico into the United States has grown in rapid numbers, partly because this treaty has pushed Mexican immigrants from their country as economic refugees. Immigrants and their families have settled permanently in the United States to avoid the dangers of leaving and reentering. This policy not only created inequalities in immigration policy but also led to massive discrimination and racism, which still remain with us today.

Although immigration law is drafted by the federal government and executed in the same manner by all states, each state has the right to create policies within its jurisdiction. As Irma Aboytes explains, "The Supreme Court was the first branch of the federal government to talk about the situation of undocumented students within the educational systems. The Supreme Court determined in the 1982 ruling on *Plyler v. Doe* that states cannot deny undocumented students access to free public education in elementary school, but it failed to extend the same right to post-secondary education" (2009, 581). Therefore, federal financial aid is only provided to legal residents and citizens of the United States. However, as of 2019, seven states in the United States have provided some form of state financial aid, in addition to in-state tuition eligibility for undocumented students in nineteen states.⁸ Governor Brian Sandoval signed a bill in May 2013 that allowed undocumented immigrants residing in the state of Nevada to obtain driver authorization cards, valid for four years. Although many are calling this a triumph for the undocumented community because this bill allegedly prohibits the Department of Motor Vehicles (DMV) from sharing applicants' information with the U.S. Immigration and Customs Enforcement (ICE), the authorization cards are not valid as an official identification to board commercial flights or enter federal government buildings. Latinx community members questioned the intentions behind this bill,

and legal advocates discouraged people from applying for driver authorization cards because they suspect that immigrants' statuses were indeed being disclosed by the DMV to ICE.⁹ Evidence of this is apparent in the high number of raids connected to people who have applied for the driver authorization cards. Nevada requires proof of legal status in the country to obtain a standard and real ID license.¹⁰ Although this was believed to be a significant step for Nevada, having state identification still does not allow undocumented people to obtain a Social Security number or many other benefits inherited by legal permanent residents and citizens. Nevada was the eleventh state to offer driving privileges to undocumented immigrants (National Conference 2020).

Deferred Action for Childhood Arrivals (DACA)

U.S. Citizenship and Immigration Services (USCIS) is required to report the number of applications being received, approved, or denied. Based on USCIS data from as far back as 2012, when the government began accepting applications for DACA, a total of 825,439 applications were initially approved. The Migration Policy Institute suggests that "this number is the maximum of people who have ever held DACA status at one point or another during the life of the program." In total, USCIS granted 91 percent of the initial applications while denying 9 percent (which equaled 81,768).¹¹ A lack of monetary and legal resources delayed the ability of many undocumented Latinxs to apply at the outset of the program. Questions of safety and risk were also cited as the main factor in delayed application for all of the participants in this study. Participants held a distrustful view of the government, specifically the Obama administration, because they were intimately aware of the record-setting number of deportations that were taking place. Participants in this study waited to receive confirmation from legal experts and advocates that the information they provided in their DACA applications would not be weaponized to track and deport their family members. DACA was viewed by active members of the immigrant rights community as a band-aid approach to the malpractices of the U.S. immigration system, a fact that was later confirmed through

research studies that demonstrated it barely scratched the surface in providing temporary protection for eligible recipients. The Migration Policy Institute found that only a small number of the undocumented population met the requirements to qualify for DACA because of the many restrictions.¹² In 2013 Mexican immigrants made up the majority of applicants at approximately 75 percent but only accounted for 57 percent of those who were approved. Applicants from Jamaica, Honduras, Guatemala, El Salvador, and Venezuela were also approved for DACA at lower-than-average rates.¹³

Von Diaz (2013) offered a snapshot of the stories of DREAMERS and their complex feelings and political responses in the immediate aftermath of the program's implementation. Our findings echo Diaz's exposé and expand upon her initial findings. Our participants expressed an equally wide range of emotions and political concerns in response to the process as they simultaneously considered how their gender, race, class, and sexuality figured into their experiences. In Diaz's article, one applicant's reaction was positive, while another participant shared feeling disappointment and shame from having his application denied. However, the most telling reaction was embedded in the deep political conflict a third participant, Sonia, shared. Although Sonia qualified for DACA, they chose not to apply for the program because they were critical of the fact that only they qualified, while their family did not. Sonia added that DACA also "created divisions within the undocumented youth movement." Our participants' counterstories revealed a similar critique of DACA because it excluded their parents and countless undocumented people who had also arrived as children in this country.

Oscar Ramos's (2009) research illustrates that the impact of being an undocumented immigrant is so far-reaching that it even impacts their U.S. citizen children's educational development and self-identity. When Ramos asked citizen children to discuss their awareness of their parents' struggles as undocumented immigrants and the extent of the relevance of those struggles to their own educational experiences, Ramos found that citizen children tended to develop identities that identified with their parents' struggles. Our project showed a direct correlation between students' educational

outcomes and their career aspirations with their immigrant parents' undocumented status. We chose to include two parent interviews within our study to further investigate the link between parents' identities and their children's academic outcomes.

Migrant and *jotería* Intersections

Muxerista and *jotería* undocumented activists from Las Vegas voice a critical awareness of how their gender and sexuality are racialized and stigmatized to perpetuate xenophobic, homophobic, and transphobic policies.¹⁴ They apply what Juan Ochoa (2016) conceptualizes as a “*Jotería* analytic” in their activism, as is reflected in Xuanito’s and José’s *jotx*-historias.¹⁵ Queer migration studies and the concept of a *jotería* analytic are useful in understanding the continued exclusion of both migrant parents and their *jotx*, trans, and nonbinary children from the nation. Queer migration studies scholar Eithne Luibhéid asserts that heteronormativity is central to the production of a range of marginalized or “subaltern groups, including lesbians, gay men, trans people, poor and racialized parents, interracial couples, sex workers, migrant and colonized sexual subjects, and others” (2018, 305). Heteronormativity exclusively privileges a sexuality and intimacy that is connected to childbearing by married cisgender male/female couples of the dominant ethnic/racial and class group. Undocumented *jotxs* and their migrant parents are targeted precisely because in one way or another they both represent a threat to whiteness, patriarchy, middle-class status, and (neo)colonialism (307). Their legality and the possibility of their exclusion or admission into the nation will always hinge on the intersection of these factors (Luibhéid 2008, 295). As a participant astutely asserted in 2020, “We may be DACA-mented, but we are still undocumented.” Despite the set of protections that DACA offers, undocumented *jotería* and their families remain vulnerable to deportation, violence, and displacement.

The legalization of same-sex marriage in 2015 created a pathway for DACA-mented *jotería* to adjust their status through a process that was previously closed to them. For the majority of our participants’ lives, status adjustments through marriage were not an option, nor

were they a viable option at the time when DACA was announced. Approximately 68 percent of legal residents in 2016 obtained their residency through family sponsorship or marriage, which demonstrates how unjust it was that queer couples were excluded from this benefit.¹⁶ Having the right to have his queer marriage recognized and for his partner to petition him proved monumental for one of our participants who has since become a legal resident. Though our participants hold a critical view of marriage as a sexist, heteronormative institution, they acknowledge that their critique coexists with a desire to create a semblance of security for themselves and their family.

Research Methodology

We use two primary research methodologies in this project, *muxerista* action research and *testimonios* (Márquez 2019). *Muxerista* action research is akin to participatory action research and community-based participatory research (Deeb-Sossa 2019); however, it is rooted in the *muxerista* and *jotería* tenets outlined in our previous work (Revilla 2004; Revilla and Santillana 2014). Immigrant rights research conducted in Las Vegas by our collective has always involved action outcomes in which the researcher and the research participants work in partnership for those outcomes. At the center of our relationships, researchers and research participants build community and trust, dismantling hierarchies of power within research, and working toward social transformation.¹⁷ Another aspect of the partnership between us and our participants was that as a result of Jasmine's eleven years of employment as an immigration law assistant, she was able to help all five of the participants, as well as dozens of others within our community, fill out and submit their DACA applications. She worked personally on hundreds of local immigration cases, experiencing pain, disillusion with immigration laws, failed attempts, and victories.

The interviews for this study took place in 2014, 2017, and 2020, and we have been in community from 2006 to the present. We have known each other for over ten years. As such, this is both a historical snapshot and a longitudinal study. The researchers and partici-

pants were first and foremost friends and coconspirators who built a muxerista and jotería community. We are also fellow colegas who were formerly in student-teacher relationships at the University of Nevada, Las Vegas (UNLV). As muxeristas and jotería researchers, we know that the lives of our communities are often not validated within our society nor within academia. We find ourselves fighting for a place and voice for women, queer and trans people, immigrants, and children of immigrants because so many of our experiences are dismissed in mainstream culture. “Testimonios provide a gateway into the lives of a largely marginalized population, legitimizing their experiences by highlighting collective and individual forms of resistance” (Márquez 2019, 94). Generations of legal exploitation, institutionalized racism, patriarchy, homophobia, transphobia, and citizenism have stripped much of our communities’ humanity. We share these testimonios to give insight into our lives and theirs. These testimonios document the resiliency and strength of jotería and muxeristas who have existed as undocumented activists who eventually attained temporary legal status through DACA. Furthermore, the interviews we collected tell jotx-historias that challenge heteronormative and xenophobic majoritarian stories.

The Setting

Many people are not aware of the large immigrant presence in Las Vegas. Most people are blinded by the glitz and allure of “Sin City.” Many people go to Vegas to escape their realities. In fact, the city has capitalized on the idea that “what happens in Vegas stays in Vegas,” indicating that there are no consequences for illicit misbehavior for the guests of the city. However, local activists have challenged this perspective, remarking that the phrase upholds rape culture and enables people to leave a metaphorical and actual mess behind them as they travel back to their homes after their visit. As Vegas locals, we know that what happens in Vegas has deep consequences for the people who live there. The Latinx immigrant population has grown tremendously in the past two decades largely because the city became one of the fastest-growing cities in the nation, and thus both the construction and service industry have

thrived. The parents of the participants of this study were largely drawn to Las Vegas because they were in search of jobs and affordable housing. Many of their family members and community members have worked in both the casino and construction industries. Thus, they are responsible for building and sustaining Las Vegas while also cleaning up after the people who go there and have little regard for the impact they have on communities that live there.

Beginning in 2013, we conducted six in-depth interviews lasting one to two hours. These interviews were one-on-one. In 2017 we recruited an additional participant who gave us insight on being DACA-mented in Las Vegas during the Trump administration, bringing our total number of participants to seven. Finally, we conducted a focus group, taking the form of a *plática*, following the Supreme Court decision of June 18, 2020, which upheld DACA, with five participants from our study.¹⁸ Of the seven participants, five were DACA-mented, and two were parents of the students interviewed. The interviews were conducted in the language the participant chose, either English, Spanish, or Spanglish, because so often we are told to censor our language or “speak English only.” We view this method as essential to storytelling, trust, and keeping our *tradiciones* alive in the midst of so much violence against our culture.

The participants’ ages ranged from twenty-three to sixty-three, and they are all of Mexican origin. Four of the participants identified as Chicana/o/x, and one of them identified simultaneously as a mestizo feminist. Three of them identify as *muxeres*, two as men, one as gender queer, and one as nonbinary. Four of them identify as queer/*jotería*, two as fluid, two as heterosexual, and two as gay (participants were allowed to choose more than one sexual identity). Although the parents did not disclose their sexuality, they have been in a heterosexual marriage for the majority of their lives. When asked what their immigration status was, they all used the term “undocumented” and rejected the terms “illegal” and “DREAMer.” As one of the participants stated, “I only identify as a DREAMer when it comes to tactical essentialism.” As scholar-activists, we believe it is fundamental to any research project to identify ourselves in terms of our positionality. Positionality includes but is not limited to

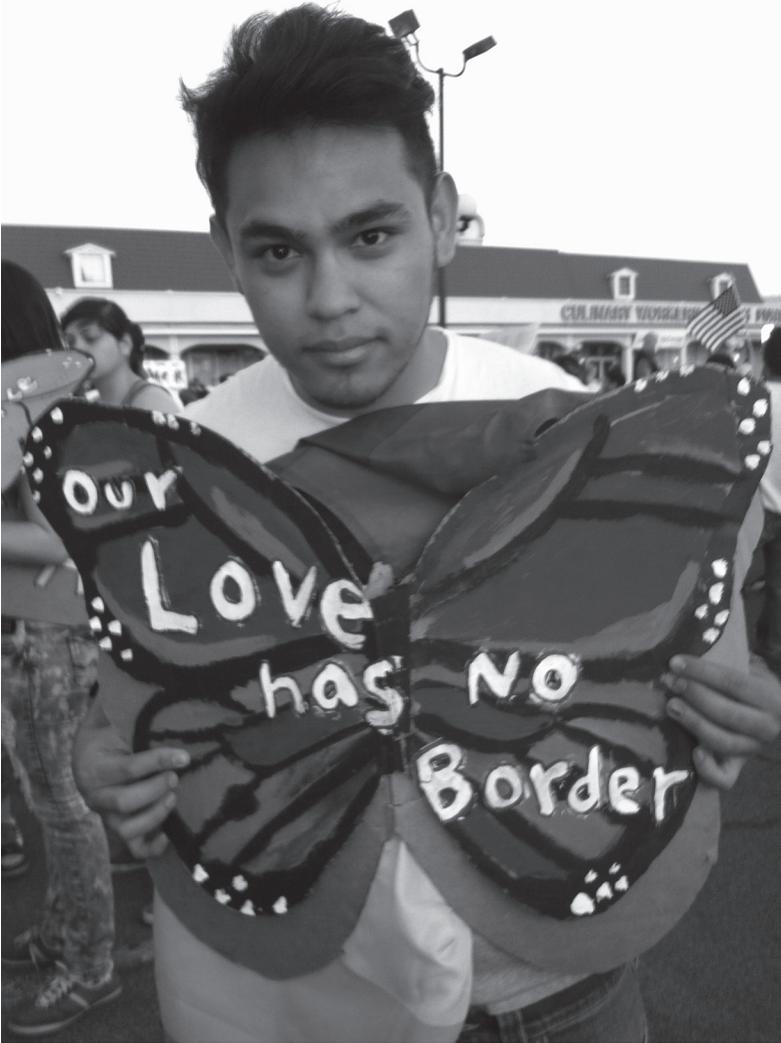
our race, class, gender, sexuality, citizenship, and ability categories. Thus, we have included our positionalities in appendix A at the end of this chapter.

Muxerista y jotx-historias

José

José was born in Chihuahua, Mexico. He immigrated to the United States when he was two years old and grew up in Phoenix, Arizona. The same year José graduated from high school in 2010, Governor Jan Brewer introduced SB1070, a law that legitimated discrimination and racial profiling against undocumented people in Arizona. José's parents were concerned for him and ordered him to leave town to pursue his college degree. José graduated with a bachelor's degree in women's studies and acknowledges that without DACA, life after college would be drastically different: "I had many cousins that graduated from school and [the] university and many cousins that had college degrees, but before DACA they were working at restaurants or doing whatever they could because they were undocumented, although they had degrees. . . . In that sense I think it's very useful . . . now that I'm looking to graduate, the things that I'm probably going into, the jobs that I'm going to apply for are all because of DACA. Otherwise, I would've never, never been able to apply."

José is a son, a brother, and an uncle. During our plática, José shared that being undocumented and having the threat of deportation consistently hanging over his family have contributed to shaping how he performs his gender and sexuality within the space of his family's home. He recalled watching a news story where the pain of deportation and family separation was on full display, a common practice by the mainstream media that he critiques for being exploitative. In it, an undocumented father who was being deported tells his thirteen-year-old son, "Take care of your family. Be a big boy." As José recounted the story with tears in his eyes, his voice broke as he told us that when deportation is always on the table, he also feels like he has to be a "big boy." At a very young age, he knew that if his parents were deported, he would have to step



1. Our love has no borders. Photo taken on May 1, 2013, by José Manuel Santillana.

in to be responsible for his siblings as the eldest son. Furthermore, he believes that regardless of his jotx identity, he may never be able to share his jotería with his father. He will always have to perform masculinity and heteronormativity in a way that will ease his family's pain, particularly his dad's anxiety.

I have to show my dad that if anything were to happen, I can take care of it. As far as gender and sexuality goes, I identify as gender non-conforming, but when I'm home, when I'm with my dad, when I'm with my family, I'm not that, and that's something I've had to come to terms with. . . . I don't think that my experience with my dad will be like a Disney moment, where I sit down and we hug about me being gay, and maybe later on, it will be. And a lot of it has to do with the fact that I want him to know that I've got it.

He went on to say, "How many other little boys are experiencing deportation and are then thrown into manhood? So much of their queerness or sexuality or gender expansiveness just goes out the window. Because now you are thirteen, and you're 'the man of the house.'" For José, his *jotería* and his undocumented status are inextricable, but so is his ongoing responsibility to his family.

Maria

Maria de La Salud was born in Michoacán, Mexico. She immigrated to the United States at the age of nine with her sister, Karina, and brother, Hugo. They arrived in East Los Angeles to meet their father, and a week later their mother arrived. The family moved together to Las Vegas. Maria graduated from UNLV with a bachelor's degree in hotel management and a minor in women's studies. She is a queer Chicana feminist, a *muxerista*, and has been an activist since her first march in 2008, when she advocated for the DREAM Act. When we asked Maria if she felt that activism helped pass DACA, she replied:

I think all those sit-ins, with all the undocumented youth, all the protests, everything has brought a different level of knowledge to the community. . . . So the sit-ins and other different news outlets have helped bring out the actual stories of undocumented youth. It has helped bring a human aspect to what's really going on and how being undocumented affects us on so many different levels. I think that bringing the stories and what we really go through has helped bring Deferred Action, because now the legislators and president [Obama] are actually reading our stories. They can see that it's not something that we just want, it's something that we need.

Maria notes that the news outlets she is referring to are not mainstream outlets. She believes that alternative media outlets and social media provide a more comprehensive and critical immigration narrative.

When DACA was introduced on June 15, 2012, Maria was hesitant to apply. There was very little information available about the risks of applying, and this was the first time since she arrived to the United States that this type of access had been available to any undocumented people. When she first heard the announcement, Maria said that she was skeptical: “I was like, how is this going to work? I wasn’t happy right away. . . . Is it going to help everyone? Is it going to help me? . . . my brother? . . . my sister? I wasn’t right away happy. . . . There were a lot of questions and also a little bit of fear.” Maria is the daughter of Esperanza and Orlando, both of whom are also undocumented and do not have any immigration benefits. Like millions of undocumented people, Maria’s parents do not qualify for DACA. When we asked her what she felt about it, she said, “It’s so unfair, just because I went to school, now I have Deferred Action, but they work as hard as I have” (interview conducted in 2014). This is a sentiment that other undocumented children echo about their parents not being protected under immigration laws or reform. By excluding certain segments of the community, DACA further marginalizes the undocumented community and places certain people in a position of privilege that can never be attained by others. Maria explains:

Even in the undocumented communities, certain people have privilege. For example, me. I have an education. I have a four-year degree that places me way above a lot of undocumented people because, obviously, I have that privilege of education, but that doesn’t mean that I deserve immigration status more than anyone else. There [are] so many families, undocumented people that work really hard, but they didn’t have the resources to get an education, but they’re providing the same amount. They provide so much for this country, as much as I am, but the majority didn’t have the opportunity to go to college. . . . And [they] are seen like they don’t deserve immigration status because they’re not smart enough or they’re not providing for the country. (Interview conducted in 2013)

Maria's voice started to break and her eyes welled up with tears when Jasmine asked her if having a work permit has changed her life. She admits that before she got a work permit and a Nevada driver's license, she felt embarrassed and ashamed of showing her *matrícula* in public places because they would not always accept it.¹⁹ She recalls these experiences as dehumanizing. She says that having a "work permit just gives you so much confidence. . . . Before, I knew I had those skills. I knew I had all the good things to get a better job, but because I didn't have a work permit, I didn't try" (2013). Maria's story demonstrates the value our society places in having "proper" documentation. As she testifies, documents and document holders alike are scrutinized when it comes to determining someone's legality and human dignity. Documents such as a driver's license, Social Security card, and work permit are gateways to access and safety. Today, Maria is working for an immigration law firm and plans to continue working in the field of law.

Xuanito

Xuanito was born in Aguascalientes, Mexico. He immigrated to the United States at the age of thirteen with his grandmother, who was his main caretaker, to reunite with his mother, who had already immigrated to the United States to work. He remembers his elderly grandmother telling him she could no longer take care of him because she had to take care of herself. Xuanito identifies as a teacher who is led by social justice and attributes his spirit of activism to his grandmother and mother. In regard to his commitment to social justice, Xuanito said, "My grandmother was very political, and I think I inherited that from her, that unwillingness to settle, that unwillingness to stand still and let things be and not question things. I learned that from her from an early age, and it just felt normal, like how do you not question things? I learned that from her and my mother" (interview conducted in 2017).

When asked about his process of becoming politically conscious, Xuanito reflected on his life-long commitment to activism: "I gave my youth to organizing" (2017). At an early age, Xuanito became involved in political campaigns to register members of Latinx com-

munities to vote, and as a high school student he started the first gay and straight student alliance in Vegas. He now sees his place as a change agent in spaces of teaching and learning. He also believes he has a right to heal, to create security for himself, his partner, and his community.

Is the political process important? Yes. Obviously, it is, you know, but I think there's enough people there that are doing that work, but probably not enough of us in the classrooms and in the student movements. And to me that's where my space is. If I have to go volunteer, make a phone call, whatever, you know, I think there are enough people doing that. I feel like my difference is in the classroom, in my community, and I happen to get paid for it . . . by being a teacher. Some people will say, "Oh, you're being lazy." No, I feel like I gave my youth to activism, and I deserve to have health insurance. I deserve to be able to afford my medicine, my food and live an okay life and travel and do shit that I've been wanting to do for many years, but it's okay. I'm not gonna feel guilty about it. . . . "If I change myself, I change the world." And, like, we are nobody's sacrificial lambs. (Interview conducted in 2020)

He added that student organizing taught him he had to stop relying on the government to validate his humanity. Xuanito earned two associate degrees, two bachelor's degrees (in women's studies and English), and a master's in education. In the fall of 2020 he will begin his doctoral program at UNLV. When we joked that he liked degrees, Xuanito became serious and said that he believes that he pursued education to overcompensate for being undocumented. He both internalized the need to be an "exceptional immigrant" in order to be deserving of humanity and rejected it: "If you push people, anybody can be exceptional. If our survival depends on exceptionalism. It's not that DREAMers are better than anybody, it's that willingness to survive and to thrive. I think it's what drives so many of us" (2020).

With regard to being queer and undocumented, he stated, "I certainly think that there's a correlation between queerness and the undocumented and how we learn to organize, how we use our

bodies as a tool for organizing” (2020). We agree that it makes sense that queer people are the leaders of these movements, including the immigrant rights movement, the LGBTQ movement, and even the Black Lives Matter movement. There are queer people at the head of these movements. Queer and trans people also fight to be free and authentic, and they demand human dignity. Hence queer, trans, Black, and Indigenous immigrant people of color are inevitably catapulted into these struggles, and they often have the vision to be our leaders.

DACA allowed Xuanito to teach, get his driver’s license, and travel more freely in the United States. Though he has been a resident for almost a year, he has had a difficult time shaking the feeling that his permanence in this country can still be taken away at any moment. This is not far from the truth, given Trump’s threats of stripping residents and new citizens of their status. Xuanito said, “We carry a lot of trauma from being undocumented.” This was starkly evident in all of the interviews we conducted. In fact, when we asked them whether DACA had a mental and spiritual impact on them, all of the participants acknowledged the attempted spirit murder they had experienced, noting that it was primarily their activism that preserved their mental and spiritual health. “Spirit murder” is a term coined by legal scholar Patricia Williams (1991). She argues that spirit murder takes place when people experience dehumanizing acts of racism. We believe racism is one dimension of spirit murder, and immigration status, gender, sexuality, and ability add more levels of vulnerability to these attempted acts of spirit murder by the state.

Esperanza

Esperanza was born in Michoacán, Mexico.²⁰ She immigrated to the United States twenty-two years ago after her husband, Orlando, and their three kids had all made it across the border. Like many other immigrants who leave Los Angeles for Las Vegas, they went in search of jobs, which are plentiful in the service and construction industries, and they went for affordable housing. Esperanza is the mother of Maria, Karina, and Hugo. We asked Esperanza how

she felt about the belief that parents are to blame for the unauthorized migration of their children. She responded with the following:

No, yo pienso que tiene que haber para todos. . . . No es culpa de nadie. Osea que ni los niños tienen la culpa, porque uno se los trae chicos, y nosotros tampoco, porque pos así se acostumbro que así se venía la gente para acá y acá podía trabajar. Por eso los demás se atrevían a venir porque ya sabían que si se podía y pos ay vinimos todos para acá. (Interview conducted in 2014)

[No, I think it has to be for everyone. . . . It is no one's fault. In other words, it's neither the children's fault, because we bring them young, or ours, because it was the custom for people to come here to work in that way. That's why others dared to come, because they already knew that it was possible, and so we all came here.]

Esperanza obtained her primary education as an adult in the United States and was taking English classes at the time of the interview. When we asked Esperanza whether or not her children had suffered in the United States due to their immigration status, she had the following to say:

Yo más he sufrido porque no puedo ir a ver a mi familia, a mis hermanos, a mi papá que tu sabes que ya falleció. Y eso era lo que más me preocupaba a mi. En diciembre yo ya me había decidido ir, pero mi papi, él mismo, me dijo que no fuera porque él sabía que al ir iba a dejar a los muchachos y iba a dejar a mi esposo. Entonces, él dijo que no fuera, pero a mi antes eso era lo que me preocupaba más. Al último yo me decidí que pues tenía que pasar lo que pasara, yo tenía que estar tranquila porque este, ¿si uno le hace caso pos adonde va a parar? Pos al hospital y el hospital no lo cura gratis a uno. (2014)

[I have suffered more because I cannot go see my family, my brothers, my dad, who, you know, has already passed away. And that was what worried me the most. In December I had already decided to go, but my dad himself told me not to go, because he knew that by going I was going to leave the kids and my husband. So he said not to go, but that was what worried me the most before. Ultimately, I decided

that what had to happen would happen. I had to be calm, because if we listen to everything, where are we going to end up? Well, to the hospital, and the hospital does not cure you for free.]

She indicated that she suffered tremendously because of those she had left behind, including her father, who passed away without her being able to see him. She decided to stay in the United States rather than go to Mexico to see her dying father both because she and her father believed it was too much of a risk for her to leave and because she needed to stay to support her family. She shared that her father reminded her of the cost of leaving and clarified for her that when she made the decision to leave it would have to be alone.

Cuando él supo que yo iba ir en diciembre el me dijo que no fuera pues por que no tenía papeles y que el ya sabia que al ir yo me iba a estar allá ya no iba a pasar por que pos tan peligroso que está ya y ya el me dijo eso. Y yo me creí y ya no fui . . . Y ahorita digo si no hay ninguna solución, pues si quiero ir a ver a mis hermanos pos necesito ir así y con el fin que ya me voy a quedar allá y yo sola porque los muchachos aquí están estudiando y mi esposo esta trabajando y me tengo que prevenir a las consecuencias a quedarme allá sola. (2014)

[When he knew that I was going in December, he told me not to because I did not have papers, and he already knew that by going, I was going to stay there, and I was not coming back because it is so dangerous, and, well, that is what he told me. And I believed him and didn't go. . . . And right now I tell myself that if there is no solution, because if I want to go see my siblings, I need to go like this [without papers] and knowing that I'm going to stay there by myself, because the kids are studying here and my husband is working, and I have to face the consequences of staying there alone.]

Esperanza is steadfast in her dream of reconnecting with her family in Mexico and refuses to accept the possibility of one of her siblings passing away while she is in the United States, like their father did, without her there to accompany them. She exemplifies the multiplicity of emotions that undocumented immigrants are forced to carry. She knows that returning to Mexico means her undocu-

mented husband and children will not be able to visit her, but she will not ask any sacrifices of her family, because she supports them in their educational and career advancements.

Where Are They Now?

On June 28 and 29, 2020, we interviewed five of the participants. It was a powerful experience to be on the same call with all of them seven years after the first interviews were conducted. All of them have graduated and begun their career trajectories. When we started the interviews, their futures were tenuous and uncertain. They reflected on the past seven or eight years of having DACA. Today, one is a teacher and a doctoral student, another is a designer and architect, another is an accountant and project manager at a casino, two have aspirations of practicing law (one is already in law school, and the other is an immigration legal assistant). All of them are providing economic support for their parents and siblings, four of them have purchased houses, four are married and seeking legal residency, and all of them remain deeply committed to challenging the social and legal institutions that continue to discriminate against immigrants from around the world.

Despite the achievements they have reached, the stability and safety of the participants were still under attack as of June 2020. One of the participants stated:

Of course, materially life is better with DACA. Access is better to institutions, and that really matters. A couple weeks ago, when we weren't sure what was going to happen to DACA, I found myself thinking, like, what's going to happen? People were expecting DACA to go away, it was pretty certain. And so I was kind of just like, "Fuck, DACA's about to go away. I just started law school. I'm probably not gonna be able to practice. What does that mean for me?" It was really, really terrifying, but I don't feel like I was defeated. I definitely was chill-ando when they fuckin' announced it. I was like, thank god. But that reassurance, that I think that people and you three and everybody on the call sort of gave me and we gave to each other, it's what brought me back to mind. (Interview conducted in 2020)

These words resonated with all of the participants on the group call. They refused to depend emotionally and spiritually on DACA for their sense of worth and survival. Each of them recounted that they were all surviving without DACA. They pointed to their *muxerista* and *jotería* activist community as the source that gave them self-worth, determination, and strength—it served as a space of spirit restoration and defense. They agreed that, regardless of DACA, it was their organizing and activism that gave them the foundation on which they stood.

Conclusion

The decision to migrate to the United States is not an isolated event in someone's life. The decision involves more than one person and often includes an entire family and community. It is important to understand that one of the rippling effects of migration is the long and deep spiritual wounds it creates and leaves. Historically, undocumented Latinx immigrants have sought refuge in the United States from armed conflicts, poverty, gender and sexual violence, or political persecution in their country of origin. In accordance with several studies and our own findings, we affirm that Latinx undocumented students often experience multiple socioemotional and psychosocial challenges that significantly impact their academic, physical, and spiritual well-being.

We found that the DACA program is a band-aid and offers only temporary relief to DACA-eligible recipients and their families, *and* it is simultaneously one of the few programs that has offered opportunities for immigrants. While the students have fierce critiques of DACA and of the exclusions and limitations of the program, they acknowledge that DACA has opened doors for them that would have otherwise been closed. The interviews with the parents showed that they were fully aware of the extreme sacrifices they were forced to endure for the sake of their children's academic access and, hopefully, their success. They chose to forgo their own goals not only for their economic survival but also for the opportunities afforded to their children. All three of Esperanza and Orlando's children have now graduated from the university. All three have received DACA



2. Queer immigrant, and here! Photo taken on May 1, 2013, by José Manuel Santillana.

and are finally able to pursue careers of their choice, for which they received academic training. Still, they are highly critical of and disappointed with the inequalities that their parents and communities have inherited due to the extreme citizenist laws in place. They continue to work to raise people's awareness and to demand a more just immigration process.

Some members of our youth activist community were ineligible for DACA. They were ineligible because they aged out of eligibility or arrived in the United States after their sixteenth birthdays. Their experiences were strikingly similar to the experiences of the participants who were DACA eligible, but merely because of timing and the arbitrary age limits that were set, they were denied the opportunity to live in this country without fear of deportation. Their ineligibility and the impact it had on their lives further illustrate that the age limits and exclusions structured into this program are a detriment and missed opportunity. Although DACA is useful and has changed many people's lives in drastic ways, it has also served to further marginalize millions of others.

Furthermore, this program has created a false category of young people who are considered to be "perfect DREAMers." This concept is critiqued by undocumented students, youth, and activists across the nation. In fact, many undocumented student activists consciously chose not to take advantage of DACA because they did not want to contribute to the notion that there is such a thing as the "perfect immigrant" or "deserving immigrant." As Xuanito indicated, "I never liked the term DREAMer. It implies passivity. It implies not questioning things. I waited a year or so to apply for DACA because I was already working, already surviving" (2017). Participants were already feeling supported by their community because of their activism, and they resisted DACA because of the inequalities it presented against youth and adults who did not qualify. Further, they did not trust that the government would not use their DACA applications against them and their parents. While they acknowledged that their professional positions after college necessitated legal status, they were clear that their human dignity and self-respect originated in their homes and communities. They contend that they all deserve an equal and just path to citizenship, and they will continue to strive for it. As José indicated, "Even before DACA was announced, I was still moving around the world in a way that was maybe more freeing than people would expect because we had blueprints. We had people before us who were doing it." He was referring to his fellow activists, Kari, Hugo, and Mari, whom

he had not seen in many years. He continued, “I think that’s where my spirit was most nourished. It wasn’t through an announcement by the president. It was through the organizing that we did in Las Vegas. We have these communities who we’re building on top of each other and pushing each other forward. And I think that that’s the biggest takeaway for me from the DACA experience” (2020).

Xuanito ended his interview with a statement that resonated with the collective spirit of our participants’ struggle: “I want to take a minute to honor all of the undocumented people who have transitioned waiting for a system to validate their humanity. I want to honor all the family members that died without watching their loved ones come back home. I want to honor the pain that we’ve been through as a collective. You deserve to heal. Do not feel guilty about living your best destiny, because you deserve it.” We offer Xuanito’s words, the words of all of the participants of this project, and the energy and strength of our muxerista and jotería community. Among us there are healers, teachers, and activists who are spirit restorers and defenders. We lift up their words, their struggles, and their triumphs, and we offer Xuanito’s message to us over the years, “¡Jota triunfa!” This phrase has layered meanings. Literally, it means “Queer, triumph!” It is a gender-inclusive use of the word *jota*, and the call to triumph is a rejection of the attempted and actual spirit murder that so many immigrants and queer and trans people experience. The phrase calls upon us to reclaim our joy, to heal, and ultimately to triumph in the face of generations of pain and struggle.

Appendix A

Jasmine’s Positionality

My mother immigrated to the United States when she was thirteen years young, more than forty-two years ago, at a time when the immigration laws and Border Patrol were not as violent as they are now. Mi ama y tía were sleeping passengers said to be US citizens and were waved through the border with a coyote my grandparents had paid. Patricia Cuara, mi ama, was born in Purepero, Michoacán, Mexico, and is the eldest of nine siblings.

In 1986 the Immigration Reform and Control Act was passed and allowed my mom and our family to obtain documentation only three years before my birth. I was born in Long Beach, California, and was raised by resilient immigrant muxeres. My life is guided by patriarchy. My mother has worked sunup to sundown, as immigrants are often forced to do in this country. At a very young age, I developed a strong determination to change the world because I wanted a better life for my family and community. I learned that people that look like us are pushed to the margins and suffer injustices daily. In 2007, at the age of seventeen, I organized a march for the DREAM Act, and I knew that I had found a home in community organizing. Simultaneously, I began working at an immigration law firm and immersed myself in the immigrant rights movement in Las Vegas. It was through this journey that I met my *jotería familia*. It is important to note that the relationship with the participants of this research project extends far beyond these interviews. Over the years we have organized, marched, loved, grown, and worked toward our collective liberation together. I am honored and humbled by their continued trust and can only hope that our work does justice to their struggle.

I am a queer muxerista, first-generation Chicana striving for social change. My hope is that research like mine offers a platform for social justice with a *jotería* and muxerista consciousness. I hold a bachelor of arts degree in women's studies from the University of Nevada, Las Vegas (UNLV). I am currently pursuing a master's degree in social work at Northeastern Illinois University. This project originated as my feminist undergraduate capstone project in 2014.

Joanna's Positionality

I am a queer, feminist, first-generation Chicana from San Jose, California, with joint roots in Las Vegas, Nevada. Las Vegas was home during my most formative years; it was there that I became a student activist and organizer in the movement for immigrant, queer, trans, and feminist liberation. My connection to immigrant rights organizing and investment in activist-scholar research begins with my family. My parents were undocumented at the time of my birth, and to this day my extended family is mixed in status. This reality made me

hyperaware as a child of how borders, police/immigration officers, and immigration policies directly contributed to fracturing and displacing families and are emblematic of a regime of violence and domination.

Growing up as a daughter of immigrants also taught me about the enduring spirit of freedom and resistance that lives in those who have had to migrate to survive. After my mom gave birth to me, she refused confinement in the United States as an undocumented person. She returned to Mexico three times and crossed the border back to the United States by foot until she got her papeles in 1993, shortly after she birthed my second sibling. My family continued to organize for family members to cross the border, reunite with their children, and strategize to avoid the migra at the border and in their workplaces. My family taught me to be critical of a world with borders and instilled in me a disdain for borders, prisons, and nation-states. Their resistance inspired me to become involved as a young person in the fight for the DREAM Act, against the criminalization and detention of immigrants, and for the uncompromising legalization of all undocumented peoples. It is in this movement that I met many of the participants in this research project. As a queer young person, I chose fellow queers and feminist student organizers in this movement to be my chosen family. We constantly worked to document our organizing work, knowing that the narratives of immigrants, youth, queers, women, and femmes are often co-opted and silenced. Our passion for unapologetically telling our stories and for shaping narratives on national and transnational levels is what led me to pursue a PhD as a feminist researcher. I continue to be fired up by the truths that my undocuqueer and feminist familia have to share, and I remain grateful to be a part of documenting their stories. My involvement with this project began when Jasmine and Anita invited me to conduct follow-up interviews and revisions of the original project, initiated by them in 2014.

Anita's Positionality

I am a third- and fourth-generation Tejana, raised by a single widowed mother, Delia. My father died when I was eight years old.

He was thirty-one years old and already dying of cirrhosis of the liver. My mother was thirty years old when he died, and she raised three small children on her own. She had a limited education. She had been pushed out of school when she married my father as an eleventh grader. There was a policy that did not allow married people to attend the same school, so as the young woman in the relationship, she was the one who was expected to leave school. We grew up in extreme poverty, struggling with a lack of money, mental illness, domestic violence (we inherited my father's pain and wrath), spiritual trauma, and all of the other unnamed institutional barriers we faced. Still, my mom was determined to support me in my education. She was convinced that I would go to college, and she did everything possible to make it happen. She sold BBQ plates to pay my way to a summer program in Washington DC in middle school, again for a program at Brandeis University my junior year in high school, and a last time for my trip to New Jersey when I got into Princeton for undergraduate school. Since then, I have been racing through education and activism to ensure my family's survival and my community's access to higher education. For this reason, I have committed myself to working with my students and comrades and immersing myself in these movimientos. I served as Jasmine's advisor and collaborator on this feminist capstone project, completed in 2014. This work is an extension and expansion of the research that I was simultaneously conducting between 2005 and 2019. I met both Jasmine and Joanna when they were completing high school (different years), becoming leaders of the Las Vegas immigrant rights movement, and entering UNLV. I was a professor of women's, gender, and sexuality studies at UNLV between 2004 and 2019, and they both became majors in the department and thus were also my students. The research participants of this study were also fellow activists and former students. Since then, all of them have graduated, and we continue to build upon our muxerista and jotería community spanning multiple states, including but not limited to Las Vegas, Minnesota, California, and Arizona.

Notes

1. See “H.R.4437—Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005,” [congress.gov](https://www.congress.gov/bill/109th-congress/house-bill/4437), <https://www.congress.gov/bill/109th-congress/house-bill/4437>.

2. The DREAM (Development, Relief, and Education for Alien Minors) Act was introduced in Congress in 2001. It would have granted legal status to some undocumented immigrants who arrived in the United States as children and went to school in the United States. It never passed. Luis Miranda, “Get the Facts on the DREAM Act,” The White House—President Barack Obama, December 1, 2010, <https://obamawhitehouse.archives.gov/blog/2010/12/01/get-facts-dream-act>.

3. See https://www.supremecourt.gov/opinions/19pdf/18-587_5ifl.pdf.

4. We use the term “immigration status” as opposed to “legal status” because we reject the illegal versus legal dichotomy that abounds within the immigration discussion. We contend that immigration law is unjust and discriminatory. Therefore, the “illegality” of people’s presence in this country without authorization is largely due to institutional citizenship, classism, racism, sexism, homophobia, and xenophobia. For this reason, we consciously choose not to adopt the federal definition of “illegal” versus “legal” citizenship status.

5. See ColorLines campaign to “Drop the I-word” (2010), <https://www.youtube.com/watch?v=v6GcPf7mqU&feature=youtu.be>.

6. Citizenship is a global system founded on the legal and social subordination of non-citizens. It is social, economic, political, and legal discrimination against undocumented immigrants across the globe. Specifically, it is a system of legal advantages that unfairly privileges (U.S.) citizens and reinforces unearned and unjust citizen privileges. It is the belief in and practice of citizen superiority and results in the dehumanization of immigrants around the world. It intersects with racism, classism, sexism, ableism, and heterosexism but is specific in its targeting of people who were not born citizens of the nation in which they reside.

7. See the work of artist Julio Salgado (<https://juliosalgadoart.com/>) and writer Yosimar Reyes (<http://yosimarreyes.com/>) for excellent examples of work that has helped catapult undocumented and queer people out of the shadows and into the national dialogue demanding their human dignity.

8. Accessed from “States Offering Driver’s Licenses to Immigrants,” National Conference of State Legislatures, <https://www.ncsl.org/>.

9. We use the term “Latinx” to signify gender inclusion, including men, women, and nonbinary people in the community. To learn more about this practice, see Alan Pelaez Lopez, “The X in Latinx Is a Wound, not a Trend,” [colorbloq.org](https://www.colorbloq.org/the-x-in-latinx-is-a-wound-not-a-trend), <https://www.colorbloq.org/the-x-in-latinx-is-a-wound-not-a-trend>.

10. See “Nevada Real ID,” Department of Motor Vehicles—Official Website of the State of Nevada, <https://dmvnev.com/realid.htm>.

11. See Jeanne Batalova, Brittany Blizzard, and Jessica Bolter, “Frequently Requested Statistics on Immigrants and Immigration in the United States,” Migration Policy Institute, February 14, 2020, <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states>.

12. See “Deferred Action for Childhood Arrivals (DACA) Data Tools,” Migration Policy Institute, April 1, 2020, <https://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>.

13. See Nicole Prchal Svajlenka and Audrey Singer, “Immigration Facts: Deferred Action for Childhood Arrivals (DACA),” Brookings Institution, August 14, 2013, <https://www.brookings.edu/research/immigration-facts-deferred-action-for-childhood-arrivals-daca/>.

14. Muxerista, like the term “muxeres,” is an alteration of the word *mujeres*, or “women,” in Spanish. The terms “muxerista” and “jotería” are fluid, living identities with changing definitions. Muxerista was originally coined in 2002. To see earlier definitions of the term, see Revilla (2004). Today, we define muxerista as a nonbinary, gender-inclusive, gender-fluid, trans, queer, and/or sexually inclusive Chicana and Latinx identity that honors our multiple intersecting identities and communities while uplifting our radical commitment to personal and collective liberation. Embedded in a muxerista identity is a jotería politic. We are all contributors to and cofounders of the Association for Jotería Arts, Activism, and Scholarship (www.ajaas.com). Jotería refers to queer and trans Latinx people and communities. The word “jota/joto/jotx” has been used as an insult toward lesbian, gay, bisexual, transgender, intersex, and queer people, but today it is reclaimed by many members of the Latinx queer and trans community.

15. A jotería analytic is informed by multiple genealogies of activism and theory, including Chicano gay men’s and Chicana lesbians’ cultural productions, women of color feminisms, Chicano studies, and queer of color theory. This mode of consciousness and critique is employed to challenge power, subjectivity, and citizenship (Ochoa 2016, 184, 188). “Jota-historia, Joto-historia, [jotx-historia], and Jotería-historia are terms that we use intentionally to indicate the absence of Queer history from traditional academic spaces. They refer to a process of reclaiming and documenting our personal testimonies and experiences” (Revilla and Santillana 2014).

16. See “Fact Sheet: Family Based Immigration,” National Immigration Forum, February 14, 2018, <https://immigrationforum.org/article/fact-sheet-family-based-immigration/>.

17. For more examples of muxerista action research within this Las Vegas activist community, see Joanna Nuñez (2019), Briceida Hernandez-Toledo (2020), and Santillana in this text.

18. See *Department of Homeland Security v. Regents of the University of California* (2020).

19. A matrícula consular de alta seguridad (MCAS) is a consular identification card (CID) issued by the consulate offices of Mexico. It is offered to nationals living outside of Mexico.

20. Due to the sensitive nature of this research and the risks that undocumented people generally face in this country, Esperanza was highly skeptical of the research and almost refused to participate. However, because of the trust and close relationship she had with Jasmine, who conducted the interview, she agreed.

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