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## THE INCLUSIVE EXCLUSION OF LATINO IMMIGRANTS IN LEXINGTON, KENTUCKY

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THE INCLUSIVE EXCLUSION OF LATINO IMMIGRANTS IN LEXINGTON, KENTUCKY

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THESIS

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A thesis submitted in partial fulfillment of the  
requirements for the degree of Master of Arts in the  
College of Arts and Sciences  
at the University of Kentucky

By

Vanessa Marquez

Lexington, Kentucky

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Lexington, Kentucky

2013

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## ABSTRACT OF THESIS

### THE INCLUSIVE EXCLUSION OF LATINO IMMIGRANTS IN LEXINGTON, KENTUCKY

This thesis is a case study analyzing how the Latino immigrant community in Lexington, Kentucky is responding to the national push for restrictive legislation. Based on interviews conducted throughout the summer and fall of 2012, I examine the relationship between federal policies and young undocumented immigrants in Lexington, Kentucky, a southern locale with a relatively small but growing foreign-born Latino community. Employing the notion of the included exclusion, I look at the newly implemented Deferred Action for Childhood Arrivals policy. The Deferred Action for Childhood Arrivals policy highlights an opening present in immigration law in which young immigrants are simultaneously included and excluded. Utilizing this lens to look at the response of Latino immigrants in Lexington allowed me to explore Latino immigrants' engagement in mundane acts of "making do."

KEYWORDS: Immigration, Lexington, Kentucky, Latino, Law

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THE INCLUSIVE EXCLUSION OF LATINO IMMIGRANTS IN LEXINGTON, KENTUCKY

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## Chapter 1: Introduction

This morning, Secretary Napolitano announced new actions my administration will take to mend our nation's immigration policy, to make it more fair, more efficient, and more just – specifically for certain young people sometimes called “Dreamers.”

These are young people who study in our schools, they play in our neighborhoods, they're friends with our kids, they pledge allegiance to our flag. They are Americans in their heart, in their minds, in every single way but one: on paper. They were brought to this country by their parents – sometimes even as infants – and often have no idea that they're undocumented until they apply for a job or a driver's license, or a college scholarship.

President Barack Obama on the Deferred Action announcement

In the midst of a rising tide of restrictive immigration legislation US Secretary of Homeland Security, Janet Napolitano, released a June 15, 2012 memorandum announcing the general criteria of the US's new immigration *policy*. The new policy, Deferred Action for Childhood Arrivals (DACA), is one type of deferred action, which can temporarily halt the removal of qualifying undocumented immigrants. Later that day, amid a few interruptions from the audience of the what about “*American workers?*” variety, President Barack Obama further elaborated upon the policy. He reiterated that it is a “stop gap” measure that will temporarily shift the focus of the US Immigration and Customs Enforcement (ICE) agency on to more pressing matters. Referring to the young undocumented immigrants it will affect as “talented, driven, patriotic young people,” the President called them Americans in every aspect except on paper.

The policy announced by Secretary of Homeland Security Napolitano, marked what many young people express as a victory toward the path for comprehensive immigration reform. The announcement kicked off a maelstrom of questions, confusion,

excitements, and reservations. While DACA certainly does not change the law, it provides what President Obama described as “relief and hope,” if only to a small segment of the undocumented immigrant population — 800,000 out of an estimated 12 million (Migration Policy Institute). Many thought the DREAM Act, which would grant a pathway to citizenship, had finally broken free of the congressional stalemate that has persisted for years. Others wondered what the trade-off would be, who exactly would be eligible, and what it could mean for the future of broader, more inclusive immigration reform. While still others held on to a visceral fear of the potential misuse of their personal information once they submitted their application. The larger political response reproached President Obama for vilifying undocumented immigrants earlier in his tenure as his massive removal record of 1.5 million attests ([npr.org](http://npr.org)).

The DACA policy refocuses the threat of removal away from qualifying immigrant youth to those immigrants ICE identifies as posing a security threat to the US. It grants a temporary (renewable) two-year stay of deportation to educated people between the ages of 15 and 30. The President’s assertion that the policy is only temporary reflects its discretionary nature—it can be terminated at any time. Those granted deferred removal are considered in “lawful presence” but not “legal status.” DACA does not grant legal citizenship.

This thesis is a case study examining the relationship between federal policies and young undocumented immigrants in Lexington, Kentucky, a southern locale with a relatively small but growing foreign-born Latino community. I address two interconnected aims. First, I aim to contextualize Lexington’s immigrant population

within the regulatory processes affecting them. Second, I analyze Lexington's undocumented young advocates as a population simultaneously included and excluded.

The DACA policy represents an ambiguity present in existing immigration law. Upon its announcement and consequent implementation some reported that the policy was an Executive Order. Unlike DACA, an Executive Order carries the "force of law"<sup>1</sup>. The DACA policy, however, establishes guidelines that help immigration enforcement agencies perform their stated mission. The simultaneous inclusion and exclusion found in DACA opens the potential for the young advocates to tangibly negotiate the "illegal" status ascribed to some immigrants. Community leaders believe it will lead to more comprehensive and more inclusive immigration reform.

In this chapter, I sketch out this thesis. First, I describe the contextual material that forms the basis for this thesis. Second, I summarize the relevant legislation and policy leading up to the implementation of the DACA policy. Third, I outline how scholars have treated literature on migration and the law. Fourth, I describe the conceptual framework I employ to interpret the empirical material I draw on. Finally, I outline how this thesis treats the specific case of Lexington, Kentucky as a site in which the every day lives of its immigrant population are brought into geopolitical relevance.

### ***In the New South***

Lexington, Kentucky can be seen as recently joining the New or *Nuevo* South, a regional appellation that has come to signify a post-industrial, globalized South encountering a rapidly growing Latino population (Furuseth & Smith 2006; 2010 US Census). The 2010 US Census reports that the Latino population doubled in nine states,

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<sup>1</sup> Executive Orders come directly from the President. They do not require Congress' approval in the same way that a bill does (blogs.loc.gov).

including Kentucky, since the 2000 US Census<sup>2</sup>. Although the share of Latinos remained below the national level, this increase reflects the process of “Latinization”<sup>3</sup>. As part of the rapidly expanding Latino population, Lexington can also be described as a “new destination” to indicate the city’s experience as a new immigrant receiving site. New destinations are sites that have in recent history lacked a visible, permanent, and influential presence of immigrants (Furuseth & Smith 2006; Marrow 2011). There is much literature on the shifting patterns of immigrant settlement turning away from the major gateway cities, such as Miami and New York City toward smaller, new destinations in the South (Winders 2005; Marrow 2011). However, while new destinations around the country are receiving attention, scholars have noted that in some locations this is a misnomer. Although there has been a relatively recent Latino population boom in the South, in some places the population is certainly not new (Rich & Miranda 2005; Furuseth & Smith 2006). This is the case in Kentucky.

Lexington’s Latino population, like that of the rest of Kentucky, has grown considerably in the last 20 years. Rich and Miranda (2005) particularly note the long hidden presence of immigrants in Kentucky as farmworkers through programs such as the Federal H-2A visa, which attracted many undocumented temporary workers. Although much of the more visible growth has concentrated in just two counties, Jefferson, which encompasses the Louisville metropolitan area, and Fayette, which marks the city of Lexington’s boundary. The 2002 report on Immigration in Kentucky places work in tobacco fields and horse farms as the initial pull factors for Latin American immigration.

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<sup>2</sup> The other eight states are Alabama, Arkansas, Maryland, Mississippi, North Carolina, South Carolina, and Tennessee and, in addition, South Dakota.

<sup>3</sup> The share of Latinos in these states was less than 9 percent while the national level was 16 percent (Ennis et al. 2011).

Rich and Miranda (2005) further note immigrants' shift from farm employment at the margins of the city to the much more visible terrain of the low-wage service sector in cities. Their move to urban areas and their resulting visibility have caused the community at large to acknowledge the presence of the Latino community.

In spite of the intractability of counting undocumented immigrants, the state has noted a dramatic increase in its overall immigrant population. According to the Immigration Policy Center, "The foreign-born share of Kentucky's population rose from 0.9% in 1990, to 2.0% in 2000, to 3.2% in 2010." Although different sources report different numerical figures, the percentage of the total population remains about the same. This discrepancy is likely due to how each source defines immigrants. For instance, some ask about "origin" as a question of ethnicity not as a question of place of birth. The current total number of Latino immigrants in the state amounts to 132,836 (Ennis et al. 2011).

The 2002 report on Immigration in Kentucky acknowledges the difficulty in measuring the share of the immigrant population that is undocumented. Any reported numerical estimates of the population are considered an undercount by immigration researchers Rich and Miranda (2005). According to the more recent 2007 report by The Lexington-Fayette Commission on Immigration, undocumented Latinos in Kentucky have grown from approximately 6,000 in 1990 to between 25,000 to 60,000 in 2005. While both reports acknowledge that Kentucky's immigrant population as a share of the total population is small compared to other states in the region, it has grown significantly in the last twenty years.

The majority of Latinos in Kentucky are concentrated in two counties. Fayette County has the second largest Latino population in the state. As a share of the total county population Latinos constitute 7 percent. Although the population in the Bluegrass is higher than in other places in Kentucky, the overall presence of Latinos in the area remains small. One of my respondents, Laura, illustrates this point. Laura moved from Mexico to a smaller city at the margins of the Bluegrass Region. This young person noted a difference in the make-up of the population farther outside of Lexington. According to her experience, the Latino population in this city was noticeably smaller than Lexington's. She noted the small Latino population in the high school student pool as an indication of the size of the overall Latino population. Reflecting on her experience as a young person in this small city, she noted that there were not many Latino students in her high school. The descriptions of the Latino population typically associated with the Bluegrass resonate with the experience of this young advocate.

Historically, like in much of the South, agricultural labor has drawn the immigrant population to Kentucky. Winders and Smith (2012) note the labor history of the South as tied to racialized and colonial histories. Lexington has come to be known as the *Horse Capital of the World*. The close association with horses signals its deep investment in the horse industry. The complicated combination of migration patterns and economic change has drawn Latin American immigrants<sup>4</sup>, specifically from Mexico, to the Bluegrass' horse industry. The growth of the population as a consequence of the agriculture industry (including horse farms) is noted in the 2002 report on Immigration in Kentucky.

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<sup>4</sup> 2002 Lexington-Fayette Commission on Immigration report



Figure 1.1 Lexington Horse Farms



Horse farms around Lexington's urban center

### ***Legislative Context***

Federal immigration programs, policies, and proposed and enacted legislation come to bear on Lexington's immigrant population. As such, this section is a concise account of relevant enacted or proposed laws and policies leading up to Deferred Action for Childhood Arrivals (DACA), which illustrates the regulative power of the US over its immigrant population. This series of laws and policies has direct bearing on the policy directive that sets Deferred Action for Childhood Arrivals as current US policy. Earlier legislation performed the same function of population control but the mid-1990s marked an upsurge of a more restrictive and aggressively anti-illegal immigration law and policy (Fragomen 1997). The Illegal Immigration Reform and Immigrant Responsibility Act of

1996 (IIRIRA) set the stage for the restrictive standard evident in subsequently proposed policies but also the standard to contest. The DREAM Act, which DACA is likened to, sits in opposition to many of the standards established with IIRIRA. The continual introduction and continually failed passage of the DREAM Act demonstrates the tension between domestic and foreign policy. Managing this tension are piecemeal actions that have resulted from policy initiatives that have led to the possibility of deferred action for young immigrants.

### **Illegal Immigration Reform and Immigrant Responsibility Act of 1996**

Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was the hallmark of President Bill Clinton's immigration reform. It amended the Immigration and Nationality Act, which replaced the quota system dominating legal entry into the US with a system that favored immigrants' labor skills and family reunification. IIRIRA spelled out a host of restrictions affecting the immigrant population living in the US as well as any future immigrants arriving on its shores. Many have noted that IIRIRA is one of the most restrictive legislations affecting the immigrant population in US history (Fragomen 1997; Abrego 2011).

The hefty and complex IIRIRA included, among many other specifications:

- tightening border control, both at its territorial demarcation and further inland;
  - the 287(g) agreement, which allows an agreement between local and federal authorities granting local law enforcement the right to enforce federal immigration law locally;
  - increasing the number of criminal provisions that result in deportation;
  - further restricting the path to permanent residency; and what many argued to be the most egregious provision,
  - deportation without due process.
- (Abrego 2011)

Another key restriction IIRIRA put in place included curtailing access to public benefits, such as higher education. The 1982 court case, Plyer v. Doe, already allows access to primary through secondary education regardless of immigration status. Access to education does not include post-secondary education but grants individual states the authority to determine the extent to which they will allow or restrict undocumented students' participation in higher education. Through the public benefits restriction, IIRIRA's provisions specifically exclude undocumented immigrants from accessing public funds in states where undocumented students are allowed access to higher education.

### **DREAM Act**

The 2001 Congressional session marked the initial introduction of the Development, Relief, and Education of Alien Minors Act, or DREAM Act, as an amendment to IIRIRA. Congress sought to provide "relief" to young immigrants. Legislators sympathetic to their plight framed these young people through softly divisive language. Senator Durbin for instance, advocates for the Act, as these young people through no fault of their own found themselves in the US as undocumented immigrants ([durbin.senate.gov](http://durbin.senate.gov)). The DREAM Act would have created an opening for young immigrants educated in the US. The excitement around the DREAM Act drew on the possibility of granting undocumented students "conditional nonimmigrant status" (§ 3992), which was tied to an education or military component among other things. More importantly, the Act sets the applicant on a path toward citizenship.

Since its initial introduction, the DREAM Act has been voted on several times. The latest attempt pushing for its passage in the 2010 Congressional session resulted in

yet another defeat. This latest iteration of the Act targeted applicants who fit the following qualifying criteria:

- between the ages of 16 and 30;
- arrived in the US before the age of 16;
- present in the US for 5 years preceding the enactment of the Act;
- admitted to an institution of higher education, graduated from or attending a US high school;
- not convicted of criminal offences to be determined by the specifics of the Act; and
- demonstrate good moral character.

The DREAM Act would grant qualifying young people a conditional status valid for a 10-year period. This grace period would allow those temporarily documented time to complete additional requirements and file for permanent resident status.

Young people across the country have collaborated to advocate for the passage of the DREAM Act. These young people have been dubbed DREAMers. According to the Immigration Policy Center (2011), up to 2.1 million<sup>5</sup> undocumented people would be eligible for a pathway toward legal status under the provisions of the DREAM Act. The vast majority – 70 percent – of those eligible are Mexican born. However, the stipulations of proposals such as these exclude 85-90 percent of the undocumented population (Fitz 2012). The exclusion leaves a large portion of the undocumented population under the restrictive authority of IIRIRA.

### **The Meandering Road Toward Current Policy**

Since the DREAM Act's initial proposal community groups and activists have agitated for its passage as a federal legislation. Many groups such as the nationally active United We Dream and other local groups in Lexington such as, the Kentucky Dream Coalition have formed to take on the challenge of advocating for some kind of pathway

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<sup>5</sup> The Immigration Policy Center reports elsewhere 1.9 million.

to citizenship. Integral to the debate have been the young advocates who have come together to place the issue at the forefront of the immigration reform agenda, specifically, at each iteration of the DREAM Act. In the intervening time, a surge of “coming out of the shadows” events have led many undocumented immigrants to declare themselves “undocumented and unafraid.” The events have grown into a movement to disrupt the claim that undocumented immigrants are criminals (iyjl.org). In the course of the over 10 years the DREAM Act has been a point of contention, some DREAMers have aged past the requirements while new DREAMers have arrived in the country and raised as Americans.

The June 17, 2011 Morton Memorandum provided a degree of relief to undocumented immigrants. Issued by the Director of ICE, it specified guidelines ICE agents should follow during the course of enforcing immigration law. The memorandum refocuses the agency’s attention on the most effective and efficient manner to expend resources. Specifically, the memorandum called upon prosecutorial discretion, which grants the agency the authority “to decide to what degree to enforce the law against a particular individual” (Morton, June 17, 2011). In the context of this memorandum, the standard for prosecutorial discretion amounts to “pursuing those cases that meet the agency's priorities for federal immigration enforcement generally” (Morton, June 17, 2011). The agency’s priority, as stated by ICE, is to remove those individuals posing a threat to the US (ice.gov).

Taking their cue from the security priorities set forth by ICE and the failure of the DREAM Act at the federal level, individual states have signed their own versions of the

DREAM Act into law. These states, 13<sup>6</sup> in total, have created provisions that allow undocumented students to pay in-state tuition, access private and/or public funds to attend institutions of higher education, and resources and guidance for better college preparation in high school (National Immigration Law Center 2012). For instance, the Illinois DREAM Act provides access to educational funds for both documented and undocumented students. The state grants students with at least one immigrant parent, among other qualifications, access to private funds earmarked specifically for the purposes of attending an institution of higher education in Illinois.

California implemented a similar strategy. The California DREAM Act allows qualified undocumented students graduating from a California high school access to private funds and state public funds to attend in-state institutions of higher education. These moves provide the long sought access to higher education, as many states do allow undocumented students to attend college but the costs are usually prohibitive. However, the lingering problematic remains. While undocumented people are allowed access to higher education, these measures do not resolve the viability of work in the US nor do they, unlike the power of a federally supported and enacted DREAM Act, provide a pathway to citizenship.

Alongside the actions of individual states, Republican Senator Marco Rubio stepped into the DREAM Act conversation with the seedlings of a similar proposal. Espousing caution and precision for the future of long-term immigration reform, he treaded lightly in elaborating exactly what his plan would entail (Leary 2012). The

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<sup>6</sup> According to the National Immigration Law Center as of 2012 states with provisions allowing some form of in-state tuition for undocumented students are California, Connecticut, Illinois, Kansas, Maryland, Nebraska, New Mexico, New York, Oklahoma, Rhode Island, Texas, Utah, and Washington.

proposal he envisioned would culminate in legislation incorporating pieces of the DREAM Act, including a visa-like system but would stop short of providing a path to citizenship. After months of offering a glimmering of hope for DREAMers, Rubio had yet to produce a written proposal, which would still have to go on to a Congressional vote (Leary 2012).

### **Deferred Action for Childhood Arrivals (DACA)**

In the middle of extensive discussions over an alternative plan to the DREAM Act Secretary Napolitano released the memorandum on Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children (2012). President Obama elaborated upon the memorandum that guides Deferred Action for Childhood Arrivals (DACA). The new policy incorporates many of the elements Rubio put forth during discussions of his alternative to the DREAM Act. DREAM Act activists viewed the new policy as a positive response to their push for halting the deportation of DREAMers as well as to the persistence of undocumented immigrants’ “coming out of the shadows” (Jordan 2012). DACA gives more weight to the Morton memorandum, which some immigration attorneys claimed was applied “unevenly across the nation” (Sterling 2011).

The purpose of the DACA policy, President Obama maintains, is to alleviate the Department of Homeland Security’s (DHS) overstrained resources. Despite what some assert is a presidential overreach that sidesteps Congress, DACA is in fact a policy extending the mission of ICE. Eligible applicants are granted a 2-year stay of deportation with the possibility of renewal. Additionally, applicants submit a work permit with their

application. The policy although in the spirit of the DREAM Act does not apply only to DREAMers. The policy applies to those:

- between the ages of 15 and 30;
- who arrived before their 16 birthday;
- residing continuously in the US between June 15, 2007 and June 15, 2012;
- present in the US on June 15, 2012;
- currently enrolled in school or a GED program, have obtained a high school or GRE diploma, or served in the US military; and
- without a criminal record.

The application, released two months after the DACA announcement, requires providing convincing documentation supporting each of the listed criteria. The fee, a hefty \$465, includes filling the application, processing it, and collecting the biometric data necessary for a background check. Once filed the applicant receives a notice for their biometric appointment at the closest US Citizenship and Immigration Services (USCIS) office. The applicant then waits for their notice of approval or denial of deferred action.

Some received the policy with a degree of skepticism, worried that ICE would disregard the intent behind the proposal as the agency's past actions have demonstrated (Jonsson 2012). Included in ICE's list of tasks is the enforcement of immigration laws. To this end, ICE articulates its mission as the enforcement of immigration laws through focusing "limited resources on those who have been arrested for breaking criminal laws" (ice.gov). It goes on to further describe its mission as "prioritiz[ing] those who pose a threat to public safety, and repeat immigration violators" (ice.gov). Despite its clearly articulated mission, many undocumented immigrants with no criminal record, including those who would qualify for the DREAM Act, have been apprehended (Sterling, 2011; Jordan 2012). In many cases those apprehended effectively disappear under swift action taken by ICE. Hiemstra has detailed the painful effects of such action, as "ICE and other



migrant detaining entities are under no obligation to contact detainees' relatives" (2012: 298). In order to quell concerns over misapprehensions, USCIS is administering the new policy. Barring "criminal offense, fraud, or a threat to national security or public safety" or other exceptional cases as determined by ICE policy, denied applicants will not be reported to ICE (USCIS 2012).

Although DREAMers deemed the policy a victory granting them many of the long sought changes, it is not law and can change at any time at the discretion of the president's administration. The Pew Hispanic Center (2012) reports 1.7 million could benefit from the policy. Out of those eligible, 85% are Latino (Pew Hispanic Center 2012). While the policy is not precisely what the DREAMers have advocated for, many exalt the benefits of being DACAmented. Among the cited reasons are job and financial security, and, in 31 states<sup>7</sup>, a driver's license.

### *Literatures*

This thesis begins from the premise that immigrants in the US experience exclusions maintained by immigrant legislation. These exclusions, I contend, occur alongside resistive practices. This thesis explores the ambiguous juridical process through the experiences of young undocumented people. The law is never calcified but is always in process. While immigration legislation certainly excludes, it does so by implicating the law in a more complex relationship than that provided by the dichotomous inclusionary and exclusionary scripts. Through the DACA policy the young advocates I interviewed brought into stark relief this juridical space of simultaneous inclusivity and exclusivity

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<sup>7</sup> States that allow a DACA approved person a driver's license are CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KS, KY, MD, MA, MN, MS, MO, NV, NH, NJ, NC, OH, OK, OR, PA, RI, SC, TN, TX, VA, WI. While three states already have this preexisting provision: NM, WA, UT (<http://nilc.org/dacadriverslicenses.html>).

the ambiguity of the law allows. Taking this ambiguity into account produces a feminist geopolitics of migration, which seeks to ground the everyday and the mundane as co-constitutive of larger processes. The young advocates are consequently positioned as geopolitical actors, not simply passive bodies in the larger narrative.

The research questions guiding this project ask about the Latino immigrant community's legislative context; the perceived material implications of these legislations; and the moments of immigrants' lived reality and its spatial implications in Lexington, Kentucky. Legislative attempts together with the material experience of immigrants ground my research questions in two literatures: Feminist geopolitics of migration, which questions the traditional geopolitical narrative; and legal geography, which draws attention to the exclusions produced by the law. To answer my research questions, I employ two frameworks: the performative force of the law, which Derrida joins with justice to position the law as unfixed and produced through interpretations; and the space of exception, which Agamben describes as a space of simultaneous inclusion and exclusion.

### **Feminist Geopolitics of Migration**

Employing a feminist framework, feminist geopoliticians unsettle the analytical categories that traditional geopolitics takes as its object of inquiry. By unsettling the ways space, power, and politics operate through territory and elite-based forms of statecraft (Gilman & Kofman 2004; Mamadouh & Dijkink 2006; Coleman 2009; Kuus 2009, 2011; Hiemstra 2012), feminist geopoliticians position themselves as creating alternative forms of statecraft (Dixon & Marston 2011). The alternative forms of geopolitics that feminist geopoliticians undertake provides a tool through which to displace geography's historical

investment in imperialism (Teschfahoney 1998; Power & Campbell 2010; Kuus 2011). This way of examining geopolitics detaches geopolitical analysis from its traditional undergirding thus, bringing to the fore the embodied experience of statecraft (Ashutosh & Mountz 2012; Hiemstra 2012). Statecraft for feminist geopoliticians becomes grounded in ordinary people and mundane actions (Ashutosh & Mountz 2012). In short, as Koopman summarizes, feminist geopolitics “reworks what geopolitics means by re-envisioning who does it, how, and at what scales” (2011: 276).

Further, feminist geopolitics does not simply add “woman” as yet another signifier to the geopolitical analysis but allows for attending to how “the everyday experiences of the disenfranchised can be made more visible” (Dowler & Sharp 2001: 169). For instance, Pain writes that engaging the geopolitical with “feelings, perceptions, views, subjectivities or bodies” is implicated in unsettling hegemonic assumptions (2009: 471). Calling attention to the importance of the body in political practice, however, does not attempt to erase the macro scale but rather it emphasizes the multitude of scales in geopolitical analysis (Hyndman 1997, 2001, 2004; Secor 2001; Silvey 2004). Inserting a multi-scalar approach into the geopolitical analysis foregrounds the political interactions between everyday practices, local practices, and global processes (Secor 2001; Staeheli et al. 2004). In grounding the geopolitical in the everyday, feminist geopoliticians bring to the fore the specificity of subjectivities and how power is responded to differentially and across scales (Secor 2001; Dixon & Marston 2011).

Applying this feminist geopolitical logic to migration, feminist geopoliticians have countered narratives that place particular kinds of differentially mobile migrant bodies as criminal and threatening (Lipschutz 1995; Tesfahoney 1998; Martin 2012;

Hyndman 2004, 2012). Folding migration into the geopolitical analysis calls attention to the flows associated with globalization and the movement of people produced by shifting power and societal and spatial relations (Tesfahuney 1998). The traditional narrative that constructs migrants as threatening thus, relies on defining geopolitics as “involv[ing] the formulation of spatial strategies and territorial arrangements to preserve the integrity of borders and to contain perceived external threats” (Nagel 2002: 972). However, many geographers assert the border is not bound to the contours of territory (Winders 2007; Staeheli & Nagel 2008; Hiemstra 2010; Coleman 2009, 2012). The mobile border is inscribed upon the body of the migrant, which becomes redefined as territory, thereby becoming the site of nation-state boundaries (Hyndman 2004; Bhungalia 2012). Shifting the focus away from nation-state elites to people’s everyday experiences has allowed for feminist geopoliticians’ examination of the geopolitics of migration as grounded in migrants’ actual lived experiences (Hiemstra 2012).

This project takes its methodological and interpretive cue from a feminist geopolitical tradition that looks beyond nation-states’ idealistic policy-making and into how policies are actually enacted and lived in immigrants’ daily lives (Hiemstra 2012). The regulation of internationally migrating bodies challenges the long-held belief that the legal geopolitical borders of the US map one-to-one with the fixed territorial borders (Coleman 2012). This is evident in the legal logic that aims to control the migrant body within its borders. The legislative context regulating immigrant bodies across geopolitical borders combined with the realities of immigrants’ lived experience challenges who constitutes a geopolitical actor, how geopolitics is performed, and where it is performed. Employing this geopolitical lens positions immigrants in Lexington, Kentucky as

producers of a feminist geopolitics (Koopman 2011). The otherwise overlooked and silenced become highlighted (Sharp 2011) and the nation-state decentered. Through this analysis, everyday actors' bodily materiality is rendered a site of performance and is not simply inscribed with meaning (Dowler & Sharp 2001; Sharp 2011). Immigrants establish alternative geographies that interact with local and national legislations that aim to regulate their lives.

### **Legal Geography**

Legal geographers call attention to the disjuncture between the textual and the lived experience of the law (Chouinard 2001; Delaney 2010). They contend that the spatial and the legal are co-constitutive (Blomley et al. 2001; White 2002; Blandy & Sibley 2010; Delaney 2010; Martin et al. 2010; Price 2010). In very similar ways that space is socially produced (Lefebvre 1991 [1974]), legal geography scholars assert the law is socially constructed. Geography brings into relevance the spatial and contextual specificities of challenging the oppressive qualities of the law (Chouinard 1994). Fusing the marginalization of certain populations with the production of space allows the rearticulation of law and space as co-constitutive. The claim that the spatial and legal co-constitution shapes social relations (Delaney 2010; Martin et al. 2010) unsettles the assumption that the law is asocial and impartial (Mitchell 1997; Swain 1997; White 2002; Holder & Harrison 2003).

Legal geographic scholarship has critiqued the boundary marking and the forms of power that sustains lines of difference and supports the marginalization of populations. Examining the interplay between the law and peoples' lives, scholars have attended to the effect of boundaries in perpetuating difference. Much of this scholarship is based on the

incongruity between the law and lived reality, whether law-making privileges the lived experience of some sectors of the population over others (Mitchell 1997) or the law attempts a veneer of equality resulting in restrictive rights over (im)mobility (Chouinard 2001).

The law is usually invoked as a tool in service of the powerful to draw and maintain boundaries but it can also be a weapon reappropriated by the relatively disempowered, whereby the law can be invoked to fight off other exclusionary laws (Mitchell 1997; White 2002; Martin et al. 2010). Legal geographies addresses the inequalities hidden in the law (Price 2010) by shifting the power imbalance between the inclusive/exclusive dichotomy. That is, critiquing the law sustains inclusions and exclusions that invite the possibility of expanding the inclusive terrain. At the boundary of the inclusive/exclusive, some legal geographers note, is the possibility for sites of not only control but also of agency (White 2002; Blandy & Sibley 2010).

This project draws inspiration from legal geography's emphasis on the disjuncture between the textual and the lived experience of the law (Chouinard 2001; Delaney 2010). I invoke this developing tradition for two reasons 1) the national conversation and legislative efforts concerning immigrants tend to turn on exclusions through positioning immigrants as the object of restrictions and 2) this same exclusive framing is reproduced by veteran community leaders as a dichotomy in which the immigrant is included in Lexington's expanding community. Legal geography begins to account for my respondent's experiences, as they do experience a dissonance in the law and their own experience thus, revealing inequalities in the law (Price 2010). However, framing my respondents as strictly excluded does not fully account for their experiences. While the

young Latino advocates in Lexington, Kentucky are positioned as a marginalized population they do not strictly experience exclusions. Legal recourse is much more constrained in the case of undocumented immigrants, as the citizen is assumed the only legitimate actor (White 2002). However, the young advocates proved that in spite of these constraints there is a possibility of intervening in legal matters. They also navigate the city in spite of legal directives that attempt to restrict their movements.

### ***Conceptual Framework***

I draw on the notion of the performative force of the law put forth by Jacques Derrida and the included exclusion Giorgio Agamben elaborates to interpret two interrelated points that emerged during my research. First, taking inspiration from Derrida's deconstructionist approach, the paradoxes the law is subject to highlight the ambiguity found in immigration law. Second, through Agamben's conceptualization of the included exclusion, the young advocates are officially included as part of Lexington's community through the DACA policy even as the policy marks them as excludable. The DACA policy grants successful applicants "lawful presence" but not "lawful status."

### **Ambiguity of the Law**

Drawing on Derrida's conceptualization of the law in *Force of Law* (2002), I call attention to the ambiguity of immigration law. Derrida signals a series of paradoxes that opens the law to an ambiguity, which allows for performative and therefore, according to Derrida, interpretive moments. Derrida destabilizes the idea that the law is interpreted strictly in one specific way. Instead, the entanglement of the law as a set text and the law as it is carried out produce various interpretations and lived experiences. Text becomes more active and dynamic as performative force actively shapes the actual practice of the

law and the actual practice shapes the law as text. Performativity continually redefines the law, demonstrating that it is not constituted by a fixed prescription of the law.

Employing this elaboration of the performative force of the law, I attempt to understand the relationship between the DACA policy and the young undocumented immigrants in Lexington.

The interpretive moments that feature the ambiguity of the law are those in which immigration law can allow a policy such as DACA to emerge. The interpretive element of the law rests on the expectation for and of justice. DACA provides a “degree of relief” (President Obama June 15, 2012) for qualifying young undocumented immigrants as immigration reform moves toward a more just interpretation of the law. While the community leaders see the new policy as a move in the right direction, they also see it as inching closer to an even more positive and more just change in immigration reform.

The young advocates’ relationship to immigration law can be read through the performative force Derrida elaborates. In understanding the experiences of the young advocates, I found that first laying out the legislative context through the exclusions veteran community leaders articulated was a productive juxtaposition to their lived experiences. The veteran community leaders expressed their observations of immigrants as a whole and the young advocates in particular as moving from exclusion toward inclusion. However, the experiences of the young advocates disrupt fixed boundaries of exclusion and inclusion. They indicated flexibility in their lived experiences, which neither strictly includes them nor strictly excludes them. For instance, the young advocates spoke of the DACA application requirement that asked them to catalogue their



presence in the US for the past 5 years. The provision requires the young person already live in the US even though the law bars their unauthorized entry into the country.

Immigration law is about managing bodies and, many scholars assert, tends to follow the contours of racist ideologies (Luibhéid 2002; Coleman 2012). These restrictions are manifest in, for instance, programs such as Secure Communities, which allows federal authorities access to detained persons biometric data at the local level for the purposes of determining deportability based on legal status. These programs, alongside DACA, question the idea of an origin of the law grounded in a singular material reality. Derrida explains, the performative force of the law as it strives for justice necessitates the law is (re)interpreted while also preserving the law. The law leads to interpretive moments in which it attempts to reach the possibility of justice. The potential for justice rests in the moments of decision over how to interpret the law. DACA remains faithful to the law, as it manages and restricts immigrants. However, it is reinterpreted in different ways as well. The law is reinterpreted such as to suspend some of the restrictions set in place by existing immigration law. For instance, the young people are no longer considered illegal as this faithful reinterpretation of the law is deployed. The law is reinterpreted in these different terms rather than further criminalizing them. In Derrida's elaboration of the law, the young immigrants are not read as contravening the narrative of the law. Instead, their experience is positioned as another interpretation of the law.

Making his case for interpretations of the law, Derrida argues that there is neither an originary moment nor foundation on which the law rests. Chavez points out that even though the law defines undocumented immigrants as existing within an "illegal" reality,

it is a reality that “is both produced and experienced” (2007: 192). There is no authoritative foundation that ties undocumented immigrants to illegality as the only and definitive experience of the law. Even if justice is not definitively achieved, its deferral keeps the possibility of justice always open. The reinterpretation of the law from which the new DACA policy arises keeps the possibility of a justice alive.

### **Included Exclusions**

The ambiguous nature of the law already frame the lives of the young advocates. Tying the ambiguity of existing immigration law to the simultaneous inclusion and exclusion highlights a space the DACA policy affords young immigrants. It is at the nexus of ambiguous immigration law and the included exclusion that the young advocates can participate in a political opening in which their illegality can be contested. I employ these two concepts concurrently because while most of the responses gathered from the veteran community leaders focused on the exclusionary strategies deployed against the immigrant community, the young advocates experienced a simultaneous inclusion *and* exclusion in Lexington.

I employ Agamben alongside Derrida to build off the ambiguity of immigration law from which DACA emerges. DACA emphasizes the experience of the young advocates’ inclusion even as they are marked as excludable. The simultaneous inclusion and exclusion is a redeployment of Foucault’s elaboration of biopolitics, summed up as the state’s political management of life. Agamben explains the *inclusive exclusion* as a life that can be included in the juridical order only as far as it can be killed. The human life that can be killed exemplifies the most radical form of the concept. Rather than total elimination of life, Schlosser reads the inclusive exclusion as a matter of degrees (2008:

1627). The inclusive exclusion refers to the degree to which a human life is excluded. No longer is space read as constituted of borders, boundaries, and fixed sites of inclusion and exclusion the inclusive exclusion comes to occupy a space of exception, operating inside and outside of the law at once. This reading is in line with Agamben's explanation, as "we are all virtually *homines sacri*" (1998: 115), or the human life that can to some degree or another be excluded. The DACA policy works to position successful applicants as both included *and* excluded.

Agamben's space of exception elucidates a space that Lexington's undocumented young immigrants occupy. The DACA policy the young immigrants are eligible for challenges the idea that there is a boundary strictly defining an "inside" that includes them and an "outside" that excludes them. Once granted DACAmendment – a term used instead of documentation to denote the temporary status – young immigrants are in the marginal position of "lawful presence" not "lawful status." The shift to "lawful *presence*" casts them as legible to the state and assures that they are included in the juridical order. However, at the same time they are cast as excluded, as they are denied "lawful *status*." The discretionary nature of the policy implicates the policy as defining undocumented young immigrants as both inside and outside. A successful applicant can, at any time, be stripped of their DACAmended status. The temporary status can end at any moment the president's administration sees fit. Additionally, meeting the provisions set forth in the policy does not guarantee that an applicant will successfully gain DACAmendment.

The policy places young immigrants at a threshold where the normal course of law no longer applies. They are neither "illegal," and as such the immigration laws that criminalize undocumented immigrants do not apply, nor do they occupy a space of

“lawful status,” and as such are not governed by the laws that apply to citizens. They have been identified as a group of people that can move from a space of total “illegality,” whose presence is offensive and, in some cases, a visual representation of their initial criminal offense upon entering the US without authorization (De Genova 2002; Hiemstra 2010; Coleman 2012).

Mitchell has critiqued Agamben for putting forth an inclusively excluded figure devoid of any difference. Agamben, according to Mitchell, does not take into account the complexities of bodily difference such as race and gender. The young advocates’ bodily difference additionally marks them as excluded even as they are marginally included through DACA. Claiming that omitting difference in the analysis presents limitations to the inclusive exclusion, Mitchell adamantly argues that the exception is not universally nor equally applied. However, Agamben’s assertion that everyone is subject to the exclusion presented by his elaboration of the inclusive exclusion stands as a way to read the young advocates’ experience. The young people are included as they become legible through their “lawful presence.” At the same time, they are read as a group who is excluded because of their illegality.

### **Linking the Literature with the Conceptual**

Derrida and Agamben both contribute to the kind of project feminist geopoliticians have taken on: analyzing global processes through an approach grounded in the bodily and lived experience. As such, clear distinctions are unsettled. Agamben’s statement, “there is nothing outside the law” (1998: 15) explodes the binary oppositions of inside and outside. Both inside of the law and outside of the law are simultaneously created spaces. At the same time, Derrida asserts that the discursive element of the law

meets its limits because of the law's performative force. The performativity of the law places the law as variously interpreted while at the same time remaining faithful to the law as it is written.

However, even as nothing lies outside of the juridical order, not all juridical experience is the same. The feminist project engages with differential experience and the body. Dixon and Marston suggest, additionally, the feminist concern is to "unsettle the implied fixity of social categories" (2011: 446). Accordingly, assumptions about the body's engagement with experiences of the law are unsettled. Dowler and Sharp, writing on feminist geopolitics, further draw attention to the implication of the body in experience. They argue for viewing bodies as "sites of performance" not simply as "surfaces for discursive inscription" (Dowler & Sharp 2001: 169). Derrida's elucidation of law unsettles Agamben's notion of a life without agency. Although no one is outside of the law, the human life that is both included and excluded produces geopolitical relations through their mundane actions, even if those actions affecting geopolitical relations are mediated by state practices (Ashutosh & Mountz 2012).

The feminist geopolitical analysis leaves room for interpreting the spatial and the legal in similar ways as legal geographers. Critiquing the incongruity between the organization of space and laws, legal geographers contend that the spatial and the legal are co-constitutive. Legal geographers observe that the incongruity between the organization of space and laws leads to practices of exclusion. However, rather than strictly exclusive or strictly inclusive interpretations, the spatial and the legal co-constitution through Derrida's reading of the law calls attention to the performativity of the law and its multiple interpretations.

The law brings forth paradoxes that elaborate its relation to justice. These paradoxes, which highlight ambiguities in the law, link inclusion with exclusion. The law does not produce either inclusion or exclusion strictly. The implication of the everyday lives of people in geopolitical experience presents the “lived realities of policy in practice” (Hiemstra 2012: 296).

### ***Thesis Outline***

This research project seeks to outline how restrictive immigrant legislation has come to bear on the lives of Latino immigrants in Lexington. It functions as a case study that examines the simultaneous inclusions and exclusions experienced as a result of the DACA announcement and its application process. As a theoretical starting point, I employ Derrida’s conceptualization of the law as “performative force.”

In chapter 2, I sketch out the project design and methodological framework for the research problem. I sought a narrative that could tell me about the lived experiences of the Latino immigrant population in the city. The most appropriate methodological approach required I employ qualitative methods. In the course of my research I interviewed 13 knowledgeable community leaders, employed participant observation to note processes, and sifted through archival material to locate contextual and clarificatory information before, during, and after fieldwork. This chapter also traces the “detour” the research took in the process of answering my research questions.

In chapter 3, I draw mostly on veteran community leaders who have witnessed Lexington change in the last 20 years. This chapter has a two-fold purpose. First, this set of leaders present their account of how Lexington and its Latino immigrant community have evolved. The chapter describes proposed and enacted legislation and policies that

regulate immigrants in Lexington, both locally and nationally. Secondly, the veteran community leaders discuss the immigrant population and the community at large through an inclusive/exclusive dichotomy. They read the Latino immigrant community as continually challenged by national and local legislative efforts. These community leaders outline Lexington's inclusive and exclusive milieu.

In chapter 4, I draw from interviews with young advocates and participant observation at the DACA clinic. The young advocates' experiences indicate a more complicated relationship with immigration law than is assumed. Rather than receiving the DACA policy as a change that will include them in the larger community of the already included, they demonstrate an already existing inclusive exclusion that the policy only further underscores. The policy foregrounds the ambiguous space the law creates in which "illegality" can be negotiated.

In the concluding chapter, I reflect on the process. I also include some of the things I would have liked to incorporate but did not.

## **Chapter 2: Methodology**

### ***Introduction***

This research is designed to investigate the effects of immigrant legislation on the Latino immigrant community in Lexington, Kentucky, and especially on how immigration legislation is experienced in Latino immigrants' *daily lives*. In the course of addressing this question, the project describes new immigration legislation and policies in Kentucky, and analyzes how Lexington, Kentucky's Latino immigrant community is responding to these in their daily lives. In order to address this larger question the research questions that emerged are as follows:

1. What enacted or proposed legislation has impacted Lexington, Kentucky Latino immigrant community?
2. What policies guide legislation that has impacted the Latino immigrant community?
3. How do the veteran community leaders believe that these legislations and policies affect Latino immigrant's lives in Lexington?
4. How are young immigrants responding to the Deferred Action for Childhood Arrivals policy?

These questions form the basis from which to address this case study. They help frame the case study in terms of providing a small opening through which to look at young undocumented immigrants in Lexington, Kentucky. Lexington is a unique site, but it can illustrate some of the processes occurring in other places.

### ***Research Population***

The Kentucky Legislative Research Commission's 2002 report identified three immigrant groups in the state: authorized immigrants with professional jobs, refugees, and undocumented and temporary workers. The last group is largely comprised of Latin American immigrants. Both the Kentucky Legislative Research Commission's (2002: ix)



report and The Lexington-Fayette Commission on Immigration's (2007: 8) report emphasized the rapid influx of Latin American immigrants, particularly Mexican, in Kentucky. Consequently, community meetings I attended concerning immigration issues often seemed predominantly attended by or geared toward Latino immigrants. This thesis attempts to address the Latino immigrant population because it is a rapidly growing population in a city that is not a traditional immigrant-receiving destination.

This thesis draws from interviews with community leaders concerned with Lexington's immigrant community. I identified potential respondents through searching The Lexington Herald-Leader, Lexington's primary newspaper source, and La Voz de Kentucky, Kentucky's Spanish-English bilingual newspaper. Many of the respondent's names surfaced in newspaper articles about immigration, rallies, and community meetings. I selected respondents based on their identification as "community leaders" in the Latino immigrant community and their willingness to grant my interview request. These individuals are designated as leaders according to their role as persons within the Latino immigrant community who advocate for and have constant contact with the Latino immigrant population. They each have access to and have built a degree of trust within the Latino population. The community leaders include church leaders, legal aids, current or former members of social service organizations, and community organizers. It was apparent from newspaper accounts and community meetings that the number of community leaders in the city is quite small. The community leaders all know each other. Some respondents referred me to others I had identified in the initial pool of respondents.

Within the group of community leaders there are two designations: veteran community leaders and young advocates. I have chosen to identify the two types of

community leaders as such for the following reasons: the project was carried out in two phases; the information elicited from both types of community leaders is different; and “community leaders” might be misleading, as “community” can be interpreted as the entirety of Lexington. I have left out “Latino” from the designation “young advocates” because it could be tiresome for the reader. Lastly, not all of the veteran community leaders identify as Latino.

The community leaders were composed of 10 veteran community leaders working within the Latino community and 3 young advocates promoting pro-immigrant legislation and the DACA policy. The 10 veteran community leaders were identified as such based on their ability to express their extensive knowledge about the Latino immigrant population’s response to immigrant legislation. The 3 young advocates were identified as such based on their direct experience with DACA as well as their experience working with the other community leaders and the Latino immigrant community.

#### ***A Further Note on Terminology***

In this thesis I use the words “undocumented” and “illegal.” I use “undocumented” instead of “unauthorized,” “irregular migrants,” “aliens,” etc. These terms all capture people who either entered without inspection or overstayed their Visa. Respondents use the term “undocumented” to refer to themselves and other community leaders. Many nation-wide advocacy organizations employ the term. For example, the Immigrant Youth Justice League ([iyjl.org](http://iyjl.org)) are credited with the slogan “Undocumented and Unafraid.”

Recently, pressured by organizations such as [colorlines.com](http://colorlines.com), news organizations have started to “drop the I-word.” As a result, the Associated Press has changed their

stylebook and advised journalists to not use “illegal alien, an illegal, illegals or undocumented” (Colford 2013). Other news organizations such as The Los Angeles Times and USA Today have stopped using the term “illegal”(Rivas 2013) I employ “illegal” to talk about how immigrants are sometimes framed in the US.

### ***Methodology***

The nature of the proposed project calls for a qualitative approach, which tends to understand processes through a more in-depth inquiry (Herbert 2009). To that end, I employed three complementary research methods: archival research, participant observation, and semi-structured interviews. This project draws on two literatures and utilizes two concepts to inform the research questions and methodology. Those literatures are feminist geopolitics of migration and legal geography. The concepts I employ are Derrida’s ambiguity of the law and Agamben’s included exclusion. Together these literatures and concepts frame this case study of Latino immigrants in Lexington, Kentucky.

### **Archival**

Primary archival material relevant to this study included the legislation and policies aimed at regulating immigrants, specifically Latino immigrants, in Lexington, Kentucky. The material gathered helped me contextualize and situate the Latino immigrant population within the national and local historical context. Secondary material, such as newspapers helped understand how the Latino immigrant in Lexington is framed and affected by legislative and official renderings.

Documents used in this study can be found in Appendix A. They include the 1990, 2000, and 2010 US Census and, when available, official US Census Hispanic

population reports, which gave me the demographic basis upon which legislation in Kentucky has been proposed; federal and local governmental records through the Kentucky Legislative Record, Library of Congress, and federal agencies, which provided proposed and enacted laws governing immigrant mobility, restrictions, and visibility; national and local newspapers and various internet sites, such as those maintained by immigrant advocacy organizations and governmental agencies, which provided me with accounts of how the national immigration conversation has been framed; and the 2002 report on immigrants in Kentucky and the 2007 report on immigrants in Lexington, which gave me insight into the specificity of Latino immigrants in the city.

As a first and continual pass at understanding what legislations affect the Latino immigrant community in Lexington, archival material, such as legislations and newspaper accounts, led me to a multitude of “textual” efforts (Martin 2012). Martin describes a “textual security” in which security is “firstly produced through official statutes” that then govern material manifestations (2012: 368). “Textual” efforts are therefore, the official legislative efforts. Through legislations and newspaper accounts, among others, I accounted for the federal and local legislations and policies that led to “immigration control” in Lexington. I was able to contextualize Latino immigrants in Lexington within the nation-wide resurgence of aggressive immigration control through Kentucky’s “textual” efforts. These legislations and policy accounts were used in contrast with similar trends in other states. The restrictive legislation that prompted concern among the immigrant community in Lexington did not become law. However, the proposed bills contribute to an apprehension regarding immigrants in Kentucky, which heightens the sense of fear within the immigrant community. As Phase I interviews had

revealed, the fear prompted by high profile legislation affects the ways Latino immigrants live out their daily lives.

### **Participant Observation**

Participant observation breaks down the divide between the researcher and the researched, moving toward an egalitarian relationship in which each is a member of each other's lifeworld (Atkinson & Hammersley 1994). Taking a cue from Atkinson and Hammersley and borrowing from Participatory Action Research, I took a weekly volunteer position at a library, volunteered at a DACA clinic, and attended several community meetings and trainings. I hoped doing so would provide me with ample opportunity to get to know the intended research population. These opportunities allowed me to first, build a degree of trust and visibility as I “[learned] the ropes” (Bogdewic 1999: 53) before completely delving into the project. Second, as I worked within the undocumented population, I was compelled to continually revisit my commitment to an “ethics of participation” that challenges the hegemonic ways of dealing with power relations and the production of knowledge (Cahill, Sultana, & Pain 2007: 305). I attempted to immerse myself in the respondent's community through volunteering and attending planning meetings. As a researcher, I intended these actions to mitigate some of the dilemmas of entering a community not my own. This meant engaging with my respondents' struggle. I attempted to contribute toward their advocacy efforts. Reflecting on the process, I still struggle with the most effective way to have fully engaged in this commitment considering the limitations imposed by research time. More practically, working with and among the community allowed me to identify and gain access to what

the literature refers to as gatekeepers and key informants (Bogdewic 1999; Bernard 2000).

As part of gaining access and building rapport, I volunteered at the Village Branch Public Library throughout the spring and summer of 2012. The Village Branch Public Library, located in Cardinal Valley, a neighborhood in Lexington with a large concentration of Latino immigrants, is the only completely bilingual library in the city. In the absence of a formal community center, the Village Branch performs similar functions as would be found in a community center. The neighborhood's immigrant population finds refuge in the library's safe space, resources, and staff. The library effectively functions as a cultural broker, center for information dissemination, and place for community meetings. While my volunteer tasks did not directly lead me to the components I have incorporated in this thesis, I experienced a part of the city very different from the received character of the rest of the city. Through the space the library offers, I engaged with respondents outside of the formal interview setting.

Through out the summer, I attended eight community meetings and trainings addressing the most immediate concerns within the immigrant community. During these meetings I took notes of what was said and who was in attendance. Three of the meetings explained what DACA is and how it might impact the community. Three meetings trained attendees how to advocate for DACA. Two meetings solicited input for what the new Office for Immigrant Solidarity and Information (OISI) could mean for the community. Finally, I volunteered at a DACA Clinic. Appendix B lists the dates, locations, and a brief description of the meetings and trainings.

These community meetings, trainings, and volunteer opportunities (in the library and in the DACA clinic) gave me some insight into how the veteran community leaders thought the Latino community would be affected by the policy change. The number of community meetings and trainings the community leaders felt necessary on their own is indicative of the importance placed upon the DACA policy change. All of the meetings, including the OISI meetings incorporated some discussion of the DACA policy, how it would affect the community and how to effectively and efficiently move forward.

Although, in this thesis I do not directly draw from those meetings, they helped me get to know and contextualize the research population. Additionally, volunteering and attending community meetings opened up interview opportunities.

The DACA clinic in particular captured the intent behind the performativity of the law. The clinic fleshed out the policy as a process while it was taking place. I draw from my experience volunteering at the DACA clinic to augment the data gathered from the interviews with the young advocates. These observations help flesh out the case study adding to how the law is performed in Lexington.

## **Interviews**

Finally, interviews are a way to bring the subject-object relationship into equivalence. Semi-structured interviews enabled me to elicit information in a much more nuanced and conversational way (Valentine 1997). This interview form leads to a more dynamic conversation that “capture[s] the nuances of the interviewees lifeworld” (Kvale 1996) “in their own words” without imposing constricting categories (Valentine 1997). I conducted interviews in two phases in an attempt to ground my research in the value the methodology could bring. I first interviewed the veteran community leaders. As my

research question shifted based on the responses gathered from the veteran community leaders, I then interviewed young advocates during a second phase of the process. In each phase, I addressed similar themes through two somewhat different sets of questions, which enabled me to better address the specificity of the research questions.

In this thesis I interviewed 13 community leaders in total. I gave the respondents pseudonyms. Although community leaders were not named, their positions within the community often brings them to publicly discuss themes similar to those in this thesis. However, some did not want their name to appear in this thesis nor did they want to be quoted. Therefore, none of the respondents were named. Those who did not wish to be quoted were not. Nine respondents self identified as Latino or Hispanic. All 13 respondents signed consent forms. Twelve interviews were conducted in English and one in Spanish. Table 1 lists relevant information for the veteran community leaders and Table 2 lists relevant information for the young advocates. Both tables list the interview number, the pseudonym, and the date of the interview. Table 2 has an additional column noting the young advocates' country of birth, legal status, and age.



Table 2.1 Phase I Interviews

<b>Phase I: Veteran Community Leaders</b>		
<b>Interview #</b>	<b>Pseudonym</b>	<b>Date</b>
Interview # 1	Hilary	July 16, 2012
Interview # 2	Anna	July 17, 2012
Interview # 3	Carlos	July 18, 2012
Interview # 4	Eric	July 19, 2012
Interview # 5	Lucía	July 25, 2012
Interview # 6	Carol	July 26, 2012
Interview # 7	Simón	August 1, 2012
Interview # 8	Tomás	August 6, 2012
Interview # 9	James	August 21, 2012
Interview # 10	Manuel	October 9, 2012

Table 2.2 Phase II Interviews

<b>Phase II: Young Advocates</b>			
<b>Interview #</b>	<b>Pseudonym</b>	<b>Description</b>	<b>Date/time</b>
Interview # 11	Laura	Mexican, undocumented, age 21	November 9, 2012
Interview # 12	Ray	Mexican, undocumented, age 23	November 15, 2012
Interview # 13	Héctor	Mexican, undocumented, college age <sup>8</sup>	November 16, 2012

During the first phase of interviews, I interviewed 10 veteran community leaders. Interviews with the veteran community leaders guided me toward what they considered to be the most distressing legislations and policies directly affecting the immigrant community. Interviews with these veteran community leaders proceeded from the assumption that their deliberate awareness of the finer points of past, present, and future immigration issues would lead to a knowledgeable assessment of what the Latino immigrant community currently looks like. These interviews began with questions about legislations regulating Latino immigrants and how they perceived the Latino community

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<sup>8</sup> The other young advocates mentioned their age during our conversation, but Héctor did not.

experiencing the effects of these legislations in their daily lives. The conversations quickly led to the new policy announcement, DACA, and to the ways it would affect the immigrant community as a whole. These interviews stirred an interest in the ways exclusions and the ambiguity of the law play out through DACA in the lives of young advocates in Lexington, Kentucky.

The second phase of interviews was a result of where my initial interviews took the research project. During this second phase, I interviewed three young advocates. Interviews with the young advocates shed light on how they performed the law and how they, as undocumented immigrants, perceived the stringent legislations. Through the interview form, they were able to speak about their experiences with DACA: hearing about, advocating for, and applying for it. The conversations with the young advocates were set up slightly different than the interviews during the first phase. These interviews were calling on the respondents' knowledge as community leaders as well as their personal experiences within the immigrant community. However, framing young advocates as *community leaders* from the outset of the interview already set up the conversation for them to speak from that perspective. Consequently, their experience with DACA became understated compared to their knowledge about DACA as an official process.

### ***Un/anticipated Detours and Reflections***

While I had anticipated finding different responses than those I had imagined when I conceived the project, I did not anticipate scrapping my original research question. The central underlying element of the question, *what is the most salient issue in the community at the time of the interviews*, however, remained intact. The research

methods allowed for the research to guide me. In the course of investigating the original research questions, the focus of the research shifted and narrowed. Consequently, the intent behind the research questions as I had originally set them forth fell to the background but the research methods remained the same. As such, my interviews with the veteran community leaders led to interviews with younger undocumented advocates, participant observation at community meetings led to assisting young undocumented people through the application process for becoming “lawfully present” in the US, and archival research shifted to researching different kinds of legislations and policies than I had initially anticipated.

Interviewing veteran community leaders and attending community meetings increasingly led to asking about the DREAM Act and its successor, Deferred Action for Childhood Arrivals, which was at the time a murmuring of a potential policy change. During the interviews and community meetings I attended in the summer of 2012, DACA elicited contrasting reactions. While there was a complex matrix of reactions, I noted two contrasting reactions. Community activists and young advocates were taken by enthusiasm while lawyers advocated strong caution. Those expressing enthusiasm saw DACA as a way to gain incremental pro-immigration legislative changes. Those calling for caution drew attention to the policy, not legislative change, which is subject to political whim. Those emphasizing caution urged the undocumented immigrant community to wait until after the November Presidential election. The policy, as they saw it, was a political move to court votes during election year. The apprehension stemmed from distrust in the government’s commitment to not use information gathered during the application process against the applicants at a later time.

Finally, my desire to account for the Latino population remains unfulfilled. One of my objectives upon embarking on this project was to trace the complexity of who makes up the Latino community I refer to. I hoped to problematize the often-aggregated “community.” However, whether due to the ease of calling on “Latino community” as a shorthand, lack of time, or lack of methods to specifically address this issue, the Latino community admittedly remains flattened in this thesis. I would like to acknowledge the problematic nature of this erasure. The interview questions spoke to the Latino community as a homogenized whole and only gestured at the undocumented community. To note just a small dimension of this erasure, one respondent noted the mixed status of the families adds boundless dimensions to the “Latino community.”

### **Chapter 3: Immigrants in Lexington, Kentucky**

#### ***Introduction***

Blandy and Sibley write, “As well as enforcing physical borders, through another legal-spatial process the law creates and is reflected in symbolic boundaries which allow for the imposition of differential law (2010: 276). The differential law they refer to aims to regulate particular kinds of behavior in particular individuals. For instance, some behaviors in particular spaces are not acceptable. The veteran community leaders in Lexington, Kentucky expressed a similar understanding about the regulatory function of law. In the immigrant community, immigration laws and policies ascribe boundaries that are, on the one side, constraining and on the other, permissive. Just as Blandy and Sibley go on to write, “law creates boundaries at the smallest possible scale” (2010: 281), many geographers, such as Coleman (2012), note the increasing management of immigrant bodies as sites of geopolitical borders. Immigrants increasingly embody the exclusive boundary within the US. Veteran community leaders saw such exclusionary boundaries as an ever-present challenge to the immigrant community in Lexington.

In recent years, there has been a surge of state-initiated restrictive immigration legislation<sup>9</sup> across the United States. The increase in legislation curtailing immigrant rights was marked by a striking proliferation of these legislations across the US in 2010. Many states, including Kentucky, attempted to join this national tendency. Immigrant legislation<sup>10</sup> has been continually introduced in the state’s Legislative Sessions<sup>11</sup>. In its

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<sup>9</sup> The most similar to Arizona’s SB1070 were Alabama’s HB56, Georgia’s HB87, South Carolina’s S20, Indiana’s SB590, and Utah’s H116, H466, H469 and H497 (ncsl.org).

<sup>10</sup> Supported in particular by programs such as Secure Communities, a US Immigration and Customs Enforcement (ICE) program that eases the sharing of biometric data

most recent comprehensive attempt, immigrant legislation introduced conformed to what Coleman (2012) calls a move toward the “management of population” rather than the “management of territory.” These legislations, many veteran community leaders assert, perform a more restrictive function in the lives of the Latino immigrant population—a small percentage of Kentucky’s population. Carlos, one of the veteran community leaders, suggests that continually introduced restrictive legislation nurtures an inhospitable climate for immigrants. It instills fear of detainment and fosters an attitude toward immigrants that places them in risky situations.

In Lexington, although Latino immigrants are not a new population, they have become increasingly visible in the city’s public life (Rich & Miranda 2005). Veteran community leaders follow legislative changes affecting the immigrant community. They are connected to a wide network of advocacy and referral organizations at local and national levels. In 2011, community leaders alongside the immigrant population rallied against and helped defeat Kentucky’s own version of what has been described as Arizona 1070 copycat legislation<sup>12</sup>. Veteran community leaders in Lexington synthesized these local and national occurrences as part of the exclusions that frame the Latino immigrant in the city as visibly marginalized.

This thesis situates the Latino immigrant community in Lexington at the crux of these legislative attempts. Drawing on interviews, this project illustrates the specificity of the Latino immigrant in Lexington and the problems they contend with as documented

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between the local and federal level intended to deport individuals identified as undocumented.

<sup>11</sup> The six House Bills introduced in the 2012 Kentucky Legislative Session were HB 5, HB 58, HB 78, HB 105, HB 118, and HB 195.

<sup>12</sup> Senate Bill 6 sought to criminalize undocumented persons as trespassers in Kentucky.

and undocumented individuals. Interviews conducted with veteran community leaders working within the Latino immigrant community brought to the fore the way immigrant legislation and policy interventions reverberated in Lexington. Legislation provides the context in which attempts at exclusion emerge and so marginalize and erase from the “official landscape” Price alludes to. The veteran community leaders articulated the importance of situating the immigrant community’s exclusions within this combination of larger processes.

### ***Immigrant visibility in Lexington, Kentucky***

The processes and spatializations of difference take on a new flavor as immigrants increasingly settle in southern cities that previously had little to no experience with permanent immigrant populations. Nelson and Hiemstra (2008) assert that the role of geographical processes in patterns of immigrant settlement does not receive adequate attention. Starting from this analytical perspective, they observe that a Mexican immigrant’s incorporation into the political economy of the city does not necessarily yield social inclusion. In their case studies, social inclusion does not rely “on erasure of differences” (Nelson & Hiemstra 2008: 322). Instead, the spatialization of difference creates a “parallel world” that is carved into and grafted on to the margins of the city (Nelson & Hiemstra 2008: 324). The spatial organization of the city leads to the exclusion the immigrants in their case studies experience. Similarly, in Lexington a 2002 report by the Kentucky Legislative Commission, “Immigration in Kentucky: A Preliminary Description,” found that immigrants in the city, the vast majority of whom were Mexican, lived in the Cardinal Valley neighborhood. Nelson and Hiemstra (2008) draw attention to the spatial organization of the city, which to some degree obscures

immigrants in the city. Rich and Miranda recount a similar experience of Latino immigrants in Lexington: they remained an invisible population in the city (2005). Further contributing to the invisibility of this population, the “racialization, invisibility, and extreme socio-economic marginalization” associated with farm work remained even after many Mexican immigrants moved on to other forms of employment (Nelson & Hiemstra 2008: 329).

The opportunities available to immigrants through the horse industry in the Inner Bluegrass<sup>13</sup> are spatially confined to the rural surroundings farm labor calls for (Kentucky Legislative Research Commission 2002). The 2002 report on immigrants in the state reported, “immigrants currently make up 80-90 percent of thoroughbred farm workers...mostly Hispanic” (Kentucky Legislative Research Commission 2002: 36). These workers were concentrated in central Kentucky. The Lexington-Fayette Urban County comprises land designated rural located directly outside of Lexington’s urban core. In the past, although immigrant rural laborers have been spatially located within Lexington, the urban-rural divide within the city has positioned them as invisible (Kentucky Legislative Research Commission 2002; Rich & Miranda 2005).

Veteran community leaders remarked upon the rapid growth of the Hispanic community from its small size in only 20 years. They noted this growth as a dual process in which visible markers of the community’s presence, such as Latino grocery stores, developed alongside the growth of the population. One veteran community leader noted, “when I first got involved [in the immigrant community] 15 years ago, the community

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<sup>13</sup> While 15 counties make up the Bluegrass region, the Kentucky Legislative Research Commission (2002) specifically refers to the following counties: Fayette, Woodford, Scott, Bourbon, Madison, Jessamine, and Harrison.



was much smaller” (Eric). There was a palpable absence of many institutionalized resources that the community could access. From that moment however, Eric witnessed the fast growth of the Hispanic community. Rich and Miranda, drawing on personal experience, census material, and community surveys, pinpoint the shift to visibility of immigrants, particularly Mexican, to the mid-1990s. Although they remark upon the severe undercount of Latino immigrants in Lexington, they did witness the rapid urbanization of Latino immigrants. This, they posit, was the factor that brought them into visibility.

The young advocates arrived in Lexington at a time when the Latino community was fragmented but gaining some visibility as Eric attests. Writing specifically about Lexington, Rich and Miranda (2005) observe, settlement patterns in Lexington have followed labor migration patterns elsewhere (Cravey 2006), where men migrate for work followed by their families. While this is not always the case, Rich and Miranda demonstrate that in Lexington the demographics support family settlement patterns. One of the young advocate’s immigration narrative coheres with this claim. Ray’s (undocumented, age 23) father moved to Lexington in search for work. The rest of his family made the transborder trek later. The rise of the immigrant community as a visible one coincides with efforts to bring the community into public legibility. Such is the attempt of the Kentucky Legislative Research Commission’s report. The report terms immigration in Kentucky a “phenomenon” (2002: i). It corroborates Rich and Miranda’s claim of Latin American immigrant visibility beginning in the mid-1990s. They conclude that immigrant visibility was a result of their permanent settlement, itself a factor of urbanization.

This shift contributed to the processes necessary to create Latino immigrant spaces in the city. Rich and Miranda foreground simultaneous processes and spatializations of difference wherein the population is both brought to light and relegated to the shadows. What Rich and Miranda term a shift from invisibility to visibility in Lexington manifests through a very particular process in which the population shifts from the rural setting to the urban area, both within Lexington-Fayette Urban County. One young advocate illustrates the pattern veteran community leaders described. Ray recounted the origins of how Lexington became his home at age 9. He explained:

We came here through a legal process.... My dad came here with his cousins and friends because Lexington was, like, the Horse Capital of the World. My dad had heard it was a really big booming time, really big booming for jobs at that time. And there was need for people to come work. So, he decided with his friends to go all the way over [to Lexington]. Once he was over there, he stayed for about a year...and then we followed him. (Ray, undocumented, age 23)

Ray's story of family migration corresponds with migration narratives, which tend to be labor migrations (Sassen 1999; De Genova 2002). The family had initially arrived in Lexington with tourist visas, which have since expired due to the difficulty and expense of the visa renewal process. Noted in Ray's story is Lexington's identity as the Horse Capital of the World. His family moved directly from Mexico because of the job opportunities offered by the horse industry in Lexington. Ray indicated becoming so immersed in life in Lexington that rising through the ranks within the thoroughbred industry is a very real possibility. This young person reaffirmed the deep sense of entrenchment in the community. He remarked upon growing up in Lexington, living in the city for over a decade, and, as such, has no intentions of leaving.

The veteran community leaders discuss immigrant reception in Lexington as mostly one of indifference. They direct their attention to the legal framings, which

cultivate fear of reprisal for moving to and living in the US. The fear some veteran community leaders emphasize clashes with the social inclusion Nelson and Hiemstra (2008) allude to, which would incorporate difference, not erase it. However, Lexington provokes a sense of embeddedness in the young advocates. They interpret the city as such in spite of the fear produced through the legal apparatus, which is supported by programs such as Secure Communities. Gatekeepers identify federal imperatives as the driving force behind marking the city as exclusive even as immigrants are making their own space in the city. Although restrictive efforts had increased nation-wide, Sam, one of the respondents, remarks on the relative leniency immigrants encounter in Kentucky. He adds, “It’s not bad *enough*.”

### ***Secure Communities***

The heightened visibility of immigrants in Lexington has resulted in the intrusion of the border in the city through increasingly securitizing efforts brought about by ICE’s Secure Communities program. This increasing nation-wide tendency brings border policing practices characteristic of immigration regulation into the city. In 2010 Lexington became the first jurisdiction in Kentucky to implement the Secure Communities program, which was initially launched in 2008<sup>14</sup>. At the time of its activation in Lexington, only a few other counties in the regional US South had activated jurisdictions. The program grants ICE access to a detained person’s biometric data in local jurisdictions across the country. The agency then uses this data to determine deportability based on the person’s legal status. The program extends the existing relationship between local law enforcement and the Federal Bureau of Investigation

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<sup>14</sup> The first activated jurisdiction in the nation was Harris County, Texas. The rest of the counties in Kentucky followed suite on March 20, 2012.

(FBI) to include ICE for the purposes of sharing biometric data. Once detained and booked at a county jail for any infraction, the detained person's fingerprints are taken and sent to the state, the FBI and the Department of Homeland Security (DHS). The fingerprints are checked against an existing database, where if on file they are used to determine the legal status of legally detained persons. ICE verifies the detainee's legal status and then determines whether they fall within the parameters for removal. The program is touted as a means to remove individuals convicted of felony-grade and violent crimes. Once ICE determines the detainee is potentially subject to removal, they issue a detainer which allows them up to 48 hours to take further action with the detainee in question.

Several respondents addressed the presence of local law enforcement authorities in the lives of Latino immigrants in Lexington. Veteran community leaders noted their role in mediating relations between the police and the community. One respondent mentioned participating in a community meeting organized to resolve a misunderstanding between the police and the immigrant community at large. The increase in police surveillance had triggered fear in the community that immigration control had reinvigorated its more exclusive efforts. Facilitating this interaction between the police and the community, instead, resulted in a concerted effort to stymie gang violence. The fear in the community that increased surveillance was a tightening of immigration control gave way to overall community collaboration.

The negative content of the vast majority of stories eclipsed the positive moments some respondents related. One of the veteran community leaders, Carlos, has lived in Lexington for a long time. Carlos even mentioned being regarded as the token Latino – a

designation that has since waned, presumably with the increase of other Latino leaders. He has seen the city change with the growth of the immigrant community. Carlos explained that the way the Secure Communities program actually operates within the immigrant community is hurting the community:

[There has been] a downtick in [immigrant community member's] willingness to seek police involvement in situations where they've been defrauded or, otherwise being taken advantage of, whether that be physical, economic, or whatever way. (Carlos)

Carlos' account follows accounts from other veteran community leaders in Lexington. The collaboration between local and federal law enforcement through the Secure Communities program was generally seen as detrimental to fostering a relationship of trust between the community and law enforcement agents. The federal level intervention at the local level has contributed to a more strained relationship. These antagonisms fostered fear and distrust in the community as they have elsewhere. The respondents shared stories exemplifying the antagonisms felt within the community.

Another respondent, Anna, recounted unfortunate encounters with ICE that have led to removal. She admitted that ICE personnel can be helpful on the phone, but animating the account with a laugh expressing cynicism, added "Good luck there." Anna indicates the difficulty of establishing communication with the agency. Additionally, removal is accompanied by a host of other problems that only add to the confusion, fear, and complexity of the situation. Anna participates in efforts to foster a positive relationship with the Latino community. Her role in the community enables members of the immigrant community to seek out her assistance beyond the duties she is officially assigned. This respondent has tracked down detained immigrants from Lexington. She

relates the typical ICE story in Lexington, which usually involves men detained for traffic violations:

I mean, every couple weeks...there's someone that [the office staff] know[s]. And it's usually the mom, the wife, or the sister. Somebody comes in they say "My husband was brought in, you know, was taken in, where did he go?" If they're picked up in another county it's really hard. ...Generally, by the time we are on the phone calling, that person's already been picked up by ICE and they're shipped to a holding facility in Cincinnati, Louisville, or off to Chicago. Once they're in the ICE system you can't contact them. You have to wait for them to be able to contact you back out. So, in a very real sense it's like being disappeared. You know, once in the system [makes a swooshing sound]. That's it. So, that adds to the sense of just sort of unreality and *fear*....Once they're in the system all they'll tell you is that they're gone. Bourbon County doesn't have them anymore. Boom, gone. (Anna)

Latino immigrant community members entrust Anna with their precarious situation. She goes on to elaborate on the difficulties of finding a person once they are "disappeared." Disappeared here is used to call on the due process the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 eliminated from the Immigration and Nationality Act, which has guided immigration policy since 1952; denote the fear the uncertainty of the situation induces; and bring attention to the disruption experienced in immigrants' daily lives that mark them as excludable beings. A contributing factor in the disappearance of family members, Anna notes, is providing ICE with a false name upon arrest. This move inadvertently makes finding a detained person difficult once they are in the ICE system. Further, the detainee can remain in the custody of ICE for months without the family member hearing from them. Complicating the situation some community members face, this respondent noted the mixed status of numerous families.

The veteran community leaders agree that these programs are disruptive. They are based on a problematic notion of securitization and legality. In reality they are not implemented in accordance to the precepts they set out. For instance, in 2011, 75.6% of

the 41 arrests resulting in deportations in Lexington under the Secure Communities program were “convicted of a minor crime or no crime at all” (Spears & Johnson 2011). ICE is instructed to place noncitizens who have committed serious criminal acts in deportation proceedings. However, noncriminal immigrants still face arrest and deportation under the auspices of immigration regulation and the securitization of local communities. Lexington’s community leaders understand these interventions as direct attacks against the immigrant population.

These accounts of ICE’s relationship to the Latino immigrant community are typical. Hiemstra (2012) demonstrates the extent to which these state interventions are felt in the lives of immigrant families from Ecuador. She also notes a series of difficulties encountered in accessing detained individuals. These difficulties show that the implications of detainment extend far beyond the US’s territorial borders. The difficulty begins with communicating with them:

ICE and other migrant detaining entities are under no obligation to contact detainees’ relatives. Though I was often assured that detainees get a free phone call upon entry to a facility (implying that detainees would be able to communicate with family members if they desired), the majority of facilities do not provide free international calls. (Hiemstra 2012: 298)

Though Hiemstra does not frame the detainee’s experience in terms of being “disappeared,” her research on Ecuadoran detainees reflects the statements made by Anna. Particularly prominent is the sense of fear and desperation invoked in her findings. Most respondents noted that fear is indeed a key response of the immigrant community in Lexington.

The policy changes accompanying immigrant legislations strengthen the encroachment of the border in the city. City officials framed the shift to the Secure

Communities program as a positive step in securitizing the city (lex18.com). While securitization turns on excluding criminals, the aim has far reaching consequences. These securitizing efforts have conflated racialized others with criminal (Chavez 2007; Willen2007). This conflation is evident in legislation and policies that criminalize the presence of undocumented immigrants who have not committed a criminal offense. Thus, the attempt to exclude immigrants manifests both through physical walls on geopolitical boundaries and metaphorical walls. These physical and metaphorical boundaries produce immigrants as “illegal.”

In 2010, then-Mayor Newberry lauded the Secure Communities program as “another tool we will use to ensure the safety of our community” (lex18.com). The language Mayor Newberry employed obfuscates the effect of the program on “the community.” He celebrated the program’s equitable treatment of everyone in the community, since all arrestees are fingerprinted. However, he calls forth a very specific kind of community in Lexington. The Secure Communities program targets immigrants who have criminal convictions but, as the veteran community leaders expressed, many innocent immigrants get “caught in the Secure [Communities] web” (Carlos).

The Secure Communities program is allegedly applied evenly and equitably across the broad swathe of individuals detained by the Lexington Division of Police. In reality, the respondents see it as an exclusionary strategy targeting a specific segment of the population. *La Voz*, Lexington’s – and for that matter, Kentucky’s – only Spanish-English bilingual newspaper, has reported instances where “minor crimes” have led to detention. The respondents identified the Secure Communities program as a very real threat to the immigrant community. In this sense, they framed the implementation of the



Secure Communities program as contrary to its stated mission and as a way to effectively exclude immigrants. The local police department, acting as the enforcement arm of the legal system, is complicit in carrying out the program. Secure Communities aims to procure the highest results possible while maintaining a low-impact in the daily operation of local law enforcement. The city has not yet chosen to sign on to the more intrusive 287(g) option of the IIRIRA, which would confer local authorities the power to exercise immigration law, a function that was previously the sole reserve of the federal government. Despite stopping short of entering into a 287(g) agreement, measures such as the Secure Communities program slowly, but increasingly, steer Lexington toward taking on the role of managing immigrant bodies in the city.

Additionally, the recent proliferation of restrictive immigration legislation across the US South was seen as shaping the tenor of Lexington's immigration discourse. Seeped in this legislative milieu, Kentucky developed its own version of restrictive immigration bills. Several respondents invoked Senate Bill 6 (SB 6), the most recent such attempt, to discuss the pointedly exclusionary measures some members of the Kentucky legislature were taking against immigrants. In combination with legislation proposed in other states, the respondents read these efforts as posing a challenge to the immigrant community in Lexington, Kentucky. SB 6 was introduced in the 2011 legislative session. However, a variety of reasons coalesced around its defeat. Such intrusions into the immigrant community brought the immigration system in the US into stark relief as national reverberations manifested locally in Lexington.

### ***The City and the Border***

Legal efforts effectively maintain boundaries such as those between “citizens” and “noncitizens.” Respondents impressed that the effects of programs such as the Secure Communities program and restrictive legislation introduced in the state are widely and deeply felt in Lexington. Some respondents noted the increased confusion that accompanies news reports about restrictive legislation in other states and those proposed in Kentucky. The veteran community leaders are able to gauge these kinds of mood shifts in the Latino immigrant community based on increased interactions during critical legislative junctures. A veteran community leader noted an increased call volume when restrictive immigrant bills came before the Kentucky legislature and with the passage of restrictive immigrant legislation in other states (Hilary). These restrictive efforts, the respondents emphasized, reclassified mundane behavior as unacceptable and criminal. For instance, the provision that criminalizes the transportation of undocumented immigrants has appeared in a number of recent restrictive immigrant legislations.

The enforcement arm of the legislative process presents a very real challenge to the Latino immigrant community. The implementation of restrictive efforts creates a sense of unease. In other states, such as Alabama, immigration enforcement hoped to intrude into “every aspect of an illegal alien’s life... so they will deport themselves” (Mcwhorter 2012). In the example of Alabama, the bill’s co-sponsor attempted to criminalize and manage immigrants’ lives by stripping them of all “life-sustaining” (Bhungalia 2012) rights. The production of fear in the immigrant community as a consequence of local enforcement of federal immigration law is not new. According to a forthcoming report, a large proportion of Latinos will not report a crime because they are afraid of they may have to divulge their own status or even that of family member’s and

friends (Bennet 2013). This study resonates with the experiences the veteran community leaders commented on. The study confirms what many have experienced and reported. The veteran community leaders assert that state-based and nation-wide restrictions are felt in Lexington. In Lexington, bringing federal authorities into closer alignment with local jurisdictions and the consistent legislative threats works to offset the Latino immigrant population from the normative context former Mayor Newberry invokes.

Noting Lexington's geographical position away from the US's geopolitical border, one respondent, Eric, told of the Latino immigrant community's misplaced belief that the city is a zone of diminished surveillance. In a tone connoting the egregious nature of law enforcement actions, Eric talked about deportations that had occurred in Lexington:

People think that being away from the border...less surveillance, less border patrol, but there's always been, just think this year [2012], the most deportations ever. The word gets around. People have family in California. There are cases in Lexington of ICE coming into people's houses. Just a few weeks ago there were 12 people in one weekend picked up. One story I heard: a cop asked him for papers and arrested him.

Eric has remained on the pulse of deportations since the community came into visibility. He explains that ultimately the sense of safety people imagine exists further away from the geopolitical border is dispelled. As "word gets around" people realize that places further away from the border are just as likely to implement border-policing practices as those closer to the border. A local mass deportation Eric recalled happened in the mid-1990s and the most recent one, though scaled down, happened weeks before our conversation. He also relates an incident in Lexington where an undocumented person was arrested upon being asked for "papers." Eric suggests the person could not produce documents proving their authorized status, which led to their subsequent arrest. A

proposed bill that would have compelled local police officers to ask for someone's legal status has not yet passed in Kentucky. The respondent further expressed the disjuncture between immigration enforcement's stated mission (target criminals) and what local police officers actually do.

In this narrative, the respondent is gesturing at the Latino immigrant community's awareness of what Coleman (2008, 2012) has pointed out as a shift in focus from territory to biopolitical management. Despite the false belief that the city is slightly more exempt from border control, the immigrant community is at some level sensitive to the biopolitical management over their lives. Although some assume territorial and legal borders are spatially one and the same, they are not. The border is not a container along the contours of territory. Coleman (2012) suggests that the two have always been disconnected. In effect, the management that happens at the geopolitical border travels into the interior. Lexington's immigrant community, aware of detentions and deportations occurring in the city, reacts accordingly.

***DACA: Inclusive or Exclusive?***

Respondents reported a regime of exclusion in Lexington but added that immigrants in Kentucky live in a relative degree of relief from restrictive legislation. Unlike immigrants in other states, immigrants in Kentucky did not have to face the enactment of restrictive legislation. Nonetheless, the prospect of those same legislations manifesting in Kentucky in combination with the subsequently proposed attempts in the state certainly posed a threat. The respondents viewed the state as a whole as a relative anomaly in the scheme of restrictive policies and legislations that had quickly blazed through the regional US South. They framed the state as lenient but with a caveat:

Kentucky's dependence on immigrant labor is undeniable. As one respondent noted, "The economic implication of actually passing something like SB 1070 far outweigh any kind of economic benefit if it passed something like SB 1070" (Hilary).

Some respondents reported on the accommodating nature of Kentucky's immigrant legislation. Though, they added that the general atmosphere in Kentucky was tempered by the real actions taken by local law enforcement agents. Immigrants in states with restrictive legislation turned their attention to Kentucky despite the divergence between the failure to enact restrictive immigrant legislation and the real actions taken by local law enforcement agents. One respondent, Hilary, received calls from immigrants interested in leaving their state for a comparatively less restrictive state. Amid the restrictive effects immigrants in Lexington experience, immigrants in other states contemplated moving to Kentucky. Hilary noted that some students in other states did indeed move to Kentucky because the state had yet to pass restrictive immigrant legislation.

In the midst of restrictive immigrant legislation and the continual conjuring of fear in the Latino community, respondents also noted some of the positive shimmerings within the community. At the time of the interviews the defeat of SB 6 was a not-so-distant memory. This, according to one respondent, accounted for some of the immigrant community's faith in the community leaders and immigrants that were virtually "out" in the community. Some of the young people in the Latino immigrant community had taken on leadership roles, including being open about their status and leading efforts toward defeating what they deemed exclusionary efforts. The young people taking on leadership roles are doing so despite the lack of entrenched community organizations and resources

that many respondents noted. The heightened visibility of the young community advocates provides a sense of what can be achieved in what may appear to many as a bevy of insurmountable obstacles.

Portraying Kentucky as relatively open to immigrants, the respondents explained, resulted from a variety of reasons. The industries that operate in Kentucky make the immigrant an integral part of their process. Community leaders sympathetic to the plight of the immigrant community, alongside empowered immigrants, have rallied for initiatives benefiting the immigrant community. However, Eric mentioned the need to redirect immigrants' energies into forming an offensive tactic to continue carving the immigrant into Lexington's landscape. In the midst of reinscribing immigrants as part of Lexington, DACA became the salient issue. DACA, interpreted as a victory, has opened up a route toward immigrant rights.

The DACA victory was not without its problems. The respondents recognized that the new policy leaves out a large portion of the immigrant population. The policy effectively becomes mired in the same inclusive and exclusive dichotomy the Latino immigrant community has already experienced through existing legislation. DACA includes and in the same breath excludes. Young immigrants have an opportunity to benefit from the policy, being marginally included in what was previously denied to them. They are exceptionally positioned to obtain a deferral of their removal, a work permit, and, in many states, a driver's license. There are a number of restrictions in place seeking to target a very specific part of the immigrant population as many respondents repeatedly noted. The policy contains an education provision and is only applicable to people between the ages of 15 and 30. This highlights a very specific kind of desirable

immigrant. Eric, calling attention to the limited scope of the policy change questioned why the DREAM Act and DACA, both of which target a very small number of people, are legitimate while comprehensive immigration reform is not. The respondent is possibly indicating the arbitrariness of the selection criteria, which appears to give primacy to a particular class of “educated” people at a crucial working-age. For instance, pushing for the DREAM Act, Senator Durbin writes, “The DREAM Act would allow a select group of immigrant students with great potential to contribute more fully to America.” His explanation hinges on the benefit these young, able-bodied individuals could bring not only to the economy but also as bodies in the military. More importantly, Eric is signaling the insufficiency of programs like DACA, which only lends a veneer of inclusivity under which it hides a larger terrain of the excludable.

Within the pool of community advocates there is a sense that DACA is really a minor change in a sea of larger immigration concerns. Many respondents talked about DACA but were quick to return the conversation to the need to address the concerns of the immigrant community at large. This program, while a good and necessary step, obscures the more deep-seated concern facing the immigrant community. These respondents, insistent on this point, displayed disappointment that the change in policy remained so exclusive. The veteran community leaders, who are consistently seeking comprehensive immigration reform to include the entirety of the immigrant community into the larger structure of US life, reflected on the failure of the change in addressing the concerns of the vast majority of the community the policy would affect. The older population is effectively excluded. Thus, creating the additional problematic of mixed

families, where the caretaker cannot partake in the economy in the same ways their children can.

Concurrently, the language employed to justify the inclusion of the younger population reflects and politically reifies the divide between the adult population and the young immigrants. The domain of the excludable dividing the young immigrants from the older generation becomes normalized with language such as that employed in the 1982 Plyer v. Doe ruling, which grants children access to primary and secondary education regardless of immigration status. Justifying the inclusion of immigrant children, the ruling states, “These children can neither affect their parents’ conduct nor their own undocumented status.” This ruling marries the universal right to education with the idea that reading young people as undocumented immigrants is the result of their parents’ decisions, where through no fault of their own they find themselves in this predicament. The same is reflected in the rhetoric employed by supporters of the DREAM Act, such as Senator Durbin who rationalizes the support for a path to citizenship with similar but overtly inflammatory language: “These young people were brought to the U.S. as children and should not be punished for their *parents’ mistakes*” (durbin.senate.gov, my emphasis). Senator Durbin by way of justifying the inclusion of some must set them against an excluded other, who are painted as outside the scope of sympathy. The senator implicitly states that there is a natural division between those read as deserving and those read as legitimately in need of scorn. Further, his statement suggests that there is something inherently wrong about migration.

DACA begins to take on an exclusionary character even as it is portrayed to include. It systematically not only excludes the older population as a whole but also



effectively divides parents and children, younger siblings and older siblings, and friends while maintaining the same structures of surveillance and textual and performative regulative mechanisms. For instance, the implementation of DACA is not yet accompanied by a revision of the Secure Communities program. The DACA policy still retains its discretionary provision, where deferral can be revoked at any moment at ICE's discretion. Both the veteran community leaders and the young advocates make sure to retain this aspect of DACA in focus as others become swept up in the excitement of the policy change.

### ***Conclusion***

Chavez (2007), among others, writes that the legal facilitates the erasure of immigrants out of an official landscape. Many of the community leaders echo this. They read Lexington, Kentucky's geography as rife with exclusions perpetuated by the legal and the spatial co-constitution and the far-reaching discursive power of geographically distant legislations. Consequently, as a result of the changing cityscape over the last 20 years, Lexington is increasingly being remade into a border city. I interpret their observations as reading an inclusive and exclusive dichotomy into the landscape in which immigrants are excluded from the possibility of a sought after inclusion into the city.

Lexington's immigrant population has grown considerably but is certainly not a new population (Rich & Miranda 2005). Yet, their needs are continually deferred. Accordingly, the community leaders read their experiences as an excluded population. The 2007 Lexington-Fayette Commission on Immigration took on the analysis of the immigrant community. The report, summarizing the immigrant community in the city included a catalogue of their unmet needs with an assessment on whether to meet them,

followed by suggestions on how these could be met. However, the commission's findings were tabled and summarily dismissed (personal communication, March 2011). This and previous reports document that the city itself is well aware of its immigrant community, their needs, and concerns.

Additionally, the city has opened itself up to the national imperatives of securitizing nation-state borders. The Secure Communities program extends the mantle of security further into the city. Despite claiming equitable implementation as a tool for detaining criminals, Secure Communities in Lexington has resulted in arresting immigrants without any serious criminal record. According to respondents, this partnership proved to be a turning point, as the Latino immigrant community saw their relationship with local law enforcement sour. From the perspective of the respondents, who advocate for and work with the immigrant community, the rise of ICE's visibility in Lexington happened swiftly and with little communication with those it would affect. Carlos described the lack of any discussion around the Secure Communities program, recalling concern over the non-criminals caught in ICE's web. He further drew attention to the chasm that grew between the community members and law enforcement, stating that the fence mending the community advocates had worked toward, "has taken a little bit of a hit as a result of Secure [Communities]" (Carlos).

The more recent policy change, Deferred Action for Childhood Arrivals, according to some veteran community leaders, ultimately perpetuates the same exclusions. The policy change is viewed as an arbitrary and insufficient measure. These changes locate certain immigrants outside of a set of qualifying parameters and reinscribe them as inadequately suited to aspire toward citizenship. Many community leaders

expressed a sense of welcome, reservation, reluctance, and insufficiency at the announcement of the new policy. Its parameters establish the unsuitability of particular immigrants at a lower tiered-class of citizenship. While an opportunity for some, the policy perpetuates exclusions.

## **Chapter 4: Deferred Action for Childhood Arrivals**

### ***Introduction***

Much like young people across the rest of the US, young Latino advocates in Lexington expressed enthusiasm and hope for the prospects offered by the DACA policy change. Some initially confused the new policy with the DREAM Act, a legislative change that aims to grant young undocumented immigrants a path to citizenship. In fact, DACA it is a scaled back version of the DREAM Act. The new policy allows young undocumented immigrants to work, defers deportation, and provides a tool with which to appeal for US citizenship. The young advocates had focused their efforts toward the passage of the DREAM Act, but cautiously welcomed the policy change instead. They realize both the limitations and the possibilities DACA presents for challenging the legal status of their community regardless of the age.

These young advocates exemplify a well-informed and well-connected set of the immigrant population advocating for an issue that has direct bearing upon their lives. They recognize that the policy could shift their own status from undocumented to lawfully present. The work permit could allow them to work legally. Successful applicants could even find work in the US with their college degree. In short, they too could benefit from the immigration changes they have advocated for. However, the young advocates frame the positive changes DACA represents not as a personal gain from which they remove their emotional and political investment once on a pathway to citizenship but as away forward. According to the young advocates, while these changes insufficiently address immigrants' needs, they are a necessary step toward more comprehensive and inclusive reform.

The experience of these young advocates exemplifies the ambiguity of the law. They are public figures in Lexington. They publicly advocate for the immigrant community. These young immigrants allow themselves to be public about their undocumented status despite legislation that defines their presence in the US as cause for removal. US Immigration and Customs Enforcement (ICE) reports that in addition to removing criminal offenders, they are tasked with removing any one “who lack[s] lawful status” (ice.gov). The young advocates’ lives in Lexington illustrate that the law is unfixed; the law is not necessarily tied to one authoritative interpretation. DACA stands as an example of the law giving way to an interpretation. Immigration law no longer codes those granted a deferred removal as “illegal” but neither will it confer them “legal status.” The ambiguity from which DACA emerges is perpetuated as young immigrants are both included into life in the US but excluded as a group of undocumented people who are only just “lawfully present.”

The status DACA grants successful applicants is indicative of the potential for political interventions that challenge the “illegality” ascribed to these young immigrants. The young advocates mentioned that the importance of applying for DACA lays in gaining access to future immigration reform. Compliance with current policy, which asks qualifying applicants to demonstrate good moral character, can later be used as leverage for comprehensive reform. This process of political and legislative gains toward a broader immigration reform inclusive of more of the immigrant population further highlights the interpretive and performative element of the law.

The body of the immigrant in the city alongside the ambiguity of illegality and legality, of inside and outside becomes a performative instrument with which to intervene

in debates over immigration. The grounded materiality of the law produces a complex relationship between the idealistic policy-making and the enactment of these policies in immigrants' lived experiences (Hiemstra 2012).

Taking into account the experiences of ordinary people, Koopman suggests, can reveal the actual "ways that geopolitical discourse is worked out and always embodied in mundane everyday practices" (2011: 276). These young people's experiences highlight the nation-state's logic of security, which identifies threats with the intention of spatially containing them (Lipschutz 1995; Tesfahuney 1998; Nagel 2002; Hyndman 2004, 2012; Martin 2012). The bordering practices that aim at containing, according to Coleman, no longer only manifest at the legal-territorial border but on the body (2012). Immigrants within the US experience these kinds of bordering practices with programs such as Secure Communities. The young advocates' lived experiences indicate a particular geopolitics of migration. Their experiences exemplify a disjuncture between the state's policy-making and how these policies play out in their lives. Geopolitical processes are increasingly grounded at the scale of the body where "ordinary lives" meet the geopolitical (Koopman 2011). The young advocates' experiences already suggest both a compliance with and an opposition to state policy-making.

In this chapter, I situate the young advocates' material experiences of the law as a disruption of inclusionary and exclusionary scripts. Immigrants are often discussed in the media and migration literature as excluded from the normative experience of the host nation. DACA operates along those same boundaries. It holds out a potential to bring the qualifying young undocumented immigrant out of exclusion and into the inclusive terrain. The young advocates interpret their experience of DACA in terms of these

inclusions and exclusions. However, the young advocates straddle a space of inclusive exclusion within the ambiguity of the law, which leaves room for subverting the spirit of the law.

### ***Illegality at the Intersection of Inside/Outside***

In Lexington, the immigrant, particularly undocumented, body has been the object of juridical attempts at exclusions. The differentially marked bodies have become starkly visible in the last 20 years (Rich & Miranda 2005). Their difference is set against what Price calls the “official landscape,” which is produced by normalized processes that erase racialized people and places (2010: 153). These can manifest in the form of, for instance, racial segregation. According to Rich and Miranda, at the time the Latino population in Lexington became a significant and visible presence, these normalized processes of marginalization had already been taking place (2005). The black population had experienced these processes through a regime of “white paternalism and black appeasement or benign neglect” (Rich & Miranda 2005: 193).

Immigrants are reinscribed as differentially marked bodies, and therefore excludable. Their “illegal” marking, based on their group association as undocumented, further adds to their exclusion. Efforts aimed at containing threats have resulted in the reification of exclusionary boundaries in the political community. One such effort, ICE’s Secure Communities program, has been in operation in Lexington since 2010. The program rescripts local jurisdictions as agents of immigration control. Their collaboration with federal levels of immigration enforcement opens up a site for greater control over normalizing processes, which is in accordance with what the veteran community leaders indicated in interviews. This devolution of state authority to even finer scales supports

exclusionary practices. The resulting practices produce a more grounded fear within the immigrant community. Referring to protests against restrictive immigration laws such as Arizona's SB 1070, Sziarto and Leitner note that these types of policies create fear, particularly in the undocumented immigrant community (2010: 389). The manifestation of these fears bears an impress on young people's everyday lives as detentions and the juridical role of "illegality" becomes evident in their lives.

De Genova, calling on Coutin, notes, "On a day-to-day basis, their illegality may be irrelevant to most of their activities, only becoming an issue in certain contexts...Much of the time they are undifferentiated from those around them, but suddenly...legal reality is superimposed on daily life" (2002: 422). The notion of illegality is not manifest at every moment of an undocumented person's life but it looms above them. Some scholars (Coutin 2005; Hiemstra 2010) foreground the risk involved in engaging in mundane activities. However, others such as De Genova (2002) acknowledge the presence of risk but choose to foreground the lived realities of migrants engaged in everyday activities. The young advocates' experience corresponds with De Genova's reading of immigrants engaged in everyday activities. As undocumented immigrants, they are aware of the risk everyday and unremarkably mundane activities can potentially pose. The young advocates' actual day-to-day experience, though filtered through the narratives of fear, does not cohere with an experience governed solely through fear. The veteran community leaders and, to a lesser extent, young advocates noted the familiar fear narrative, which immobilizes some undocumented immigrants. What to fear, when, and how is a familiar story in Lexington's immigrant community.



As Chavez (2007) explains, “illegal” is employed as a designation that marks an arbitrary number of authorized immigrants set against those who are unauthorized. The term “immigrant” connotes a threat to the identity of the citizen through processes of racialization (Willen 2007; Hiemstra 2010; Price 2010). Hiemstra (2010) notes the ends “illegality,” the juridical concept, is mobilized through and toward. “Illegality” is designated through the discursive, political, and practical deployment of the law (Hiemstra 2010). These interpretations categorize, manage, temporarily fix boundaries, and produce cheap migrant labor (Hiemstra 2010). The designations of illegal and immigrant are often deployed as one and the same. Often, as Chavez (2007) implies, they are set in opposition to an imagined “real” citizen.

The young advocates experience these designations, as they are marked as “illegal” bodies disrupting the official narrative of the nation. De Genova elaborates the notion of illegality, writing “[i]llegality’ (much like citizenship) is a juridical status that entails a social relation to the state; as such, migrant ‘illegality’ is a preeminently political identity” (2002: 422). Critiquing illegality, De Genova posits it as not a real state of being but rather a juridical definition tied to citizenship, which gains its strength from moments where the differences set within that definition become critically important. Although the designation of illegality is an arbitrary one, as Chavez (2007) notes, De Genova (2002) and Coutin explain, migrant illegality is crystallized in moments such as work raids or traffic stops. The juridical concept implies material consequences, in many cases detention and removal, through the oft-referenced<sup>15</sup> presence of ICE in Lexington. As such, most of the young advocates interviewed, to some degree, counted relief from fear

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<sup>15</sup> Both veteran community leaders and young advocates talked about ICE as casting a negative cloud over immigrant relations in Lexington.

during those critical moments when it could matter as one of the reasons they applied for DACA. Although ICE's stated mission is to remove criminal elements that threaten the security of the nation, many reports point to the uneven application of the policy. ICE agents have expanded the scope of the agency's jurisdiction to include the detention and removal of DREAM Act eligible young people.

The DACA policy itself problematizes the juridical status of "illegal" and "undocumented." It raises the question: what is "illegal"? Silbey suggests the laws are meant as a cultural preservative, contributing to maintaining "structures of power and inequality" (2005: 324). DACA oscillates between the intent of law and its practical application. The law produces exclusions, as Silbey suggests, that are evident in the young people's undocumented status. However, its practical application also includes them. DACA's toggling between illegality and legality effectively displaces "illegal" and "undocumented." Once conferred, DACA places the young immigrants in "lawful presence" while simultaneously placing them outside of the "legal status." Rather than celebrating the long sought after and long fought for documented status legislation such as the DREAM Act would confer, the young immigrants now celebrate their DACAdocumented status. This convergence of the acronym for Deferred Action for Childhood Arrivals (DACA) and the word "documented" highlights their not-quite-documented status. The half-status calls attention to the ambiguous presence the law confers them. They are neither fully documented but neither are they without recognition.

The DACAdocumented status draws attention to the discord between young immigrants' experience in the city and their legal status. The lack of cohesion between restrictive efforts and the young advocates' interpretation of life in the city further calls

into question the distinction these juridical designations attempt to fix into place. This lack of cohesion is a testament to how complicated subjectivities sit alongside these juridical designations and their practical implications in people's lived experiences. While the fear stemming from lack of documentation is real and based on state interventions, the young advocates demonstrate the ambiguity of this legal relation – it often does not cohere with their experience. Though the fear intended by the state as a regulatory mechanism remains, it does so unevenly. For instance, one of the respondents, Héctor, demonstrates awareness of the status afforded him. When asked about applying for DACA, Héctor mentioned that the prospect of a denied deferral initially caused him to not want to apply. The hesitance remained even after submitting his application. He explains:

Personally, I will still continue with my life. There's nothing stopping me. I'm sure people have done it (carrying on with their lives) too; they've been doing it. Although not leaving...not having the same opportunities but not having...I mean, definitely with the work permit you get the opportunities. You can apply to get...I think the biggest thing is using your [college] degree and not using your [college] degree. But life will still go on, it's just different directions.  
(undocumented, college aged)

Héctor is indicating that denial of DACAmentation – a term the community uses instead of documentation to denote the temporary status – will not completely shift the course of his life as a person already living in the US. Héctor further notes that life will continue as it has for others before: uninterrupted. He indicates that others not previously granted citizenship or a deferral have carried on with their lives in the US. Although, he does note the opportunities that DACA opens up. Once temporarily authorized, those DACAmented have access to a work permit and can put to use a degree earned in the US from an institution of higher education.

Laura, another young advocate who grew up in the US regarded DACA in a similar fashion as Héctor:

For me it's the work permit. I mean it's cool that for two years I won't get deported but that doesn't make me like "Oh my god!" (undocumented, aged 21)

Laura does not locate the significance of the policy change within a positive change in her undocumented status – not illegal but not quite legal. Instead, the real significance of the policy for her lies in the material manifestation resulting from the legal fabrication of “lawful presence.” She does not absolutely dismiss the temporary elimination of the threat of removal. Rather, Laura accentuates the elimination of this threat as a comfort for those fearing their use of false documentation for employment will be discovered.

These experiences run counter to some scholars' assessment of undocumented people's experiences along inclusionary and exclusionary lines. Coutin (2005), for instance, foregrounds the importance that legibility to the state makes in the lives of her respondents: undocumented Salvadoran immigrants in the US. She theorizes their clandestinity, where migrants are physically “[p]resent yet [juridically] absent” (Coutin 2005: 199), through inclusionary and exclusionary spaces. In this conceptualization, migrants are always “en route.” They never arrive at their destination, always remaining outside of the state even as their bodies are within its borders. Although the young advocates operate in similar inclusionary and exclusionary spaces simultaneously, they do not interpret their experience within the space of limbo such as that described by Coutin. The clandestine space, which locates immigrants outside of the law, does not sufficiently account for my respondent's experiences prior to, during, nor after the DACA process. Instead the young advocates express an understanding of the line marking both

the possibilities (represented by the work permit) and the limitations (represented by the 2-year limit) of their inclusion as an ambiguous process of negotiation.

The young advocates declared the DACA policy an insufficient means through which to address the needs of the immigrant community. They consider the policy shift an opening through which they can interject with a more aggressive plan that brings relief to all those who do not qualify under the current DACA policy. Laura remarks on the temporality of the policy. Although this limitation poses a problem, it will yield to the movement for a more permanent solution. For instance, Laura puts forth the lengthy struggle to “get DACA” as an example of the work that remains to be done for a more inclusive change. The DACA policy, with its possibilities and limitations is a step toward a more permanent change. Veteran community leaders remarked on the increased and sustained involvement of young people in the local conversation over and advocacy for immigration issues. For instance, the young advocates’ role in the push for meetings and trainings after the DACA announcement evidenced the importance of DACA as a next step in immigration reform. They organized and participated in public access meetings and trainings including a weekend-long East Coast DACA training.

These young advocates, due to their activism around immigration reform, are virtually “out” about their immigration status. In the last few years, immigrants have been “coming out” as undocumented. Those coming out of the shadows have done so partly in response to Congress’ continual failure to pass the Development Relief and Education of Alien Minors Act (DREAM Act), which would provide a path to citizenship to many undocumented immigrant youth. “Coming out of the shadows” is viewed as a moment of empowerment where undocumented immigrants declare that they are “undocumented and

unafraid.” The moment stands as one of solidarity with those who have come out of the shadows before them and those who will come out in the future. The young advocates draw inspiration from other’s coming out stories attributing to those actions their own sense of empowerment. Héctor illustrates what it means to come out:

Actions like that [Coming out of the shadows] made me very excited. Especially, learning that a lot of people’s deportations have been stopped. I mean that’s a really, that’s very...I don’t know how to put it in words. Because people have come out, they, like publicly especially.... But, I mean, maybe it’s really, it’s like a waking up thing. I don’t know. Like, a realization that, you know, we are humans and this is where we’re living. And, I think that’s like, with the civil disobedience that has been happening that’s so big people have not been deported, at least that I know of...who have participated in civil disobedience who are here undocumented, who are undocumented have not been deported. So, I think, plus also, like, you know, they bring more people together. I think that’s a good thing that I would like to do more. Like, I guess, not do civil disobedience and come out but sort of come out in the community. Because even in the community nobody talks about it. I mean, I guess everyone kinda assumes that we are [undocumented] but we don’t really talk about what it means. (undocumented, college aged)

Most evidently missing in this narrative is the place of Lexington in the overall scheme of nation-wide “coming out” events. The respondents noted a palpable absence of coming out stories in the city. Lexington appears to lack an organized outlet for young undocumented immigrants to feel that they can officially “come out of the shadows.” Some respondents noted the lack of an entrenched group organizing around immigration issues (although, an organization was in the process of forming). In spite of this, this young person finds hope in other’s coming out stories. Not only are young people in other cities publicly coming out to the larger community as undocumented but they are not being penalized for sharing their immigration status. This young person connects the coming out stories to a base-level human appeal (evident with “we are humans”), a resolute stand, and an entrenched commitment (both evident with “this is where we're

living”). This young person had initially emphasized the lack of organizational support in the community but felt that an organized “coming out” event is unnecessary. However, he did place value on creating a dialogue around what it means to be an undocumented youth, particularly in Lexington. The intention of initiating this dialogue revolves around not simply knowing other’s immigration status. Héctor signals an interest in the theoretical and practical meanings of people’s immigration status as a way to apply these meanings toward changing the tenor of the conversation around immigration. Opening up dialogue within the immigrant community is about realizing the fictitious nature of illegality and illuminating the immigration debate with a more grounded reality.

These young advocates, through sharing their stories and advocating for the immigrant community, sit in a position whereby their mere presence challenges and highlights “illegal” as a “legal fiction.” Swain writes that legal fabrications are “not to be taken for granted but seen as a problem to be investigated” (1997: 6). Reframing it as a “problem to be investigated” disrupts the authority ordinarily vested in law and instead calls forth the performativity of the law. As scholars within and beyond legal geography have noted, the law is presented as impartial, asocial, and as drawing from a benevolent and omniscient authority. However, the reality of the law as performative does not entirely cohere with this traditional presentation of the law. As many argue, the law as a fixed regulatory mechanism is an illusion. Laws are a fabrication that require continual revision (Swain 1997).

These young advocates have performed the law beyond their seemingly static textual implications. The law, according to some, has a more fixed effect. For instance, Swain writes laws “position us as subjects and produce the social identities and power

relations which structure our realities” (1997: 5). This interpretation posits a constraining effect of the law’s intervention in the lives of individuals. Individuals are too often positioned as completely constrained by the power relations that both produce and are a product of the juridical system. However, “our realities” are co-produced by the interaction between law and people. This interaction, which reflects the young advocates’ experiences, poses a challenge to the purported foundation of the law. It reveals the unfixedness of immigration law as reflective of and constitutive of the reality of young undocumented people. The possibility of negotiating remains always open and always challenged at the moment immigration law is constituted. The young advocates have remained faithful to the textual law through its performative force, which continually redefines the law. At each moment the young advocates and the law are reinterpreted in relation to each other. These young advocates displace the produced and arbitrary nature of their designation. For instance, the young advocates traced their history in the US to a very young age, implying that the US is their home. In his speech on the DACA announcement, President Obama draws attention to this: undocumented young people “are Americans in their heart, in their minds, in every single way but one” (whitehouse.gov).

### ***The Body in the Law***

The DACA policy casts young immigrants as legible and recognizable to the state. Beginning with the application process through the conferral of a stay of deportation, young immigrants are detailed and catalogued. The DACA application requires they list, account for, and justify every place of residence since their initial entry into the country. Documents supporting every claim made in the application must be



submitted. The gamut of acceptable documentation qualifying as proof of identity, continuous residence in the US, high school education or US military service, and good moral character includes: birth certificate, passport, national identity card<sup>16</sup>, medical records, school records, money order receipts, letters from church leadership, photographs, and Facebook screen shots. This collection of documentation runs on par with Foucault's account of an economy of power in which the disciplining and management of individuals within the collective social body seeps into and structures "their everyday behavior, their identity, their activity, and their apparently unimportant gestures" (1977: 77). Through this cataloguing the young immigrants applying for DACA are asked to submit to the imperatives of population disciplining.

Some of the young people I assisted during the application process at the DACA clinic expressed the difficulty of gathering evidence documenting their mundane activities. One of the young advocates was thankful her mother was such "a little hoarder," since it enabled her to easily gather the required documentation (Laura, undocumented, aged 21). The process of individualization required here is apparent in the DACA application process. Further cataloguing includes documenting fingerprints and the issuance of a social security number that brings the young immigrant into a state of "lawful presence" but not "lawful status." Although the state does not fully count them as its citizens, it does bring them into some kind of legible order. As such, the state gains a degree of biometric knowledge for improved regulation of the young immigrants.

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<sup>16</sup> In Lexington the majority of the immigrant population are Mexican citizens. They may submit a *matrícula consular*, the Mexican identification card for Mexican citizens living outside of Mexico.

The young immigrants are included in as far as what is included “does not belong” (1998: 22). The processes that set them apart are entrenched in their bodily difference (Willen 2007; Hiemstra 2010; Price 2010). The cataloguing procedures the DACA application requires, such as the collection of biometric data, attempt to document those who are not included in the pool of citizens; they remain without legal status and are only granted legal presence. This kind of biopolitical regulation the inclusive exclusion asserts over the body of the young immigrants positions them as passive. However, they are not strictly only subject to the extremities of the inclusive exclusion, which can locate the young immigrants at death. The young immigrants toggle between this extreme case and the room for intervention the law’s performative force allows.

### ***Room for Subversions***

The young advocates do not experience their everyday as excluded from life, cast into the margins, or reduced to the extremities of the inclusive exclusion. However, they operate within a degree of legibility as a consequence of their “lawful presence” yet not legal status. Disrupting the juridical scripts, the young advocates must already contend with tactics of subversion in their everyday as they move around the city. For instance, the young advocates navigate the city as working bodies even though their lack of a work permit prohibits it. De Certeau’s assertion that “spatial practices concern everyday tactics” (Certeau 1984: 115) foregrounds the young advocates’ part in recreating the city. Referring to space, these are instances where the “everyday stories tell us what one can do in it and make out of it” (Certeau 1984: 122). The tactics De Certeau references create a space for the performativity that the young advocates are ascribed by way of legal ambiguity and inclusive exclusion. These tactics can be employed to use, manipulate, and

divert spaces, in which the judicial system comes to intervene in only later (Certeau 1984: 126). However, the DACA policy places the young advocates simultaneously at the intersection of legibility and performative ambiguity. The young advocates read the DACA policy as an opening to negotiate their coding as “illegal” in Lexington.

The young advocates’ embodied experiences in Lexington do not cohere with the law as it purports to operate. Nor does it cohere with the experiences of other undocumented youth in other cities. The young advocates see value in other’s experiences such as the accounts of coming out events. These accounts foreground the embodied experiences and the performativity of the law. Coming out events gives the young advocates an understanding of their role in the performativity of the law and the everyday spaces they occupy at a broader scale. Their experience, like these actions elsewhere, can recast their increasingly visible bodies as a site of intervention in Lexington’s official landscape and, at a “coarser scale,” as a site of disruption of the border itself.

The performativity of the law allows for the possibility of contestations over illegality to occur. Consequently, posing a challenge to the geopolitical border of the nation from within the city. Many geographers (Hyndman 2004; Winders 2007; Coleman 2009, Coleman 2012; Bhungalia 2012) have argued the border has gained mobility as it has become inscribed upon the body of the immigrant. Attempting to code immigrants’ bodies as legal or illegal is not applicable in the context of the performative nature of immigration law. Chavez reports, “Undocumented immigrants in other contexts also performed acts of agency rather than existing as docile bodies” (2007: 194). However, with the introduction of the DACA policy, the moment to intervene in the conversation

over illegality has become salient, as the young advocates in Lexington already locate their agency within the purported constraints of the law.

The human life Agamben refers to, which can be excluded to such a degree that it can be killed, is presented as devoid of political agency. However, participation in the political community is perhaps also measured in degrees directly pegged to the degree of inclusive exclusion. The experience of the young advocates indicates that this may be the case. As the collective embodiment of the inclusive exclusion, the young advocates have not experienced a *complete* ban from accessing the political arena. They fully, enthusiastically, and effectively participate in Lexington's immigration rights community. The young advocates very visibly engage in subversive tactics as they carve out a space in Lexington's landscape. One of the respondents, Ray, came to Lexington 13 years ago with his mother and siblings. His father had moved to the city from Mexico to work on a horse farm. Ray explained his role in Lexington's immigrant rights community after realizing the obstacles many people his age face. For instance, he explained protesting in a Kentucky senator's office with friends:

I myself did a little protest. I gathered a few friends of mine, three or four, and we went down to Fort...right by Cincinnati, a little town, a senator before Rand Paul. Well, we held a rally in his office where we wear our cap and gown in his office. Not really doing anything just standing there so people would see us and see our little poster and stuff about supporting the DREAM [Act], promote higher education for Latinos and stuff like that. We were supposed to be doing that for a week. On the second day the office manager didn't let us come in. Instead, we stood outside. (undocumented, aged 23)

Despite the Senator's attempt at divesting his office of disorder Ray and friends remained as a visual reminder of how they are both part of and disruptive of the "official landscape" (Price 2010: 153). Although the "official landscape" Price refers to is an unspoken and assumed whiteness, in this instance, it is a claim to citizenship and

(il)legality. This young person positions his body as a disruption in itself. Ray's actions served as a visual reminder of these young people's presence in the city. Their attire, particularly, stakes a claim in an ongoing conversation over immigration and education that in the US, in many instances, bars those read as "illegal" from a right to education. It particularly brings to the fore the differences between the US and the international community, as the UN Declaration of Human Rights "assert[s] that education is a fundamental right" (Glenn 2011: 10). Wearing their cap and gown also foregrounds these young people not as elements constitutive of cross border transgressions but as "citizens." Just as importantly is the protest over higher education, which through Ray's actions is positioned as a field of political contestation. As such, inverting the cross border transgression and reclaiming the city as their space both materially as their physical presence in a space of legality suggests and immaterially through their suggestion that education is something they are entitled to as "Americans in every way but one." Through these actions, these young people have been able to participate in the city's political community. They have a heightened visibility in a city composed predominantly by a white demographic.

Increased visibility combined with the performative force of the law redefine the city as a space for immigrants. The young advocates' actions across the city disrupt a normative assumption of who belongs in Lexington. The city is not only a space an arbitrarily defined "legitimate" class of citizens have a claim over. The young people's movement across the city captures the possibility of difference in lived experience as the young advocates redefine and renegotiate what it means to be undocumented in their everyday realities. The policy shift highlights the precarious ground upon which a

person's legality in the US stands. Further, it is through the allegedly "illegal" acts of the immigrants that the city can become redefined as a site of negotiation. That is, DACA's allowance of undocumented immigrants' legal presence transforms their bodies as geopolitical borders into welcoming sites of political intervention. They performatively contravene the claims of the nation-state. The performativity of the law allows for subversions that lie outside of the conventional legal narrative.

The young advocates are already performatively part of Lexington's political community even as they are marked as excluded. DACA represents a further opening in the continuity of the law that allows for a textual, discursive, and performative disruption of what is "illegal." It positions young advocates as co-constituting the larger narrative, not simply as the passive, "docile bodies" existing restrictive immigration law attempts to position them as. The regulatory function of these legislations and policies does not cohere with the experiences of the young advocates. The young advocates' actions in the space of the city position them as not illegal. The policy includes them as within the political community, if only as legally present. It opens up a space and creates a specific instance where the law can be used to draw attention to the arbitrary and ambiguous nature of illegality. Thus, illegality becomes a site of negotiation as the young advocates' bodily mobility in the city recalibrates the notion of illegality, and particularly as DACA redefines their status.

### ***Differential Experiences***

Young advocates are part of a very specific segment of the population eligible for DACA. These young people are aware of and actively engage with immigration issues at the nation-wide level of the immigration conversation. They have advocated and actively

rallied for issues that impact both young people and the older generations in their community. Some of the young advocates interviewed already knew what rights, claims, resources, and community allies they have access to. One young advocate mentioned that there was a time when the thought of revealing her immigration status provoked fear that someone would call ICE and that she would be placed in removal proceedings. However, after connecting to national and local organizations advocating for the DREAM Act and attending national meetings, the respondent realized that immigrants can be active participants in the immigration conversation not simply the subject of the conversation. This respondent provides a small glimpse into the different experiences within the young immigrant community. The young advocates expressed a different DACA experience than some of the young people at the DACA clinic.

The young advocates expressed an excitement at the prospect of DACAmentation. The excitement was tempered with a feeling of discomfort and skepticism, as the policy change targets a very small number of the undocumented population. One respondent expressed concern over people who would not have access to resources to even know about the policy. Héctor demonstrates an understanding about differential access to information and resources. As such, he implicitly acknowledges his relative access and privilege. Héctor's concern resonates with that expressed by one of the veteran community leaders who noted, after a conversation with an immigrant family who were not aware that an undocumented child could go to college:

We've been telling, giving that message to the community for seven years now .... [but] they're in the rural part of Kentucky. Information doesn't get passed there like it would here in a more urban setting.

The young advocates were taken aback by the DACA announcement but railed against the policy as an insufficient measure. The initial excitement seemed to have given way to a deeper feeling of injustice. They agreed on the need for a bigger, more comprehensive change that would include parents and entire families. One respondent recounted the experience upon first hearing about the policy change:

So, I left work to go home just to watch [President Obama's remarks on immigration]. But then, I don't know, for me, it wasn't so exciting. It was exciting...at first. It's a great thing and then, 'Oh, I don't know if I'll apply for [DACA].' But, I mean, I'm still excited about it. ... Oh, I mean, it's a great thing. I mean, it's great but it's not great. It's both. It's .... I mean, it's great if everyone who applies for [DACA] gets it. But then if everyone who applies for it doesn't get it...I mean, I think if a lot of them do not get it, then...let's say they all have clean records and stuff like that, it's just going to make it harder to do, I feel like, to get documents for other people. Many people who are here aren't working with you know...they don't have any social security number. Many don't work with their real names, I guess. Then how can you prove that you've been here? Stuff like that. I mean that's the biggest thing, I think. ... That's the unexciting aspect of it...if they're going to base reform on this and nothing else because that's very rigorous for everyone to have. (Héctor, undocumented, college aged)

This young advocate expresses the complexity of the policy and the complication the policy introduces into the community. The problematic nature of the policy, as Héctor sees it, resides in those the policy leaves behind. Not only does the policy leave out most undocumented people, it poses an enormous difficulty for some who are eligible and should be granted deferred action to be successful applicants. Out of the 11 million undocumented people in the US only 800,000 are eligible. In the time since the application process began on August 15, 2012, the USCIS has approved only 268,361 young people nationwide and 1,166 in Kentucky<sup>17</sup>.

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<sup>17</sup> The USCIS's April 20, 2013 DACA Final Monthly Report contains the most recent totals.



The young people, however, bear the experience of legality differentially. There is no one universal immigrant experience as the young advocates' experience illustrates. The young advocates feel and witness the fear produced through the marginalization of undocumented people. They are cognizant of the fear of deportation felt within the immigrant community. The young advocates count the safety, particularly the mental ease, the DACA policy offers as one of the primary motivators behind applying. However, their advocacy and visibility in the immigrant community contrasts sharply with the rest of the immigrants in the community. The young advocates talked about their awareness of issues immigrants face, the organizations they are a part of, and the rights they feel they have access to. This was evident during my conversations with the young advocates. They know their rights, immigration laws that directly affect them, and simply see themselves as Americans.

These young advocates are connected to the conversation around immigration at multiple scales. They talked about their involvement in local student organizations, their participation in national organizations, their connection to many of the veteran community leaders, and their own role in organizing community meetings and events around immigration. In this way, they ground their experience in relation to the undocumented people they know in Lexington while forging a connection to those across the country. One young advocate mentioned traveling abroad to visit a parent and reentering the US. His story highlights what laws really do "on the ground." Federal authorities define reentry as a criminal offense. However, immigration laws ignore the distinction between criminality and acting on transnational familial ties. Once inside the country, the young advocates must contend with cross border experiences at the territorial

site of the geopolitical border. Their participation in the immigrant community at these scales connects them to the experience of other immigrants in Lexington and the national conversation at various scales.

In contrasting to the skeptical excitement expressed by the young advocates some of the young people in the DACA clinic expressed visible excitement. One young person was visibly nervous as he met with a lawyer while I translated some of the more unfamiliar concepts from English to Spanish. His mother stepped outside with his playful younger sister, a toddler, leaving him alone with the lawyer and me. The young man had recently graduated from high school, played drums in his church band, had documentation proving his entry date and continuous residence, a letter from the pastor at his congregation, and a screenshot depicting a photograph posted on Facebook of him and his friends at a local eatery on the date of the DACA announcement. The Facebook post demonstrates the potential difficulty of providing sufficient evidence to satisfy the requirement, which asks young people to prove their presence in the US on June 15, 2012. The lawyer asked uncomfortable questions. Some were meant to determine if the young person qualified for more permanent residency programs while other questions were meant to determine if the documentation would pass muster under the scrutiny of the USCIS.

After some back and forth between the lawyer, the young person, and myself the lawyer finally concluded that there was sufficient documentation. However, it would be best if the young person asked a respected member of the congregation or one of its board members to write another letter testifying to his character and the length of time of his membership in the congregation. Additionally, one of the documents chronicling his time

in school had omitted the young person's starting date at the beginning of the school year. This, according to the lawyer, could raise questions about whether or not he was in the country on the first day of school in spite of other documentation detailing his school grades beginning with that quarter of the academic year. The lawyer advised not including this document.

### ***Conclusion***

Lexington has nurtured a collection of young Latino advocates alongside its more established veteran community leaders. These young advocates demonstrate their participation in Lexington's political community. As active agents they inhabit a space of exception but one that does not sit squarely within the limitations Agamben posit the inclusive exclusion presents. Casting immigrants as solely in this exceptional space continues to operate along inclusionary exclusionary lines. The young advocates demonstrate a collapsing of inclusionary and exclusionary space. They do not envision themselves at the margin. These young people believe they do not need the legibility offered by DACA but understand it as an opening in which to draw attention to the fabricated nature of their purported illegality. While the performativity of the law places them as continually reinterpreting the law, the policy creates the possibility for political contestation.

The young advocates realize the exclusive nature of the policy change, as it only targets those between ages 16 to 30. They also view this moment as one in which to question what it means to be labeled "illegal" at all, why the policy arbitrarily cuts off the age range where it does, and to point out that the law is performative. The young advocates directly and indirectly articulated these thoughts. Most notable was their

indifference toward an authorized status. This does not immediately preclude the possibility of an excitement over the “legal status” the policy denies them. What it does point to is the young advocates’ belief that the law is not fixed but a site of continual intervention.

## **Chapter 5: Conclusion**

Analyses following the increased momentum of new “anti-” immigrant legislation described immigrants’ experiences as filled with exclusions. However, my experience growing up in working-class Latino neighborhoods did not resemble the majority of these analyses. Consequently, through this thesis I sought to decenter exclusions as the primary analytical mode by highlighting the “resistances” to exclusive practices. I recognize that these legislations have an enormous impact on immigrants’ access to resources, mobility, mundane activity, and emotional well-being, among many other aspects of daily life. These legislations really do produce material exclusions that negatively affect immigrants’ lives. Working under the assumption that surely the physical and metaphorical exclusions do not strictly rule the life of an immigrant, I imagined Latino immigrant experiences are not necessarily engaged in visible forms of contestations. Rather, I imagined Latino immigrants engaged in mundane acts of resistance allowing them to live their lives and challenge their exclusion.

Immigrant experiences of restrictive legislations turn not only on the potential for exclusions but also on the resistances it can occasion. This was the side of the narrative I wanted to explore. As such, the intent behind this project was driven by a desire to consider immigrants as more than “docile bodies” (Chavez 2007, 194). Deleuze, reading Foucault, notes power “passes through the hands of the mastered no less than through the hands of the masters” (1988: 71). The exercise of power does not flow solely through those who legislate restrictive laws. Immigrants in many instances demonstrate their relative degree of empowerment as they resist their coding in US society and the narratives that attempt to reject their identification with the larger receiving society

(Chavez 2007, 2008; Pulido 2007; Sziarto and Leitner 2010). In these instances, they must “make do” (De Certeau 1984). De Certeau describes “making do” as a tactic in which consumers transform the operation of a process or object into uses not consistent with the use it was originally designed for (1984). The consumer manipulates the process or object as a way to exist within the limitations imposed by the existing network. The question of resistance then becomes about immigrant response. I wondered, in De Certeau’s terms, what does “making do” look like in Lexington, Kentucky’s Latino immigrant community?

The moment to explore how immigrants operate within the imposed structure of immigrant laws in the US presented itself with the DACA policy. In the course of investigating the premise of this thesis this new policy was introduced. DACA targets a younger generation of immigrants, many of who have very visibly long agitated for the DREAM Act. These same young people now, if only temporarily, have witnessed some of their requests heeded while other immigrants are left out of the conversation. The uncertain outcome of the DACA application process together with the eligibility criteria requires having already found a way of “making do” in US society. Thus, the announcement of the DACA policy presented a moment in which to explore “resistance” to more stringent legislation.

The expectations and assumptions that originated from my initial observation did not materialize. The discrepancy between the analyses of immigrants and immigrants’ actual lived experience did not lead to the manifestation of emotional and spatial exclusion in the young advocates’ lived experiences. The young advocates navigate

Lexington and social life in the US in the same vein as President Obama described in the opening of this thesis: as Americans.

This thesis has therefore shown that the young advocates, aware of the political climate, did not harbor a sense of fear. These are the same young people that many call DREAMers. The young advocates exemplified awareness of their status but also a sense of belonging in Lexington. Interviews with the young advocates show that they do not feel exclusions as put forth in the analysis of restrictive legislation. The young advocates, well aware of the restrictions in other states, nation-wide efforts, and the attempts in Kentucky placed themselves in the much more visible avenues of life in the US. They organized events, led public demonstrations, spoke at public meetings, and traveled to nation-wide conferences. The young advocates displayed knowledge about and access to resources in the community. Further, they stake a claim as Americans. Their assertion is grounded not in a paper legitimating their status but a feeling of belonging. Some of the young advocates connected belonging to a more foundational level of connection. As Héctor mentioned in the previous chapter, being able to “come out of the shadows” called on the realization “that, you know, we are humans and this is where we’re living” (undocumented, college aged). The eligibility criteria for DACA require that the young people prove their commitment to the US through carefully documenting evidence of each of the criteria. Yet, even after an approved application the young people conferred deferred action are not acknowledged as Americans.

These young people demonstrate that fear is not the only response to restrictive legislation. In fact, they demonstrate that as part of the 1.5 generation, they can collectively affect conversations about immigration. Alba and Nee succinctly remind that

the term 1.5 generation has been used to describe those who migrate at a young age (1997: 849). The power of their effect on conversations over migration is their status as well connected young people, who grow up in the US but are not US citizens.

Throughout this thesis I analyzed inclusion and exclusion as a way to explain how DACA operates and as a way to talk about how the young advocates express their undocumented status. They are simultaneously included and excluded because they are entirely self-aware advocates, who expose themselves as young undocumented people. They have the resources and knowledge in the leadership community to carry out their advocacy efforts. Therefore, not taken into account in this thesis are the differences between the young advocates and the rest of the undocumented Latino community. I did not parse out the differences between the young advocates and the rest of the undocumented young population – those not involved with the immigration advocacy efforts in Lexington. As such, this thesis misses the voice of a broad swathe of young Latinos in Lexington. I engaged with the more readily accessible young Latino advocates, who, I gathered, have a different experience than those I observed during the DACA clinic. Some of the young people seeking assistance during the DACA clinic were just really excited about the possibilities that a driving permit or a work permit opened up for them. Likewise, I did not interrogate the difference in experience based on spatial proximity to the “host” population or the precise meaning of what it means to belong in Lexington.

In this thesis, young Latinos are categorized as one group. The category was meant to encompass immigrants from Central and South American countries, which traditionally make up the term Latino. However, the undocumented young people I spoke



with and even those I came in contact with at community meetings and the DACA clinic where all Mexican. Further, Latinos are not the only group of immigrants in Lexington.

This research began with the objective of capturing a broad array of Latinos, a term that is often left unproblematized in immigration literature. However, as the research period wore on the profile of the research participants changed. Young people became a point of emphasis. Many years of DREAM Act efforts bore fruit through the DACA policy. Young immigrants have been an integral and visible part of consistent DREAM Act efforts and now, of the DACA policy. As young people in the liminal space of simultaneous inclusion and exclusion, of belonging and not quite belonging, they have much to add to how immigration is talked about and theorized. Many of the young people are actively and consistently seeking justice through efforts such as the DREAM Act. They realize, at least from my conversations with the young advocates, that advocacy never simply stops “there.” One gain drives the further pursuit of justice. These young people are, as Hector demonstrates, appealing to a broader more inclusive path forward.

## Appendices

### *Appendix A*

The archival sources in this table list the newspaper sources, population reports, laws and policies, and organizations that I consulted during the course of this project.

Archival Sources	
Newspaper Source	
Associated Press	The Associated Press is the cooperatively owned news source for many news organizations.  <a href="http://ap.org">ap.org</a>
La Voz de Kentucky	La Voz is Kentucky's only English-Spanish newspaper. The bi-weekly focuses on representing the immigrant experience in Kentucky.  <a href="http://www.lavozky.com/">http://www.lavozky.com/</a>
Wall Street Journal	Jordan, M. 2012. Anatomy of a Deferred-Action Dream: How Undocumented Youth Brought Their Cause to the Country.  <a href="http://online.wsj.com">http://online.wsj.com</a>
The Tampa Bay Times	The Tampa Bay Times is one of the major newspapers in Florida.  Leary, A. 2012. Sen. Marco Rubio's plan for alternate Dream Act lacks details.  <a href="http://www.tampabay.com">http://www.tampabay.com</a>
The Lexington Herald-Leader	The Lexington Herald-Leader is the primary newspaper in Lexington, Kentucky.  Spears, V.H. & Johnson, L.J., 2011. Fayette's numbers raise questions - 75.6% of those deported had not committed serious crimes.
The Daily Beast	The Daily Beast offers a variety of hand picked stories.  Sterling, T.G. 2011. Immigration Lawyers Say Enforcement of Deportation Memo Falls Short.  <a href="http://www.thedailybeast.com">http://www.thedailybeast.com</a>
lex18.com	LEX 18 News is central Kentucky's primary news source.  <a href="http://www.lex18.com/news/lexington-first-city-in-state-to-">http://www.lex18.com/news/lexington-first-city-in-state-to-</a>

	implement-secure-communities-plan#
<b>Population Reports</b>	
The Hispanic Population: 2010	US Census Hispanic population report By Sharon R. Ennis, Merarys Ríos-Vargas, and Nora G. Albert Issued May 2011
Statistical Portrait of Hispanics in the United States, 2010	Released: February 21, 2012 by Seth Motel <a href="http://www.pewhispanic.org/">http://www.pewhispanic.org/</a>  Pew Hispanic Center. Latino Voters Support Obama by 3-1 Ratio, But Are Less Certain than Others about Voting. Last accessed on-line 3 January 2013. <a href="http://www.pewhispanic.org/2012/10/11/latino-voters-support-obama-by-3-1-ratio-but-are-less-certain-than-others-about-voting/">http://www.pewhispanic.org/2012/10/11/latino-voters-support-obama-by-3-1-ratio-but-are-less-certain-than-others-about-voting/</a>
Lexington-Fayette Commission on Immigration 2007 report	This report makes recommendations to the Mayor.
The Kentucky Legislative Research Commission 2002 report	This report describes immigration to the state of Kentucky.
<b>Laws and Policies</b>	
Kentucky Legislative Record	The Kentucky Legislative Record stores produced all the proposed bills for a given legislative session.
Development, Relief, and Education for Alien Minors Act of 2010	Library of Congress Sen Durbin, R., 2010. S.3992 -. <a href="http://www.loc.gov/">loc.gov/</a>
U.S. Citizenship and Immigration Services	USCIS oversees the DACA application process.  Pamphlet on I Am a Young Person Who Arrived in the United States as a Child (Childhood Arrival).  <a href="http://www.uscis.gov">http://www.uscis.gov</a>
US Immigration and Customs Enforcement	ICE is the enforcement arm of immigration legislation and policy. They enforce Secure Communities:  Secure Communities Activated Jurisdictions Ice.gov.. <a href="http://www.ice.gov/doclib/secure-communities/pdf/sc-activated2.pdf">http://www.ice.gov/doclib/secure-communities/pdf/sc-activated2.pdf</a>  <a href="http://www.ice.gov/secure_communities/">http://www.ice.gov/secure_communities/</a>
Remarks by the President on Immigration	President Barack Obama announced the DACA policy, in which he notes that the young people who qualify for DACA are also Americans.  <a href="http://www.whitehouse.gov/the-press-office/2012/06/15/remarks-president-immigration">http://www.whitehouse.gov/the-press-office/2012/06/15/remarks-president-immigration</a> .
Memorandum on Exercising	The June 17, 2011 Morton Memorandum, as it is known as,

Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens	instructs ICE to focus their detainment and deportation efforts on those immigrants who have committed felony grade crimes.
Memorandum on Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children	This memorandum US Secretary of Homeland Security, Janet Napolitano released on June 15, 2012 establishes DACA as US immigration policy regarding “noncriminal” young people.
Plyer v. Doe	This 1982 court case establishes that undocumented students are allowed to attend school from K-12.  <a href="http://www.law.cornell.edu/supct/html/historics/USSC_CR_0457_0202_ZO.html">http://www.law.cornell.edu/supct/html/historics/USSC_CR_0457_0202_ZO.html</a>
Illegal Immigration Reform and Immigrant Responsibility Act of 1996	IIRIRA spelled out a host of restrictions affecting the immigrant population living in the US as well as any future immigrants arriving on its shores. Many have noted that IIRIRA is one of the most restrictive legislations affecting the immigrant population in US history (Fragomen 1997; Abrego 2011).  Division C of Public Law 104-208, 110 Stat. 3009-546, 104th Cong.
Illinois Coalition for Immigrant and Refugee Rights	ICIRR promotes and advocates on behalf of the immigrant community.  <a href="http://www.icirr.org/illinoisdream">http://www.icirr.org/illinoisdream</a>
<b>Organizations</b>	
Center for American Progress	The Center for American Progress critiques and puts forth new policy ideas from a progressive point of view.  <a href="http://www.americanprogress.org/issues/immigration/news/2012/12/11/47573/piecemeal-immigration-proposals-miss-the-point-a-path-to-citizenship-is-a-political-and-policy-imperative/">http://www.americanprogress.org/issues/immigration/news/2012/12/11/47573/piecemeal-immigration-proposals-miss-the-point-a-path-to-citizenship-is-a-political-and-policy-imperative/</a>
Colorlines.com	Colorlines.com foregrounds the role of race in national news stories.
Immigration Policy Center	The Immigration Policy Center researches and produces reports on immigration.  <a href="http://www.immigrationpolicy.org/">http://www.immigrationpolicy.org/</a>
Immigrant Youth Justice League	Immigrant Youth Justice League is an organization led by undocumented people advocating for immigrant’s rights. This

	<p>organization is credited with the slogan, “Undocumented and unafraid.”</p> <p><a href="http://www.iyjl.org/">http://www.iyjl.org/</a></p>
United We Dream	<p>United We Dream is an umbrella organization that brings together immigrant advocacy organization across the nation.</p> <p><a href="http://unitedwedream.org/">http://unitedwedream.org/</a></p>
The National Conference of State Legislatures	<p>Provides research and keeps track of policy and legislations of concern to state governments.</p> <p><a href="http://www.ncsl.org/issues-research/immig/omnibus-immigration-legislation.aspx">http://www.ncsl.org/issues-research/immig/omnibus-immigration-legislation.aspx</a></p>
National Immigration Law Center.	<p>National legal advocacy organization concerned with immigrant’s rights.</p> <p>Basic Facts about In-State Tuition.  <a href="http://www.nilc.org/basic-facts-instate.html">http://www.nilc.org/basic-facts-instate.html</a></p>

**Appendix B**

This table catalogues the meetings, trainings, and volunteer time. It does not capture all of the meetings and trainings the community leaders organized. The table shows only the meetings, trainings, and volunteer events I attended during the research period, March 2012 - November 2012.

Participant Observation	
<b>Library volunteering</b>	
March 27- July 23	Village Branch Public Library
I volunteered at the after school-tutoring program. My duties involved helping children complete their homework.	
<b>DACA Community Meeting</b>	
July 8	Central Public Library Auditorium
This meeting was well attended by a large portion of the Latino Community. Three lawyers and two young advocates shared the most current information about DACA. They warned about scams where “notarios” charged people to file their paperwork even though there is no charge to file the application and, at the time, there was no application.	
<b>DACA Community Meeting</b>	
July 15	Village Branch Public Library
The meeting was mostly attended by community leaders. Only a few community members were in attendance. The community leaders shared the most recent DACA information.	
<b>Office for Immigrant Solidarity and Information Meeting and DACA</b>	
August 8	OISI office
People involved in the immigrant community were invited to help set the agenda for what the Office for Immigrant Solidarity and Information (OISI) will be used for. Initially the office, scheduled to open August 15, will focus on immigrant detention and DACA. The office is located in Cardinal Valley.	
<b>DACA East Coast Training</b>	
August 12	Bluegrass Community Technical College
The weekend-long DACA training was organized as an East Coast conference to prepare community leaders for the DACA application. The training was organized partly through the national organization, United We Dream. Many community leaders from the East Coast attended.	
<b>Office for Immigrant Solidarity and Information and DACA</b>	
August 13	OISI office
People involved in the immigrant community were invited to discuss plans for opening the OISI office. The conversation also revolved around DACA trainings and the DACA Clinic.	
<b>DACA Clinic Training</b>	
October 20	University of Kentucky Law School
This DACA Clinic Training prepared volunteers to help fill out the DACA application at	

the DACA Clinic. A lawyer walked the attendees through the application process.	
<b>DACA Clinic</b>	
<b>October 27</b>	<b>Bethel Spanish Church</b>
The DACA Clinic provided an opportunity to those qualifying for DACA to speak with a lawyer for free, fill out, and send the application.	
<b>DACA Meeting</b>	
<b>November 7</b>	<b>OISI office</b>
This DACA meeting was attended by some volunteers and community leaders. At the meeting the DACA Clinic was assessed and attendees talked about next steps.	

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## Vita

Vanessa Marquez

### EDUCATION

BA Syracuse University, Geography Department and International Relations Program, May 2007

### PROFESSIONAL EXPERIENCE

Fall 2012 Graduate Teaching Assistant, University of Kentucky Department of Geography

Geography 222: Cities of the World (course instructor: Dr. Stanley D. Brunn)  
Led discussion sections

Spring 2012 Graduate Teaching Assistant, University of Kentucky Department of Geography

Geography 222: Cities of the World (course instructor: Dr. Stanley D. Brunn)  
Introduced the students to cities of the world; Presented supplemental class material

2009–2010 Small Business Development AmeriCorps\*VISTA, Cooperative Federal  
Developed and evaluated topical business training workshops in Spanish and English; Created and presented a workshop on “*Starting a Cooperative*”; Translated Central New York Latino articles from Spanish to English

2008 Interpretive Intern, Marsh Billings Rockefeller national Historical Park  
Researched, prepared, and presented interpretive tours of a Victorian mansion and its art collection in Spanish and English

2007–2008 English Language and Culture Assistant, Colegio de Educación Infantil y Primaria Blas de Otero  
Prepared second grade children for an English exam; Researched, designed, and delivered activities in English; Delivered curriculum based projects; Taught intermediate English to teachers

### CONFERENCE PRESENTATIONS

Session co-organizer. Feminist Political Ecologies: Expansive Natures and Embodied Intersections. Third Annual Dimensions of Political Ecology Conference, March 2013, Lexington, KY. (With Sarah Watson and Derek Ruez).

*Bordering the Interior in the New South: Latino Immigrants in Lexington, Kentucky.*  
Association of American Geographers Annual Meeting, April 2013, Los Angeles, CA.

### **CONFERENCES ATTENDED**

Association of American Geographers Annual Meeting. Los Angeles, CA. April 2013.  
Third Annual Dimensions of Political Ecology Conference, Lexington, KY, March 2013.

19th Annual Conference on Critical Geography. Chapel Hill, NC. November, 2012.

Second Annual Dimensions of Political Ecology Conference. Lexington, KY. April 2012

Association of American Geographers Annual Meeting. New York, NY. February 2012.

### **AWARDS AND HONORS**

Lyman T. Johnson Academic Year Fellowship, University of Kentucky, Fall 2011–  
Spring 2013

University of Kentucky, Graduate Teaching Assistantship, 2011-2013

### **UNIVERSITY SERVICE**

**Graduate Student Liaison**, Colloquium Committee, University of Kentucky Department  
of Geography, 2012–2013  
Represent the geography graduate student body in selecting colloquium  
speakers

**Critical Pedagogy Working Group**, University of Kentucky Department of Geography,  
2012–2012

Co-organized a teaching assistant workshop on critical pedagogy within  
the geography department, collectively organized a non-traditional panel  
for the 2013 AAG Annual Meeting titled “Tales from the Neoliberal  
University,” and attended bi-weekly meetings aimed at cultivating  
classroom skills to enhance competence as an instructor

**Student Coalition on Organized Labor**, Syracuse University, 2005–2006

Co-organized actions on sweatshop awareness of sweatshop conditions  
and workers rights

**Committee on Women and Art**, Syracuse University, 2004–2007

Co-organized an annual symposium highlighting women in the arts and  
politics

### **COMMUNITY AFFILIATIONS**

**Editorial Committee Member**, Syracuse Peace Council Newsletter, 2010–2011  
Reviewed and published monthly essays in the SPC Newsletter

**Board Member**, Syracuse Real Food Cooperative, 2010–2011  
Ensured the smooth functioning of the local food cooperative

**PROFESSIONAL AFFILIATIONS**

Notary Public for the State of New York, Commission January 4, 2014  
Association of American Geographers

**LANGUAGE PROFICIENCIES**

Spanish, native speaker