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Borders and Crossings

Lessons of the 1980s Central American Solidarity Movement for 2010s Sanctuary Practices

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Since the 2016 election of President Trump, who vowed to prioritize removing undocumented immigrants from the United States (Hirschfeld and Preston 2016), “sanctuary” has become a key term both for immigrant rights advocates who seek to protect and empower immigrants regardless of their legal status and for restrictionists who condemn policies that treat the undocumented as members of US communities (Daniels 2018). While these debates focus on student tuition, access to driver’s licenses, and police collaboration with Immigration and Customs Enforcement (ICE), the term *sanctuary* dates back to the medieval custom of granting church refuge to fugitives and more recently to the 1980s practice of US congregations declaring themselves sanctuaries for Salvadorans and Guatemalans who were fleeing death squads and civil war in Central America (Bau 1985). Sanctuary practices of the 1980s engaged and sought to counter US imperialism and intervention in Central American countries. By engaging directly with Central Americans who had been forced to migrate and by drawing attention to human rights abuses being perpetrated by governments that the United States supported, sanctuary activists challenged these histories of exclusion.

Drawing on ethnographic engagement with the 1980s movement as well as over three decades of engaged research within Central American immigrant communities in the United States, my contribution describes the conditions that led Central Americans to seek asylum in the United States during the 1980s, the sanctuary practices developed at the time, and the connections between those events and current Central American migration and advocacy.¹ Solidary activists accompanied Central American communities at risk of political violence, pursued changes in refugee and immigration law and policy, and opposed interventionist foreign policies. The 1980s movement laid the groundwork for today’s struggles, such as the effort to secure residency for Temporary Protected Status (TPS) recipients, support the Deferred Action for Childhood Arrivals (DACA), aid refugees, and prevent deportations. Yet some sectors of the 1980s movement engaged in paternalistic practices, while the movement’s focus on refugee rights

fueled hierarchies of deservingness by distinguishing political refugees from economic immigrants. Current solidarity work can avoid these pitfalls by transcending borders, creating alternatives to state-based categories of membership, and building communities of practice. Importantly, transnational activism can counter the histories of exclusion that underlie racialized divisions between citizens and noncitizens.

Political Violence and US Foreign Policy

In the United States, sanctuary practices emerged during the 1980s in response to political violence and civil war that uprooted millions of Central Americans. Central American civil wars were fought over access to land, a more equitable distribution of resources, and political repression. In Guatemala, a US-backed coup in 1954 deposed democratically elected president Jacobo Arbenz Guzmán, and room for political opposition shrank. Repression and entrenched social inequality gave rise to armed insurgency, launching a civil war that lasted until peace accords were signed in 1996. During this period, Guatemalan military and paramilitary groups perpetrated human rights abuses against civilians, especially Indigenous groups, who faced massacres and were forcibly displaced from their villages (Nelson 1999). In El Salvador, right-wing governments opposed reforms and persecuted opponents, including the Catholic Church, which sought to defend the poor. In 1980, Salvadoran Archbishop Oscar Romero was gunned down, a killing that has been attributed to Roberto D'Aubuisson, a Salvadoran military leader who organized death squads and founded the political party ARENA (Alianza Republicana Nacionalista, Nationalist Republican Alliance). Guerrilla groups banded together as the Frente Farabundo Martí para la Liberación Nacional (FMLN, Farabundo Martí National Liberation Front) and fought a twelve-year struggle, from 1980 to 1992, against the Salvadoran Armed Forces. During these years, roadblocks, battles, and massacres were widespread throughout El Salvador, and to prevent civilians from supporting the guerrillas, the Salvadoran Armed Forces strafed the countryside (Byrne 1996). Following peace accords in 1992, the FMLN became a political party and has won the Salvadoran presidency twice. In Nicaragua, the Sandinista National Liberation Front overthrew the dictator Anastasio Somoza in 1979, but the United States supported right-wing insurgents, the Contras, throughout the 1980s.

Adopting a cold war lens, the United States considered Salvadoran and Guatemalan governments to be fighting against communism. Despite widespread human rights abuses, the United States provided extensive military and economic assistance to El Salvador and Guatemala during the 1980s. Because the United States supported repressive governments in El Salvador and Guatemala, accepting refugees from those countries threatened to undermine US foreign policy. In 1984, less than 3 percent of the asylum claims filed by Salvadorans

and Guatemalans were granted, in contrast to approval rates in the range of 32 to 60 percent for applicants from Poland, Afghanistan, and Iran (Gzesh 2006). Nicaraguans who came to the United States when the left-leaning Sandinistas were in power were given temporary protection through the Nicaraguan Review Program, which was initiated in 1987 and largely prevented Nicaraguans from being deported (Congressional Research Service 1998).

Consistent with the US government's view that Salvadorans and Guatemalans were undeserving of asylum, US detention centers used coercive practices to pressure Central Americans to leave voluntarily instead of filing asylum claims. Detainees were not informed of their right to apply for asylum, were threatened with lengthy detention, and were prevented from meeting with attorneys. A class action suit, *Orantes Hernández v. Meese*, resulted in a permanent injunction preventing these tactics (Gzesh 2006).

To counter this discriminatory treatment, advocates pursued redress in the courts while also trying to sway public opinion. During the 1980s, congregations declared themselves “sanctuaries” for Salvadoran and Guatemalan refugees in order to advocate for asylum while also challenging US aid to Salvadoran and Guatemalan governments.

Sanctuary Practices and Legacies

The term “sanctuary” has been used to refer to a place of safety, a sacred space governed by “higher” law and open to the most deeply stigmatized (Bau 1985). Sanctuary designations infuse spaces with contested legal, religious, moral, or ethical meanings, differentiating them from surrounding areas (see also Mountz 2013). Today, cities, states, and campuses have adopted the term “sanctuary” for policies that make particular jurisdictions, spaces, and institutions places of safety for noncitizens. Sanctuary policies may prohibit local police from enforcing federal immigration law, protect individuals' records from disclosure, and extend rights to individuals regardless of immigration status (Bauder 2017; Ridgley 2008). California, for example, has enabled undocumented students at public universities to pay in-state tuition rates, granted driver's licenses to the undocumented, and shortened criminal sentences to prevent noncitizens from incurring immigration consequences for certain criminal convictions (Ramakrishnan and Colbern 2015). Current sanctuary measures thus range from noncooperation with enforcement initiatives to active inclusion of noncitizens.

Sanctuary activists of the 1980s deployed “sanctuary” in a somewhat different fashion (Coutin 1993). Invoking the medieval tradition of church refuge for fugitives, they defined sanctuary both more narrowly—in most instances limiting sanctuary to Central American refugees rather than to all undocumented immigrants—and more broadly, in that many activists sought not only to provide food, shelter, transportation, medical care, and legal assistance to refugees

but also to impact conditions in refugees' homelands. The 1980s sanctuary movement was therefore deeply transnational, responding as much to human rights violations in Central America and US support for authoritarian governments as to denying refuge to Central Americans. Sanctuary activists of the 1980s therefore not only supported Central Americans who had come to the United States but also sent delegations to threatened communities in Central America, reasoning that having an international presence in threatened communities could provide a measure of safety. Sanctuary workers referred to such work as *accompaniment*, seeking to extend sanctuary to those who had not yet fled. Accompaniment required a deep commitment in that it exposed sanctuary workers, to a limited degree, to spaces of illegality and persecution where refugees were located. Thus, activists who brought Central Americans across the United States–Mexico border, housed them, and transported them to places of safety risked becoming “illegal” or “criminal” themselves, though clearly the consequences of criminalization were not as severe for US workers as for Central American asylum seekers. Likewise, sanctuary activists who traveled to Central America felt that they were putting their bodies on the line, though Central American activists ran higher risks and often paid higher prices (Coutin 1993). In addition, movement members helped Central Americans navigate the US detention system. Some participants took out mortgages on their homes to raise money to bond Central Americans out of detention, while others served as guardians so that detained children could be released.

The dilemmas experienced by 1980s sanctuary activists may be instructive to immigrant rights advocates today. One key area of disagreement was whether to form a national structure in order to better coordinate sanctuary work or to remain a loosely knit coalition of diverse congregations, each of which was free to develop its own approach. Similar debates have arisen today among student activists who are sometimes suspicious of hierarchical organizational structures or the limitations of being a nonprofit (Nicholls 2013). Sanctuary activists of the 1980s also generally distinguished Central American refugees from what movement participants considered to be economic immigrants from other countries. They therefore argued that under both US and international law, those fleeing persecution had legal rights to asylum that other immigrants did not enjoy. Activists debated whether Central Americans who were fleeing the guerrilla forces were as deserving of sanctuary as those fleeing death squads and the military. From a humanitarian standpoint, each might be at risk, but some argued that helping the former undercut the movement's political goals. Some congregations limited sanctuary offers to refugees who were willing to give public testimonies, arguing that such talks publicized stories that the US government sought to hide. If sanctuary were not public, they reasoned, then it would only be a Band-Aid on the wounds of war and would not address root causes. Other congregations, in contrast, contended that it was unethical to require persecution

victims to speak publicly and that assistance should be driven by need rather than politics. Finally, Central American organizers played key roles in mobilizing US religious activists, but US activists often had greater resources than their Central American counterparts. Some Central Americans resented the pejorative connotations of the term “refugee.” One Salvadoran participant recalled, “I used to go around and they would look at me, the exotic refugee, and say, ‘Wow! You have two legs just like white people and you walk just like white people!’” (Coutin 1993, 120).

Despite these dilemmas, 1980s work has had important legacies. The 1990 Immigration Act created Temporary Protected Status (TPS) and designated Salvadorans as the first recipients. Since that time, TPS has been an important temporary immigration remedy for individuals whose countries have suffered a civil conflict or natural disaster. As of April 2018, more than three hundred thousand individuals from ten different countries held this status, though the Trump administration has been rescinding countries’ TPS designations (National Immigration Forum 2018). Also, after sanctuary activists were put on trial for conspiracy and alien smuggling in 1986, movement members sued the federal government for discriminating against Central Americans in the asylum process. This case, known as “American Baptist Churches v. Thornburgh,” or “ABC,” was settled out of court in 1991, creating special rules for these asylum applicants. Then, after 1996 legal reforms threatened Central Americans’ abilities to remain in the United States, Congress passed the Nicaraguan Adjustment and Central American Relief Act (NACARA), which created a process for ABC class members to become lawful permanent residents. Later, in 2012, when student activists successfully pressured President Obama to create DACA, TPS served as a template for establishing this new program. Solidarity workers who were involved in 1980s sanctuary work went on to other organizations and initiatives, such as providing water or medical assistance to border crossers. Some 1980s sanctuary congregations are once again opening their doors to individuals at risk of deportation (Southside Presbyterian Church n.d.)

Post-War Migration and Continued Exclusion

In 2018, US Attorney General Jeff Sessions announced that all unauthorized border crossers would be federally prosecuted and that domestic violence and gang violence generally would no longer be considered grounds for awarding asylum. These sound like reversals of US policy, but in fact, for those who have been analyzing asylum since the 1980s, there is significant continuity between these policies and decades of excluding Central American asylum seekers from the human rights protections afforded by US and international law. While on its surface asylum law is politically neutral, in reality, concerns about admitting

asylees from nearby countries and from regimes that the United States supports have led to disparate outcomes for citizens of these nations.

During the post-war years, violence in Central American countries shifted from war to gangs and crime. Continued violence is due to multiple factors: impunity granted to perpetrators of abuses, an abundance of weapons, corruption, income inequality, the trauma of the war years, the rise of drug cartels, and US. deportation policies, which sent US-based gang members to Central American countries (Beltrán 2017). Central American families—particularly in the Northern triangle of Guatemala, Honduras, and El Salvador—experienced extreme insecurity including forcible recruitment, extortion, sexual violence, assault, and murder. Yet, just as during the war years, the US government has argued that the violence experienced by Central Americans is generally not grounds for political asylum. For example, in a 2008 Board of Immigration Appeals decision, three Salvadoran youths who had been beaten, harassed, and threatened with death and rape for refusing to join the MS-13 gang were denied asylum, even though another youth in their neighborhood who had also refused to join was shot and killed, and despite evidence of similar practices throughout the country (*Matter of S-E-G- 2008*).

As asylum continued to be restrictive, immigrants in the United States underwent criminalization that increased their risk of deportation. Immigration reforms adopted in 1996 expanded the range of criminal convictions that brought immigration consequences, restricted avenues for legalization, and made detention mandatory for many (Morawetz 2000). Secure Communities and related programs increased collaboration between police, prisons, and immigration authorities, with the result that, for noncitizens, coming in contact with the criminal justice system could result in removal (Chacón 2012). Prosecution of immigration violations escalated to the point that these now comprise a significant portion of the federal docket (Gramlich and Bialik 2017). Individuals who were basically from the United States and who may even have acquired lawful permanent residency were being removed permanently, resulting in devastating family separations.

Current policies toward Central Americans continue this history of criminalization and asylum denials by defining the violence that is part of everyday lives as outside the boundaries of protection. President Trump has repeatedly associated Central Americans with crime and gangs, for example, referring to their homelands as “shithole countries” (Bonner 2018) and associating MS-13 with all who enter the country without authorization, even though criminologists have consistently found that the foreign born commit fewer crimes on average than do those born in the United States (Ousey and Kubrin 2009). Advocates successfully made the legal case for domestic violence and gang violence as a basis for asylum, but even before Sessions overruled these rationales, such cases were very

difficult to win, with 75 to 80 percent of such claims being denied (Morrissey 2018). A key impact of Sessions's opinion rejecting domestic and gang violence as grounds for asylum is that asylum seekers will not pass credible fear interviews and therefore will be unable to submit their claims. Furthermore, the TPS that had been issued to Salvadorans and Hondurans in the wake of natural disasters has been rescinded despite ongoing violence in Honduras and El Salvador.

Likewise, the family separations that have garnered attention since the Trump administration adopted a zero tolerance policy on unauthorized border crossings are not new. Central American and other immigrant families have been undergoing separations due to restricted legalization opportunities, inability to travel legally, deportation, and prosecution. Current separations of parents and children are a particularly cruel manifestation of the lack of respect for the principle of family unity.

1980s Sanctuary Practices and Solidarity Work Today

The 1980s sanctuary movement declined during the 1990s as peace accords were signed in El Salvador and Guatemala, but the US government's continued failure to observe the rights of immigrants, asylum seekers, and travelers has given rise to new challenges and new forms of activism. A key challenge is that the securitization of immigration law has vilified immigrants, depicting them as potential terrorists, criminals, and security risks (Menjívar 2014). The administration of US immigration policy moved from the Department of Labor, where it was originally housed, to the Department of Justice and now to the Department of Homeland Security. Immigration reforms that were adopted in 1996 broadened the range of criminal convictions that have immigration consequences, restricted opportunities for legalization, and expanded funding for enforcement (Morawetz 2000; Kanstroom 2007). The federal government has promoted partnerships with prison officials and local police agencies in order to detain noncitizens who come into contact with law enforcement, even for minor infractions such as traffic tickets. Immigration forms now have pages of security-related questions, such as "Have you EVER advocated (either directly or indirectly) the overthrow of any government by force or violence?" (US Citizenship and Immigration Services, 12); "Did you EVER recruit(ask), enlist (sign up), conscript (require), or use any person under 15 years of age to serve in or help an armed force or group?" (14); and "Have you EVER . . . Been a habitual drunkard?" (15). The overpolicing of communities of color has exacerbated the criminalization of immigrants.

Immigrant rights activists have sought to counter this sort of vilification through narratives of deservingness. For instance, Pedro, an LA-based student activist whom I interviewed in 2010, argued that sharing personal narrative was

a way to overcome the divisiveness of immigration debates and the limitations of categories such as “illegal alien.” When asked for an example of such a narrative, Pedro replied:

I would say something like, “My name is Pedro, my family came here in search of a better life because we had a dream and our dream was for us to—for me to have a better education. And right now I’m going to college, and I work hard, and my family has sacrificed so much, and we’re just as American as anybody else. And so we want an opportunity to be successful so that—I want an opportunity to be successful so I can give back. And maybe I didn’t come here with the right documents, but I have the right values. Ah, my mom has taught me the value of hard-work. She works at a hotel, um, every day. And so she’s given back to this country. She’s paying taxes. And so I think you ought just—I just want an opportunity to succeed and also give back to my community that I love, and give back to this country that I love and that has given me so much.”

Pedro’s narrative defines belonging as a matter of exhibiting “American values”—sacrifice, love of country, contributing to the common good, hard work, seeking opportunity—rather than having the right papers. He thus articulates the “Dreamer” narrative that has fueled the immigrant youth movement and that President Obama also indirectly invoked by referring to “felons, not families” as the group that should be deported. Such narratives of student success can also draw an implied contrast with youths who drop out of high school, join gangs, or acquire criminal records, suggesting that the latter are undeserving. As a gang violence prevention worker complained to me during a 2007 interview, “Like in these recent marches, the immigrant campaign for legalization was divided. ‘Do we stand up for the clean-cut immigrant? Or also for the criminal who is part of our community?’ And they largely decided to stand up for the clean-cut immigrant.”

Some student activists have rejected narratives that distinguish between deserving and undeserving immigrants. For example, Carla, a student leader interviewed in 2016, referred to this distinction as an example of “respectability politics,”² noting that the “good immigrant” narrative bases deservingness in characteristics associated with white, heterosexual, middle-class society (see Keyes 2011; Vargas 1997). She explained,

‘Respectability politics’ is wanting everyone in your group to be good so that those outside can say, ‘Oh, they are so good that I am going to give them this, because they are so similar to us’—and blah, blah, blah. While more radical activism says, ‘Yes, we are different. We have different ideals. That doesn’t matter. We have these ideals and we are going to follow what we want and you have to give us our rights even though we are anti-patriotic, though we are LGBT, though we are single

mothers. That is, we don't have to be . . . the perfect people in a white family. We are different and just the same, we deserve our rights.

Likewise, another student activist, Reese, argued “What I would like to see is mainly just like move away from the Dream Act narrative. And instead talk a lot more about undocumented workers, undocumented parents, LGBTQ immigrants, um, even like undocumented Black immigrants because nobody ever, ever talks about them, and they do exist.” Through these comments, Carla and Reese reject what they see as exclusionary definitions of deservingness and instead embrace groups, such as single mothers or LGBTQ immigrants, that deviate from white, patriarchal, heterosexual norms. Reese extended inclusion to criminals.

Ending the repeated exclusion of Central American asylum seekers would require bringing asylum policies into alignment with the forms of violence that actually occur on a regular basis in the communities that these individuals are fleeing and then zealously enforcing these protections. Doing so would promote family integrity, support human rights, and alter the dynamics of the historic relationship between the United States and Central American nations.

Conclusion

This short discussion of 1980s sanctuary practices raises several questions for further reflection. First, to what degree can current sanctuary and solidarity work transcend borders? It is important to reconnect migrants and deportees to their families, communities, and histories, and to challenge transborder enforcement initiatives and neocolonial relationships by creating ties with affected communities. Second, can activists devise alternatives to state-based categories of membership? Reese, one of the student activists quoted above, argued that the immigrant rights movement should not only focus on securing a pathway to citizenship for the undocumented but also on attaining social equity so that all would enjoy rights. She explained, “This isn't just for immigrants, you know. It's for . . . all communities of color, that everybody has . . . fair access to education, housing, employment.” Reese saw true inclusion as overcoming not only the boundaries between citizens and the undocumented but also between dominant society and other historically marginalized groups. Third, what would it mean for allies and institutions to adopt the principle of accompaniment today? In current activist circles, expressions of solidarity sometimes take the form of transcending difference by claiming, for example, “We are all _____,” and then listing the name or location of the victim of a tragedy. Also, at immigrant rights rallies and marches, participants have expressed solidarity with each other, regardless of legal status (see figure 2.1). Applying a principle of accompaniment



Figure 2.1. “Protect each other: unafraid” sign at September 2017 rally in Santa Ana, California, protesting President Trump’s rescission of the Deferred Actions for Childhood Arrivals (DACA) program. Photo by Susan Coutin.

in a university setting could mean enabling everyone to attend college regardless of legal status and financial resources as well as taking on something of the condition of illegality experienced by those who are undocumented.

Exploring the contemporary implications of 1980s sanctuary practices reveals the historical embeddedness of forms of resistance as well as the hidden legacies of earlier historical moments. Current activism deploys previously devised tactics in innovative ways (Tilly 2006), such as adapting the notion of “sanctuary” to policies governing interaction between local police and federal authorities (Ridgley 2008). In so doing, earlier forms of resistance are brought forward in time (Coutin 2011) in ways that challenge political violence, complicity, and the denial of rights and humanity. Also, current policy achievements may bear traces of earlier moments of resistance. Uncovering these legacies is a means of revealing hidden, long-term contributions of earlier struggles as well as the circuitous paths that successes sometimes take. Knowledge of such histories reveals that activism can bear fruit in unforeseen ways and suggests alternatives to current political realities. In particular, it helps to create spaces and temporalities in which membership is already achieved and divisions based on nationality, immigration status, or geographic location have the potential to

be transcended. These alternate spaces and temporalities are key to acknowledging US colonial and imperial relationships and to imagining another, more just, world.

NOTES

- 1 My analysis of sanctuary practices derives from my experience doing research about and volunteering with sanctuary- and community-based immigrant rights groups over more than three decades. As a doctoral student in the 1980s, I began my research career writing about the US sanctuary movement. From 1986 to 1988, I participated in sanctuary activities in Tucson, Arizona, and in the San Francisco East Bay. I attended church services, meetings, and rallies, helped to document asylum claims, translated at public events, did volunteer tasks, collected news articles about the movement, studied the transcripts of the 1986 Tucson sanctuary trial, and interviewed more than one hundred movement participants. During the 1990s, I continued to study political and legal advocacy regarding Central American immigrants, this time by working with Central American community groups in Los Angeles. In the 2000s, I built on this earlier work through a study of the significance of the Salvadoran immigrant population for both El Salvador and the United States, and I also carried out research regarding the experiences of 1.5 generation immigrants who were born in El Salvador and raised in the United States. My current research, in the 2010s, has focused on the roles that documents of various sorts play in immigrants' legal cases and also on the forms of executive relief—such as DACA—created by the Obama administration. Throughout all of these projects, I've straddled the line between being a researcher who produces academic work and an activist/volunteer who is affiliated with movements and organizations.
- 2 Carla may be drawing on the work of Evelyn Brooks Higginbotham (1993).

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