

## **“Save Temporary Protected Status” movement: non-citizens’ reach of civil rights**

**Cleovi C. Mosuela**

### **Abstract**

*The Trump administration threatened to revoke Temporary Protected Status (TPS), a humanitarian blanket relief for hundreds of thousands of non-citizens living in the U.S. This article provides an analysis of the collective claims-making of TPS holders and allies. I suggest reading the emergence of the movement by drawing on the spatial and temporal strategies employed by non-citizens making claims on the state for ensuring civil rights and defining how they should belong. Rather than viewing non-citizens as always external to the political community, my analysis highlights the interactions between TPS holders – as collective actors – and state agencies. Through the concept of reach, this paper develops an argument that mobilizing around litigation, lobbying, and protests, creates spaces for TPS holders to reach across the ontological divide between citizens and non-citizens. I derive empirical evidence from the strategies deployed by TPS holders and activists to make political claims materialized through lawsuits, bus, and caravan. I also draw on media analysis and interviews with representatives of organizations engaged in or leading the movement. By bringing into productive conversation the literature on TPS holders and social movement, the discussion contributes to the scholarship at the nexus of social movement theory and migrant mobilization.*

**Keywords:** Temporary Protected Status, social movement, migrant mobilization, reach, civil rights

### **Introduction**

I only learned about [Temporary Protected Status] TPS when the president tried to end it for my mom. But as a child of a TPS holder, I didn’t think twice about standing up to the president to defend my mom and our family.

- Crista Ramos (14), lead plaintiff in *Ramos vs. Nielsen* (Aviles on NBC News, 2019)

As part of the Immigration Act of 1990, the TPS declaration has provided a vital form of humanitarian protection to hundreds of thousands of non-citizens living in the U.S. who are unable to return to their countries of origin because of armed conflict or natural disasters. It is a blanket relief for foreign nationals, already residing in the U.S. at the time of calamity, who may not meet the legal

definition of refugee but would nevertheless face perilous situations if to return to countries of citizenship. TPS recipients receive temporary permission to live and work and reprieve from deportation for a period of six to 18 months. TPS declaration for a specific country is also subject to renewal (Immigration Act of 1990).

When Trump took office in 2017, the Department of Homeland Security (DHS) declared the abolition of TPS program for 98 percent of all TPS holders. Crista Ramos, from the quote above, is one of those 270,000 U.S. citizen children, each with a parent or parents who are TPS holders. They face the risk of family separation as their parent could get deported as TPS is lifted. As a response, the Save TPS movement emerged in 2017 as a series of collective actions across the country. This collective action, composed of faith-based organizations, labor unions, business leaders, and bipartisan groups of mayors and legislators, goes beyond acknowledging the importance of the TPS program and what it means for the beneficiaries and wider society. It has evolved into a movement that protects and promotes immigrant rights as civil rights.

The literature on TPS beneficiaries and families is instructive in the fields of demography and describing the marginalized conditions they have been facing (Kerwin, 2014; Menjivar, 2017; Griffith and Gleeson, 2017). However, the current state of the art does not address the emergence of collective action, identity, and “taking subjectivity” that TPS beneficiaries have assumed, which is dynamically evolving at the present conjuncture. This is the opening that my paper aims to fill. While it is important to expose how the TPS program itself leads to various forms of vulnerability, especially in relation to temporality, my paper highlights the aspect of precarity that constitutes the potential to mobilize as countermovement and to envision alternatives (Waite, 2009).

I argue that mobilizing around litigation, lobbying, and protests, creates spaces for TPS holders to reach across the ontological divide between those with and without formal legal and permanent status. In so doing, I suggest reading the emergence of Save TPS movement through the spatial and temporal strategies employed by non-citizens or undocumented migrants making claims on the state (see Bloemraad and Voss, 2020; Coutin et al., 2017; Squire, 2011). It is also important to note that, as political scientist William Walters suggests, non-citizenship does not refer to a given legal status or “the ‘other’ of ‘the’ citizen” but is an indication of “the space of possibility” encompassing political identities (2008, 203).

Critical citizenship scholarship has proven invaluable in opening the discussion of new ways of being political that challenge the boundaries between the categories of citizen and non-citizen (Nyers, 2003; Nyers and Rygiel, 2012; McNevin, 2013). The scholarship argues that mobilizing a non-citizen movement ruptures the norm about citizenship as a status recognized by law. Rather than viewing non-citizens as always ‘outside the law’ or external to the political community, undocumented migrant collective action demonstrates a co-constitutive relationship between political-legal subjectivities and spaces of citizenship (ibid.). For instance, the movement led by undocumented youth,

sometimes referred to as "DREAMers," in the U.S. has been analyzed based on its political implications for how membership is defined<sup>1</sup> (Nicholls, 2013; Nicholls and Fiorito, 2014; Schwiertz, 2016; Anguiano, 2011; Corrunker, 2012; Costanza-Chock, 2014; Unzueta Carrasco and Seif, 2014).

My data could very well speak to this said literature and assert that non-citizens, who may not be equally seen as a legitimate political actor in comparison to someone who holds citizenship, are engaged in making claims on belonging. Rather, I want to use this as a springboard to consider the dynamic spatial and temporal relationship and the interactions between the state and those it categorizes as non-citizens, those without a path to permanent residence and citizenship. I am interested in how TPS holders of different ethnicity, race, migration background, reach across differences and make claims on the state as it administers immigration law (which I will explain further below). Moreover, through TPS holders' strategies, they become visible to each other; the process of which is tied to shared interests of protecting the program that defers their deportation. In relation to this, the Save TPS movement is geopolitically significant, especially as the TPS program is currently seen as an international migration relief tool to protect those displaced by extreme climate events, for instance (see Matias, 2020). Perhaps the TPS scheme was not intended to appear as a benevolent practice of protection, but it materializes as an exception to a securitized U.S. immigration governance (see Mosuela and Matias, 2015). This speaks to the program's ambivalence or complication in current changing geopolitical global relations. A detailed comparison between the Save TPS movement and other current or past immigrant movements in the U.S. is beyond the purview of this paper. But my discussion can potentially offer dialogues with the scholarship on a geographical understanding of social movement practice (Routledge, 2013; Nicholls, 2009) and on migrant mobilizations in and beyond the U.S.

I am sympathetic to how sociologists Irene Bloemraad and Kim Voss astutely show the tensions that characterize contemporary immigrant mobilization and claims-making in the U.S. (2020). Looking at the 2006 pro-immigrant movement and its historical context across the country, their research offers direct dialogue with the cornerstones of social movement theory, which typically assumes a citizen claims-makers in its theorizing. Bloemraad and Voss' analysis illustrates that the intersections of undocumented status and lack of citizenship affect claimants' resource mobilization, individual and collective identity, and framing issues. They argue that a true social movement by and on behalf of migrants has existed in the U.S. since the 1980s, although the constellations differ. The movement addresses the adversities confronted by undocumented

---

<sup>1</sup> In this manner, I do not intend to make comparisons between the TPS program and the Deferred Action for Childhood Arrivals immigration policy. My concern here is how those who experience the threat of deportation realize the potential for countermovement while being in the position of abjection or precarity. As will be shown later in the section "Bus and caravan: mobile protests, building coalition," TPS holders build solidarity with the DREAMers and both groups fight for a humane immigration policy.

migrants or those who find themselves deportable when stay permits expire (Bloemraad and Voss, 2020).

This paper takes up the conversation between social movement theory and non-citizen mobilization. This means thinking through how those whose presence is labeled as temporary and would-be non-status "mobilize politics" to advance claims on belonging (Squire, 2011). The analysis focuses on the concept of "reach," articulated by human geographers Clive Barnett and Dianne Scott (2007). They argue that reach highlights a relational and dynamic relationship between state and populace shaped by both the capacities of state agencies to project authority and of the populace to engage with state institutions. Power is exercised over a distance which means the state carries out various forms of infrastructural power, where its authority is experienced in everyday contexts. In turn, the population draws the state in to ensure its accountability in its delivery of services or material claims. Barnett and Scott surmise that the relationship between the state and subjects is organized "around a set of interactions in which each attempts to make claims on the other" (Barnett and Scott, 2007, 10). In their analysis of the politics of ascribing responsibility on national governments and transnational corporations for industrial pollution in Durban, Barnett and Scott argue that environmental activists employ two modes or "strategies of spatial reach" to mobilize resources. These involve "reaching out across networks" to draw resources and "reaching out to influence" other agents (Barnett and Scott, 2007).

The concept of reach is germane to the discussion of TPS holders and pro-immigrant activists as they make claims to civil rights and political membership. They reach out across various migrant networks and make use of non-profit organizations to draw resources in to make demands on the state. They mobilize around litigation complemented with lobbying and protests. This strategy involves reaching out to other TPS holders who are living in different parts of the country to join the cause. I will add, though, that these modes of spatial reach encompass a temporal or historical dimension as the Save TPS movement reaches back to the themes from the U.S. immigrant rights movements that consolidated in the 1980s. This pro-immigrant movement mobilized around concerns ranging from the legal status of migrants to issues affecting marginalized and racialized populations and was influenced by the strategies, discourse, goals, and leadership of the civil rights movement in the 1960s (Bloemraad and Voss, 2020).

The strategies of reach speak to the relationship between movements and agents of the state, such as judges and legislature. They are means through which non-citizens as claim-makers come into proximity with the state. By making themselves visible, TPS holders and activists aim at getting traction on the state. Through litigation efforts and lobbying for a legislative solution to create a path for permanent residency, TPS holders and activists engage with and attempt to shape the law. In the process of making themselves visible to others, they become recognizable to each other and help construct collective identities. These modes of spatial reach, I suggest, are constitutive of political-legal

subjectivities, which come close to what political scientist Peter Nyers refers to as 'taking abject foreigner' or foreigners who demonstrate a taking-subjectivity (2003). Abject foreigners constitute those undocumented, asylum seekers, refugees, non-status residents, undocumented workers, so-called 'overstayers' and 'illegals.' Nyers' definition generally refers to those entering borders and whose entry might be restricted (*ibid.*). However, I focus on those already embedded in the society but whose status does not allow them to become full members, in terms of citizenship as a legal status, and whose category is to be cast as illegal and deportable.

Following Nyers, this abject condition is both a mode of subjectification and a site of active contestation. Drawing on Bonnie Honig's concept of "taking" as the "practice of taking rights and privileges rather than waiting for them to be granted by a sovereign power" (2001, 99), Nyers analyzes abject foreigner activism as taking space and taking voice/speech which rearticulate forms of citizenship (2003). These 'takers' make claims on political belonging, identity, and practice, thus contesting traditional terms of territorial citizenship that create divisions between those with and without formal legal status (Nyers, 2003).

I will briefly outline what TPS scheme is, its historical context, and its current situation. Then I analyze lawsuits TPS holders and activists filed, and protests held through bus and caravan – those spatial and temporal strategies of reach through which political belonging is taken, not given. The lawsuits and documented protests are either publicly available or those I gathered from media/social media reports and interviews with representatives of grassroots organizations, such as the National TPS Alliance and Adhikaar, and non-profit organizations like the American Civil Liberties Union and American Friends Service Committee engaged in or leading the movement. The interviews were gathered between August 2019 and July 2020, when TPS holders are bolstering their campaign for permanent residence while waiting for court decisions through to the first wave of the COVID-19 pandemic.

### **Temporary protection from deportation**

The literature on the construction of TPS points to its ambivalence; its reasons ranged from humanitarian and moral to political to security, surveillance, and border control. A bipartisan act of Congress in 1990 created the Immigration Act of 1990 to amend the Immigration and Nationality Act (1952) to generally change the level and preference system for admission of immigrants to the United States. Devised together with the principle of "family unity," Congress created TPS that is "the statutory embodiment of safe haven" for non-citizens who meet the legal definition of humanitarian migrants, according to the Act. Although not defined in the Immigration Act, the term 'humanitarian migrants' refers to causes underlying non-citizens' justification for immigration and is not meant to imply that a sympathetic policy response is warranted, according to Congressional Research Service Report for Congress (Wasem and Ester, 2004).

Granting TPS is premised on more generalized conditions of turmoil or deprivation in the country of origin, in contrast to a more particular treatment of individual cases in an asylum process. It may also be the case that home countries are incapable of receiving their returning citizens or that the home state officially has requested TPS designation (Immigration Act of 1990). The concept of safe haven implies that the U.S. is the country where the non-citizen is residing when the catastrophe occurs in the country of origin (Immigration Act of 1990).

Between 1960 and 1990, the U.S. offered a similar haven procedure or relief from deportation to individuals who did not qualify for permanent protection as refugees under U.S. law (Frelick and Kohnen, 1995). Through its Extended Voluntary Departure (EVD), the Attorney General granted discretionary and temporary relief from deportation to non-citizens present in the U.S. regardless of visa status if their country of citizenship experienced armed conflict, foreign aggression, severe internal domestic conflicts, or massive human rights violations (Frelick and Kohnen, 1995; Oswald, 1986). EVD provided temporary sanctuary to citizens of Iran for 8 months in 1979 and for Czechoslovakia for 9 years between 1968 and 1977 (*ibid.*). A total of sixteen EVD grants were made between 1960 and 1981 (Frelick and Kohnen, 1995). Between 1982 and 1987 it was made possible to adjust to temporary resident status, which would eventually lead to permanent resident status. Fewer than 6,000 EVD recipients – mostly from Poland, Afghanistan, Ethiopia, and Uganda – applied for this adjustment (*ibid.*).

The Attorney General granted and extended EVD for humanitarian purposes but there were no eligibility criteria regarding the exercise of discretion. Some members of Congress and the public grew concerned about what they viewed as the arbitrary, and increasingly political, use of EVD. Specifically, concerns over the Reagan administration’s refusal to grant citizens of El Salvador either refugee status or EVD led to a court case, *Hotel & Restaurant Employees Union, Local 25 v. Smith*. The Employees Union court found that the reasons for the denial of EVD to Salvadorans were influenced by foreign and policy objectives and not by humanitarian reasons (Oswald, 1986).

When there was ongoing litigation concerning EVD, another discretionary procedure was provided. George H.W. Bush Administration used Deferred Enforced Departure (DED) to Chinese students in the U.S. at the time of the Tiananmen Square Massacre in 1989. DED did not differ in any substantial way from EVD. Bush also granted DED to El Salvador between 1992 and 1994 which did not require any statutory criteria, i.e., civil war, to be met (Frelick and Kohnen, 1995).

The creation of the TPS statute also designated El Salvador as the first country whose nationals were able to seek TPS to stay in the U.S. At the time, more than 500,000 undocumented Salvadorans in the U.S. were potentially eligible for TPS (Segerblom, 2007). They had fled El Salvador due to civil war and political uprising. Apart from humanitarian concerns, there were also political considerations in offering TPS. For reasons that the U.S. had to take

responsibility for those displaced Salvadorans when the U.S. was offering military aid to and was actively involved in the civil war in El Salvador (ibid.). This could also mean that the U.S. carried a moral obligation towards those displaced who were initially not given the proper asylum (Valdes, 2021). Although it deferred the deportation of undocumented Salvadorans, TPS was also designed for security reasons, that is, to maintain accurate records and make certain they leave the U.S. when TPS designation expires (Segerblom, 2007).

### **Country designation**

The Secretary of the Department of Homeland Security (DHS) is obliged to consult with appropriate government agencies prior to deciding to designate a country for TPS (American Immigration Council, 2020). Although these other agencies are not indicated in the U.S. Code, these consultations usually involve the Department of State, the National Security Council, and occasionally the Department of Justice. The Secretary’s decision to grant or deny a TPS designation is not subject to judicial review, according to immigration law. Research suggests that the Secretary of DHS considers national security interests (Segerblom, 2007; Seghetti, Ester, and Wasem, 2015) and may be influenced by domestic politics (García, 2019) when granting, denying, withdrawing, and terminating TPS designation. The conditions in the foreign state (or part of such foreign state) for which a TPS designation is in effect is subjected to periodic review for extension or termination. This review requirement also entails consultation with appropriate government agencies and further publication of notice in the Federal Register. The current TPS termination made by the Trump administration was based on a sudden “arbitrary interpretation” of conditions “breaking with decades of prior practice without explanation” (Ramos vs. Nielsen, 2018, 21). This will be further discussed later in the legal mobilization section.

In my conversations with Adhikaar, a community and worker center dealing with issues concerning Nepali-speaking migrants living in the U.S., it became apparent that the government does not automatically designate TPS. When an earthquake struck Nepal on 25 April 2015, Adhikaar immediately started a TPS campaign. Through the help of experienced groups such as the Catholic Legal Immigration Network, Inc. (CLINIC), Adhikaar secured meetings with DHS and the United States Citizenship and Immigration Services and made certain that advocacy pushes happened. They submitted research-based documents to prove that undocumented Nepali migrant workers or those with limited means who find themselves suddenly affected by the earthquake at a distance needed TPS. The organization also collected petition signatures and made certain those estranged from their homeland understand what TPS is. Their campaign took only two months – a feat Adhikaar claims – for a designation to be granted.

These strategies of reaching out across migrant networks, as I have been arguing in the paper, were also at work among Filipino-speaking migrants in the U.S. in

their TPS campaign, albeit resulted in a different outcome. When typhoon Haiyan ravaged the Visayas region of the Philippines on 8 November 2013, 141 various organizations in the U.S., plus members of the Congress and the Senate, requested the DHS for a TPS designation for the Philippines as it struggled to address the significant loss of life, restore infrastructure, and provide adequate and timely assistance to millions of survivors. For Filipino migrant workers in the U.S, TPS status was seen as a potential lifeline to continue giving support to their families back home impacted by Haiyan. As part of the TPS campaign, some Filipino activists and domestic workers took to the streets and joined the People’s Climate March in New York City on 21 September 2014. They took the occasion to bear witness to how climate change affects Filipino migration or how a disaster in the Philippines has direct and distressing consequences for its workers abroad. One Filipina domestic worker of 20 years in American homes and who has been looking forward to retiring in her hometown Leyte (an island in the Visayas) laments,

everything was gone. The interior is all ruined. My brother’s livelihood, he used to have a piggery, now it’s all washed out. I have 3 hectares of coconut plantation and mahogany trees, no more. Now, I have to start from scratch. That’s why I would like to request from the US government to grant us this [TPS] so I can work with no fear (Macaraig, 2014).

Despite these reaching out efforts, as well as a bill introduced in the 113th Congress and the Senate’s note that Filipino nationals will not pose any danger to national security, TPS was not granted. Without TPS protection meant that some, who have lost their families in the storm surge or endured other severe difficulties had to be deported.

As of 7 November 2019, according to the latest statistics of the Congressional Research Service Report, some 411,326 beneficiaries from ten countries are currently designated with TPS: Somalia, Sudan, South Sudan, Syria, and Yemen due to political instability; Honduras, El Salvador, Nicaragua, Haiti, and Nepal in the aftermath of natural disasters (Wilson 2020). Honduras and Nicaragua have had this status consecutively longer than others for at least two decades. TPS designation has allowed migrants ‘to work, to build businesses, to continue their education, but most importantly, to live in peace and security,’ as American Relief Coalition for Syria proposed (Entralgo, 2019).

The termination of TPS for El Salvador, Haiti, Nicaragua, Honduras, Nepal, and Sudan was based on an assessment that these countries have recovered from the consequences of calamities and that they are safe to return to. Federal court orders have extended TPS indefinitely for beneficiaries from these countries pending a decision on whether the terminations were lawful. Because there is no legal right for TPS holders to access citizenship or permanent residence, all those who have been able to build a life in the U.S. lose the chance to work lawfully. And since TPS termination also means reverting to immigration status prior to the date of designation, individuals who were undocumented can now



be easily deported. In order to obtain permanent resident status, a TPS beneficiary must leave the U.S. to apply for a visa at a consular post (American Immigration Council, 2020). But for many TPS holders who initially entered the country without inspection, a visa application procedure would subject them to re-entry prohibition for up to 10 years.

Although TPS beneficiaries cannot sponsor family members, they are eligible for emergency Medicaid, public health schemes (e.g., immunizations), disaster relief, reduced lunch programs, and public K-12 education (Kerwin, 2014). The scheme has positively influenced the socio-economic integration of immigrants, through access to homeownership, social security number, and driver’s license, which is seen by sociologist Cecilia Menjívar as benefitting the society as well (2017). TPS beneficiaries are expected to demonstrate their commitment to belong through holding at least one job, paying taxes and insurances, and having a clean criminal record (checks which are required every TPS renewal). However, beneficiaries describe their condition as being in limbo, engendering uncertainties from being neither undocumented nor permanent legal residents (Menjívar, 2017). Living lives in limbo have served to extend experiences of displacement (Mountz et al., 2002). This “in-between status” ensures that they have different and limited rights to social, cultural, economic, and political spheres of life compared to citizens (Menjívar, 2017).

### **Precarization and interaction with the law**

The conditions of TPS holders, prior to the recent attempt to terminate the program, have generally been studied in the field of sociology or migration in relation to the bodies of law. Much of the literature shows how the law impinges upon the immigrant’s immediate sphere of social networks and family, employment, and community-level participation, to say the least. Menjívar describes TPS holders trapped in a situation of “liminal legality,” particularly because the program does not grant its beneficiaries a path to residency or citizenship (2017). Once the protected status on a country is lifted, nationals slip back into their status prior to TPS, which means those who were undocumented would be exposed to job loss and deportability (Menjívar, 2017).

Consistent with this view, labor relations and law scholars Kati L. Griffith and Shannon Gleeson aptly describe the conditions surrounding TPS holders as “precarity of temporality” (2017). TPS holders’ experience is marked by temporariness highly dependent on the whims of the immigration agency administration. The administrative immigration regime in the U.S., or what Griffith and Gleeson call “adminigration,” is a legal institutional space that helps set the broad dimensions of uncertainty TPS holders experience. With a specific focus on TPS workers’ position vis-à-vis immigration law and broader legal institutional contexts, Griffith and Gleeson expose the ways that the legal environment can generate workplace precarity (2017). This condition hinders claims-making for authorized non-citizen employees, even when an immigrant’s

employment status has no formal relationship to his or her immigration status (Griffith and Gleeson, 2017).

The literature on TPS is instructive when it comes to laws as mechanisms and sources of precarity, mostly in relation to temporariness. However, it is mostly concerned with cause-effect analysis which rarely illuminates the complex interrelationships, such as negotiations between the law and individuals whose membership is in question, that possibly generate social change. There is also an underlying assumption that power moves in a unidirectional vector from the state through its laws to individuals. And that this top-down movement delimits and constrains individuals' lifeworlds. Rather, as I will show, TPS holders turn this movement around as they reach back to the state using law as a resource. The relationship between TPS holders and agents of the state or courts, is therefore dynamic, not hierarchical, and their interactions go backward and forwards.

This relationship is similar to how undocumented youth access “deferred action” as a legal procedure. In their study of the temporal legal ambiguities facing undocumented youth who grew up in the U.S., Coutin and colleagues argue that the state and migrants are placed in a mutually constitutive relationship through seeking deferred action (Coutin et al., 2017). Non-citizen subjects generate documents where the traces of their presence have been recorded attempting to prove that they are non-priorities for deportation, thus attempting to sway the state's exercise of deferred action, as Coutin and colleagues suggest. Through the deferred action program, undocumented youth might obtain some reprieve from deportation but the very fact that the program is transitory makes non-citizen youth subject to heightened vulnerability (Coutin et al., 2017). Although precarity is experienced in a liminal status of deferral, as I have been suggesting, it creates spaces of interactions with state authority through legal inclusion where non-citizens take a stance against deportation, and define their own claims and rights.

Drawing on this discussion of how non-citizens and the law interact, I suggest that the law does not necessarily immobilize TPS holders in terms of claims-making. Instead, mobilization serves as the link between the law and the individuals whose residence or movement is controlled by the law (see Black, 1973). Rather than depicting the law solely as a repressive system, looking at law mobilization portrays the law as aimed at seeking justice and equality (Lehoucq and Taylor, 2020). The termination of the TPS scheme, the loss of protection, and the threat of deportation prefigure the position of abjection, borrowing Nyers' term (2003). Yet this partial belongingness, at least to the state, provides conditions for forms of political becoming. This means that the experiences of “precarity of temporality” can be understood not only as a condition but also as a catalyst creating possible points of mobilizing as resistance. This mobilization comes close to what political theorist Isabell Lorey observes when “subjective experiences of precarization are taken as a starting-point for political struggles” (2015, 6). As we will see in the following sections, TPS holders take rights and

take the lead in the campaign to stop their deportations and regularize their status in the U.S.

### **The reach of civil rights: legal mobilization**

Barnett and Scott suggest two modes of reach to understand the dynamic interactions between claimants and the state, and how activists mobilize and give meaning to abstract rights. They observe that the strategies of reach are not mutually exclusive practices but for analytic purposes, I will first examine how TPS holders reach out to pull in legal resources in this section, then how they reach out to influence other actors to advance their cause in the next.

As the legal mobilization scholarship illustrates, a social movement’s legal strategies are not isolated; they operate in a dialectical relationship with other collective action tactics (McCann, 1994). In this case, lawsuits against Trump and the Secretary of DHS make up the resources for advancing multiple forms of resistance. Litigation efforts are not necessarily about seeking a broad transformation of American law but turning to courts is a politically strategic move to buy TPS holders some time for reaching out to other actors and lobbying efforts to influence Congress. Because even if Plaintiffs win the cases, they will not be granted lawful permanent residence, unless done by the legislative body.

TPS holders make use of the resources of legal and civil rights activists to exert influence on the government. TPS holders are then able to translate grievances into frames of legal and civil rights injustice. Through litigation, they use the law “in an explicit, self-conscious way through the invocation of a formal institutional mechanism” (Lehoucq and Taylor, 2020, 168).

Several children of TPS holders and holders themselves from six countries whose designation is terminated have filed lawsuits challenging a different rule recently used to decide whether to terminate TPS designation. One case, *Ramos vs. Nielsen*, was filed on 12 March 2018 by U.S. citizen children, their non-citizen parents, and other non-citizen adults from El Salvador, Haiti, Nicaragua, and Sudan; with the legal resources of the American Civil Liberties Union, the National Day Laborers Organizing Network, and a lawn firm Sidley Austin LLP. Kirstjen Nielsen was the Secretary of DHS who made the decisions for termination. Following the same line of argument and with the help of the same organizations, *Bhattarai vs. Nielsen*, was filed on 10 February 2019 by plaintiffs from Nepal and Honduras and U.S. citizen children of TPS holders from these countries. Another case, *Saget vs. Trump*, was filed earlier on 31 May 2018 by holders from Haiti, Haïti Liberté, a leading newspaper distributor in the U.S., and Family Action Network Movement, Inc., a Miami-based organization helping Haitian women and their families in their integration since 1991 and advocating for their protection since the 2010 Haiti earthquake.

Crista Ramos, the lead plaintiff in *Ramos vs. Nielsen*, is 14 (at the time of filing) and a U.S. citizen. Her mother is a TPS holder from El Salvador, another plaintiff Cristina Morales (37 y.o.). Cristina Morales has lived in the U.S. from

the age of 12 since 1993 and has held TPS status since 2001 following the earthquake that struck El Salvador. She has two children born and raised in the U.S. Crista, speaking on behalf of other U.S. citizen minors (aged 5 to 18) in the same predicament, are left with an unwarranted choice between leaving the place they have called home, and growing up without one or both parents (Ramos vs. Nielsen, 2018). Moving to a country they do not know or following their parents to El Salvador, for instance, would entail leaving behind their schools, their communities, and the benefits of being U.S. citizens. On the other hand, staying in the U.S. without a parent would mean being raised in foster care. They now exercise their right to live in the U.S., live with and be raised by their parents, and protect their interests “in not being compelled to choose between two alternatives when each alternative will deprive them of a substantial, constitutionally-protected aspect of liberty” (ibid., 34). Protecting hundreds of thousands of American children as a national security interest seems to have been forgotten in the ‘America first’ campaign of Trump’s presidency.

Representing the plaintiffs in two cases, *Ramos vs. Nielsen* and *Bhattarai vs. Nielsen*, the American Civil Liberties Union (ACLU) fights to reverse the termination of TPS. The ACLU is a non-profit organization that operates through court battles and federal advocacies to protect the fundamental rights and freedoms of all people in the U.S. by its Constitution and laws. In my conversation with them, the ACLU makes clear that it is not the factual situation or determination of the TPS termination decision they are challenging but the procedure of decision. They claim that this procedure took a much narrower interpretation of conditions or improvements in home countries. DHS assumed a new measure that departed from long-standing practice without any reasoned explanation, in violation of the APA [Administrative Procedure Act]. Through the lawsuits, plaintiffs and legal counsel aim to challenge the legality of changing measures for making TPS designations or renewals. The APA requires federal agencies to provide “more substantial justification” when “its new policy rests upon factual findings that contradict those which underlay its prior policy” (Ramos vs. Nielsen, 2018, 34). Plaintiffs claim that the Trump administration’s use of a new, significantly narrower interpretation of the TPS statute ignored a mandate and made procedurally flawed decision-making.

A related claim, terminating TPS violated the ‘due process protections’ extended to all persons present in the U.S. regardless of legal status. Due process means individuals are protected against arbitrary action. Thus, TPS holders’ liberty interests are protected by the Due Process Clause in a non-arbitrary decision on TPS designation.

Considering the current coronavirus pandemic, the ACLU makes an even stronger case for TPS holders who work in industries deemed “essential critical infrastructure” by DHS (Arulanantham, 2020). The ACLU legal counsel filed a letter to the U.S. Court of Appeals for the Ninth Circuit detailing TPS holders’ right to remain and work in various parts of the economy, such as health care,

food processing, and construction. More than 100,000 TPS holders are working on the front lines keeping the economy afloat (ibid.).

The process of invoking the law has helped the Save TPS movement gather support from other established groups. Seventeen associations, including civil rights groups, a grassroots organization, a non-profit civil rights legal defense fund, labor unions, national umbrella organizations, sought to influence the judicial agenda by filing amicus curiae brief in support of Haitian TPS holders' appeal, i.e. *Saget vs. Trump*. Plaintiffs and civil rights activists have condemned the termination of TPS as driven by "racial animus," as unconstitutional, and unlawful. Through the amicus curiae brief, supporters provided valuable insights for the District Court in examining the evidence of racial animus considered by the Court to be the main factor behind the termination of TPS. The stakes are high for each of these organizations in this case against Trump since their mission has been to fight discrimination and stand against racist ideologies, whether in institutions or the workplace. As one supporter, the Service Employees International Union, states, representing two million workers in the U.S. and Canada, "we believe our strength comes from our unity, and that we must not be divided by forces of discrimination based on gender, race, ethnicity, religion, age, physical ability, sexual orientation, or immigration status" (Amicus curiae brief, 2019, 5-6).

Plaintiffs claim that the termination is a violation of institutionalized legal rights such as the right to equal protection. Intentional discrimination based on race, ethnicity, or national origin causes irreparable collective injury. The racially charged motives were proven by the district court in *Ramos vs. Nielsen*. The court also ruled that there was enough evidence to suggest that the White House (Chief of Staff John Kelly and Homeland Security Advisor Tom Bossert) exerted pressure at several levels to manipulate TPS decisions. The court also discovered that Elaine Duke, the Deputy Secretary of DHS, gave in to pressure, stating that Duke "expressly acknowledged that the terminations of TPS designations were . . . designed to fit the President's objectives on immigration which would put 'America first'" (Bhattarai vs. Nielsen, 2019, 4).

Plaintiffs in *Ramos* have won a preliminary injunction in the U.S. District Court for the Northern District of California in 2018 (Valdes, 2021). The injunction required the Trump administration to extend TPS protections and work permits to TPS holders from Sudan, Nicaragua, Haiti, and El Salvador while the lawsuit is ongoing. During this period, TPS holders from these countries will automatically receive nine-month extensions of their status and work authorization. The validity of termination will not go into effect while appeals are pending. Plaintiffs in the lawsuit *Bhattarai* seek similar protection.

As I have been arguing, litigation efforts are productive spaces for TPS holders to reach back to the state, examine the institution, and interact with the law. Through reaching out across various migrant networks and connecting with non-profit organizations, TPS holders draw resources in to make demands on the state. These resources include legal grammar and procedures and vocabularies of civil rights which enable TPS holders to reach across the

categorical boundary between citizen and non-citizen. It also implies that TPS holders, in this regard, are not peripheral to practices of political becoming.

### **Bus and caravan: mobile protests, building coalition**

Just as TPS holders pull legal resources in, they draw others within reach – the second strategy of reach. They reach out to influence other TPS holders to collectively advocate for the protection of the TPS program for all beneficiaries and their families and network in the short term. For a long-term projection, TPS holders reach out to Congress lobbying for legislative principles and proposals for pathways to permanent residency. They claim that having a permanent residency status would be beneficial not just for their families but also for the communities they are part of. During demonstrations and through press releases, TPS holders argue that they are economically integrated into the American society irrespective of the absence of formal recognition. As one TPS holder from El Salvador explains, “all we want is permanent residence because we want to contribute to this country, to be good beneficiaries, and also for the sake of our families, so that we can help them. The people in our countries are in need of our help” (National TPS Alliance website). They believe they have earned their right to have legal recognition to become full members of society. In addition, they reach out to other organizations and build solidarity with them especially in political issues concerning the loss of protection and the possibility of deportation.

The strategy of reaching out helps to constitute or consolidate a movement’s collective identity (see McCann, 1994). Firstly, TPS holders scale up to the national level through the formation of the National TPS Alliance in June 2017, which is instrumental in the projection of grievances into the public realm. Around 1,000 TPS holders from Haiti, El Salvador, Honduras, Nicaragua, and Nepal make up the Alliance. Other members include U.S. citizen children and family members of TPS holders, clergy, non-profit organizations, community leaders, and other stakeholders. Some ten non-profit organizations, unions, and several organizations which have historically been fighting for immigrant rights are currently providing logistical and technical support at different levels.

Non-profit organizations, such as the Center for American Progress, have been actively showcasing the key role TPS holders played in disaster response and recovery. For instance, between 2017 and 2018, California, Texas, Florida, Georgia, Virginia, and North Carolina suffered from the devastation wrought by hurricanes and wildfires (Svajlenka, 2019). These are also home to large communities of TPS holders from El Salvador, Honduras, and Haiti, countries which have witnessed catastrophic hurricanes and earthquakes, in addition to ongoing conflicts. It does seem to suggest that the boundaries between citizen and non-citizen are shifting – citizens suddenly finding themselves in a position that has something ontologically in common with the predicament of the TPS holder. This process of unsettling is worthy of attention but goes beyond the scope of the paper.

The National TPS Alliance also gathers support from some members of Congress. For instance, Rep. Alexandria Ocasio-Cortez of Queens joined their rally in front of the White House and quoted saying, “from Nepal to Honduras, we made a promise that we were going to be a safe haven. We are here to make sure that all TPS recipients become permanent members of the United States of America” (Feltz, 2019, para. 8). In Los Angeles, Petey Schey, executive director of the Center for Human Rights and Constitutional Law, introduced the L.A. Movement for Immigrant Justice and Equity. It is a coalition made up of members of the City Council, mayor’s office, and several grassroots and faith-based groups “vowing to protect TPS recipients living in Los Angeles from arrest, detention or deportation” (Mejia, 2018, para. 5).

Secondly, just as they scale up, TPS holders move down scales at the neighborhood or local level across the country. Through the grassroots initiative “TPS Journey for Justice” – a bus carrying campaigners, TPS holders aimed to raise awareness about their campaign and build solidarity with other organizations. From August 2018 for twelve weeks, campaigners crossed the U.S. from Los Angeles, California to Washington D.C. to reach out to influence other TPS holders and networks. The Journey for Justice bus carried some 50 riders including TPS holders, family members, and allies living in different states. They made 44 stops along the way and shared their stories through townhalls, community fora, parades, assemblies, rallies, and press conferences. TPS holders have created local committees in their respective states. Some 35 committees currently exist across the country.

More recently, as protests against racial injustice were held across the U.S. and while the world was facing the COVID-19 pandemic, on 24th June 2020, the National TPS Alliance led a caravan, “On the Road to Justice: We are Essential, Now and Always.” More than 150 decorated cars (i.e. placards, flags) drove in front and around the U.S. Senate offices in Washington D.C. With video recording and press conferences, they also took the occasion to become “the voice for immigrant justice” in the current U.S. politics (National TPS Alliance website). They stood in solidarity with current movements, Black Lives Matter, standing against racial injustice. TPS holders also share the victory of “DREAMers,” who are defending Deferred Action for Childhood Arrivals in the supreme court, having recently won an important decision against Trump’s attempt to end the program. The 116th Congress introduced and passed The American Dream and Promise Act of 2019 to provide permanent protection from deportations and a path toward permanent resident status. This bill having passed Congress is a historic milestone, and TPS holders and allies are taking speech, speaking with elected officials, and sharing their stories on how the bill can give them the opportunity to remain in the country. The National TPS Alliance believes that the said Act is a humane immigration policy that would create a roadmap to citizenship for TPS holders and all immigrants (Ibe and Johnson, 2020).

Here, William Walters’ concept of “viapolitics” is useful. He derives his thesis from the etymology of the word *via*, which means three things: being on the

road and in-between; means of transport and communication; and the Latin word for routes and streets. Walters proposes to focus on the vehicles, roads, and routes of migration – both as objects of problematization and governing and as means and “mobile sites” of “the possibility of politics” (Walters, 2015a, 471-472) – to allow for an empirically nuanced analysis of contested politics of mobility. Viapolitics is well situated for understanding TPS holders’ mobile protests because by centering journeys, vehicles, and routes, the focus can be shifted away from the state and from the aspect of precarity that highlights only the conditions or impacts of immigration policies. The lens shifts toward constitutive moments of political agency and taking subjectivity.

The bus and the caravan “function as visual operators” of not being stuck or being in a limbo of precarity (Walters, 2015a, 476). They carry the visual power of mobility, of crossing state borders, and of moving up to and mobilizing politics at the national level and down to the local scale. The moving vehicles provide “counter-images” that challenge the politics of temporariness (Walter, 2015b, 103). They become a space to envision the future and a means to make the path towards status protection and seeking justice.

Moreover, the bus and the caravan provide a means of reaching out to the public, making their issue visible. As they become visible to the public, they become visible to each other shaping a collective identity. In line with social movement scholarship, collective identities are constructed through participation. Santos Canales, a Honduran national who has had TPS since 2001, says that the Journey “was the perfect opportunity to be a part of something greater than [him]... As a “Jornalero” (Day Laborer) we have a lot to overcome and I’m on this journey to elevate the voices of other members of my community and to fight to keep all of these TPS Families together” (National TPS Alliance website). As a construction worker, he also assisted with the reconstruction efforts following Hurricane Katrina. This means his workers’ rights intersect with immigrant rights. Some other bus riders have been actively involved with the fight for refugees and immigrant rights in the U.S. for years.

In keeping with reaching across state lines, generations, cultures, and languages, TPS coalition-building reaches back to both civil and immigrant rights movements, allowing for framing justice far greater than their precarity of temporality. The conception of “Journey for Justice” and “On the Road to Justice” as journeys by bus and caravan made a symbolic and material connection with the Freedom Rides of 1961 and the Immigrant Workers Freedom Ride (IWFR) in 2003. The Journey riders literally made themselves mobile and drew a parallel or closer connection of seeking justice and taking rights concerning racial discrimination and formal recognition in U.S. society.

The IWFR was an initiative of the Hotel Employees and Restaurant Employees International Union (HEREIU), sponsored by the American Federation of Labor and Congress of Industrial Organizations, in collaboration with other unions, immigrant and civil rights organizations, faith-based, and community-based organizations across the U.S. (IWFR Documentary Project Collection, n.d.). This was a response to a shift in momentum in the protection of civil rights and civil



liberties for immigrants after the September 11 terrorist attacks (Nolan, 2003). During a twelve-day bus ride from 23 September to 4 October 2003, over 900 migrant workers and activists rode 18 buses setting out from nine different cities in the U.S. and ending in Washington, D.C. (Almassi, Nakagawa, and Noor, 2003; Atkin, 2005). They stopped at more than 100 towns and cities to boost relationships with local migrant and civil rights activists and to stage demonstrations (IWFR Documentary, n.d.; Shaw, 2011). The IWFR was in fact modeled on the Freedom Rides (Atkin, 2005). The original freedom riders took bus spaces and challenged the segregated public transportation system, with separate waiting rooms and restrooms for white and “colored” people. Although immigrant freedom riders were aware that they faced different forms of danger, such as risks of losing jobs or being deported, they did not have to face beating and arrests as in the 1960s (ibid.). As a nod to the original freedom rides, some IWFR buses from Houston, Miami, and buses from the West Coast made stops at some of the main sites in the civil rights movement (IWFR Documentary, n.d.).

It is important to note that migrant buses and caravans as mobile protests have been widespread not only in the U.S. but internationally and transnationally as well. For instance, the Caravan for the Rights of Refugees and Migrants has been collectively organizing “protest tours” to influence various actors at the local, regional, and federal levels in Germany since 1998 (Monforte, 2021, 451). Through the protest tours moving across cities, migrants, particularly undocumented ones, become visible in the public sphere where they are otherwise marginalized (ibid.). Going back to Walter’s viapolitics, vehicles are “mobile places and knots of power relations in their own right” (2015b, 98). The tours, therefore, invoke a political claim to visibility, audibility, and public space.

On a transnational scale, the migrant caravans carrying people from Central America have created a safe space while crossing state borders through to the Mexico-U.S. border since 2017 (Rizzo Lara, 2021; Frank-Vitale, 2018). Zooming in on the physical geography alongside infrastructural spaces and systems, international relations scholar Pallister-Wilkins argues that “roads, transit areas, buses and pick-up trucks—are being claimed and used by Honduran migrants in their journeys to the United States” (2019, para. 17). The caravans, therefore, allow a collective action reclaiming migration security, visibility, and human rights (Rizzo Lara, 2021; Hernández López and Porraz Gómez, 2020). The caravan helps migrants collectively face natural obstacles and militarized roadblocks, border controls, detentions, coyotes, and bribing officials (Rizzo Lara, 2021; Pallister-Wilkins 2019).

### **Concluding thoughts**

I have discussed the dynamic interactions between state agencies and non-citizens in the context of the emergence of the “Save Temporary Protected Status” movement. The current U.S. immigration law might obstruct

individuals’ lifeworlds but the abject status of TPS holders and allies is co-constitutive of taking an active stance against deportation. Through employing different modes of spatial and temporal reach, TPS holders get traction and make claims on the state. TPS holders and allies’ literal mobility and mobilization co-constitute their reaching back to the vocabularies of civil rights which resonate with the history of the fight for immigrant rights. In this regard, TPS holders’ struggles create kinds of political claims which go beyond issues of loss of protection and the possibility of deportation. TPS beneficiaries envision a new kind of political relations in the terrain of citizenship, that is making claims on the state for residency and membership rights. Such an approach acknowledges the transformative potential of claims based on citizenship rights, although such claims may paradoxically sustain a citizenship rights regime that legitimized their exclusion, to begin with (see McNevin, 2013). The civil rights framing makes a universal appeal that includes all immigrants; although civil rights are rooted in a particular set of U.S. citizenship as an institution recognized by law (Bloemraad, Silva, and Voss, 2016). However, the repercussions of framing immigration issues as civil rights concerns still need to be studied (Voss, Silva, and Bloemraad, 2020). In any case, the civil rights appeal renders its salience on reaching across the divide between those with and without formal legal status.

## References

- Almassi, Negin, Mako Nakagawa, and Ahmed Noor. 2003. “‘We Will All Survive Together’: Lessons from the Immigrant Workers Freedom.” *Seattle Journal for Social Justice* 2 (1): 114–27.
- American Immigration Council. 2020. “Temporary Protected Status: An Overview.” American Immigration Council.  
[https://www.americanimmigrationcouncil.org/sites/default/files/research/temporary\\_protected\\_status\\_an\\_overview.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/temporary_protected_status_an_overview.pdf).
- Anguiano, Claudia A. 2011. “Undocumented, Unapologetic, and Unafraid. Discursive Strategies of the Immigrant Youth Dream Social Movement.” PhD diss., University of New Mexico.  
<http://repository.unm.edu/handle/1928/13122>.
- Arulanantham, Ahilan. 2020. “Re: Crista Ramos, et al. v. Kirstjen Nielsen, et al., No.18-16981; Letter Pursuant to Rule 28(j),” April 15, 2020.  
[https://www.aclusocal.org/sites/default/files/aclu\\_socal\\_ramos\\_20200415\\_28j\\_covid19\\_essential\\_workers.pdf](https://www.aclusocal.org/sites/default/files/aclu_socal_ramos_20200415_28j_covid19_essential_workers.pdf).
- Atkin, Jerry. 2005. “We Make the Road by Riding (Se Hace El Camino al Viajar): Stories from a Journal of the Immigrant Workers Freedom Ride—Portland to New York, September 23 to October 4, 2003.” *Radical History Review*, no. 93: 200–16.
- Aviles, Gwen. 2019. “Children of TPS Holders Fight for Their Parents’ Protection in Court.” *NBC News*, August 15, 2019.

<https://www.nbcnews.com/news/latino/children-tps-holders-fight-their-parents-protection-court-n1042421>.

*Bhattarai vs. Nielsen*. 2019. United States District Court Northern District of California.

Black, Donald J. 1973. “The Mobilization of Law.” *Journal of Legal Studies* 2 (1).

Bloemraad, Irene, Fabiana Silva, and Kim Voss. 2016. “Rights, Economics, or Family? Frame Resonance, Political Ideology, and the Immigrant Rights Movement.” *Social Forces* 94 (4): 1647–1674.  
<https://doi.org/10.1093/sf/sov123>.

Bloemraad, Irene, and Kim Voss. 2020. “Movement or Moment? Lessons from the pro-Immigrant Movement in the United States and Contemporary Challenges.” *Journal of Ethnic and Migration Studies* 46 (4): 683–704.  
<https://doi.org/10.1080/1369183X.2018.1556447>.

Clive, Barnett, and Diane Scott. 2007. “The Reach of Citizenship: Locating the Politics of Industrial Air Pollution in Durban and Beyond.” *Urban Forum* 18 (4): 289–309. <https://doi.org/10.1007/s12132-007-9015-4>.

Corrunker, Laura. 2012. “Coming Out of the Shadows’. DREAM Act Activism in the Context of Global Anti-Deportation Activism.” *Indiana Journal of Global Legal Studies* 19 (1): 143–168.  
<https://www.repository.law.indiana.edu/ijgls/vol19/iss1/6>

Costanza-Chock, Sasha. 2014. *Out of the Shadows, Into the Streets!. Transmedia Organizing and the Immigrant Rights Movement*. Cambridge: MIT Press.

Coutin, Susan Bibler, Sameer M. Ashar, Jennifer M. Chacón, and Stephen Lee. 2017. “Deferred Action and the Discretionary State: Migration, Precarity and Resistance.” *Citizenship Studies* 21 (8): 951–68.  
<https://doi.org/10.1080/13621025.2017.1377153>.

Entralgo, Rebekah. 2019. “Trump Administration Extends, but Not Redesignate, TPS for Thousands of Syrians.” ThinkProgress. August 1.  
<https://archive.thinkprogress.org/trump-administration-extends-but-does-not-redesignate-tps-for-thousands-of-syrians-c298a4b85755/>.

Feltz, Renee. 2019. “Safe Haven: TPS Recipients Fend Off Trump Attacks.” *The Independent*, March 5. <https://independent.org/2019/03/safe-haven-tps-recipients-fend-off-trump-attacks/>.

Frelick, Bill, and Barbara Kohnen. 1995. “Filling the Gap: Temporary Protected Status.” *Journal of Refugee Studies* 8 (4): 339–63.

García, María Cristina. 2019. “Historical Climatology.” *Does the United States Need a Climate Refugee Policy?* (blog). April 25.  
<https://www.historicalclimatology.com/blog/does-the-united-states-need-a-climate-refugee-policy>.

Griffith, Kati, and Shannon Gleeson. 2017. “The Precarity of Temporality: How Law Inhibits Immigrant Worker Claims.” *Comparative Labor Law & Policy Journal* 39 (1): 111–42.

Hernández López, Rafael Alonso, and Iván Francisco Porraz Gómez. 2020. “From Xenophobia to Solidarity: Border Ethnographies of the Migrant Caravan.” *Frontera Norte* 32. <https://doi.org/10.33679/rfn.v11i1.2024>.

Honig, Bonnie. 2001. *Democracy and the Foreigner*. Princeton, NJ: Princeton University Press.

Ibe, Peniel, and Kathryn Johnson. 2020. “American Friends Service Committee.” *Trump Has Ended Temporary Protected Status for Hundreds of Thousands of Immigrants. Here’s What You Need to Know* (blog). June 30, 2020. <https://www.afsc.org/blogs/news-and-commentary/trump-has-ended-temporary-protected-status-hundreds-thousands-immigrants>.

“Immigrant Workers Freedom Ride (IWFR) Documentary Project Collection.” n.d. UCLA Library Film & Television Archive. <https://www.cinema.ucla.edu/collections/immigrant-workers-freedom-ride-iwfr-documentary-project-collection>.

*Immigration Act of 1990*. 1990.

<https://uscode.house.gov/view.xhtml?hl=false&edition=1994&req=granuleid%3AUSC-prelim-title8-section1254a&num=0>.

Isin, Engin. 2002. *Being Political: Genealogies of Citizenship*. Minneapolis, MN: University of Minnesota Press.

———. 2008. “Theorizing Acts of Citizenship.” In *Acts of Citizenship*, edited by Engin Isin and Greg Nielson. London and New York: Zed Books.

———. 2009. “Citizenship in Flux: The Figure of the Activist Citizen.” *Subjectivity* 29: 367–388. <https://doi.org/10.1057/sub.2009.25>.

Frank-Vitale, Amelia. 2018. “From Caravan to Exodus, from Migration to Movement.” NACLA, November 20. <https://nacla.org/news/2018/11/26/caravan-exodus-migration-movement>.

Kerwin, Donald. 2014. “Creating a More Responsive and Seamless Refugee Protection System: The Scope, Promise and Limitations of US Temporary Protection Programs.” *Journal of Migration and Human Security* 2 (1): 44–72. <https://doi.org/10.1177/233150241400200104>.

Lehoucq, Emilio, and Whitney K. Taylor. 2020. “Conceptualizing Legal Mobilization: How Should We Understand the Deployment of Legal Strategies?” *Law & Social Inquiry* 45 (1): 166–193.

Lorey, Isabell. 2015. *State of Insecurity: Government of the Precarious*. Translated by Aileen Derieg. London and New York: Verso.

Macaraig, Ayee. 2014. “Filipinos in US to Aquino: Walk Your Climate Talk.” *Rappler*, September 21, 2014. <https://www.rappler.com/nation/69777-filipinos-peoples-climate-march>.

- Matias, Denise Margaret. 2020. “Climate humanitarian visa: international migration opportunities as post-disaster humanitarian intervention.” *Climatic Change*. 60: 143–156. <https://doi.org/10.1007/s10584-020-02691-9>
- McCann, Michael W. 1994. *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: University of Chicago Press.
- McNevin, Anne. 2013. “Ambivalence and Citizenship: Theorising the Political Claims of Irregular Migrants.” *Millennium: Journal of International Studies* 41 (2): 182–200. <https://doi.org/10.1177/0305829812463473>.
- Mejia, Brittany. 2018. “L.A. City Officials, Organizers Push Back against Termination of Protected Status for Thousands of Immigrants.” *Los Angeles Times*, March 7, 2018. <https://www.latimes.com/local/lanow/la-me-ln-tps-la-20180307-story.html>.
- Menjívar, Cecilia. 2017. “Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants.” Center for Migration Research: The University of Kansas. [http://ipsr.ku.edu/migration/pdf/TPS\\_Report.pdf](http://ipsr.ku.edu/migration/pdf/TPS_Report.pdf).
- Monforte, Pierre. 2021. “Protestors’ Emotional Work in Contexts of Marginalisation: The Emancipation of “Forced Migrants” in Germany.” *Antipode* 53 (2): 445–464. doi: 10.1111/anti.12668.
- Mosuela, Cleovi and Denise Margaret Matias. 2015. “The Role of A Priori Cross-Border Migration after Extreme Climate Events: The Case of the Philippines after Typhoon Haiyan.” In *Environmental Change, Adaptation and Migration: Bringing in the Region*, edited by Felicitas Hillmann, Marie Pahl, Birte Rafflenbeul and Harald Sterly, 98–116. Basingstoke, Hampshire; New York: Palgrave Macmillan.
- Mountz, Alison, Richard Wright, Ines Miyares, and Adrian J. Bailey. 2002. “Lives in Limbo: Temporary Protected Status and Immigrant Identities.” *Global Networks* 2 (4): 335–56. <https://doi.org/10.1111/1471-0374.00044>.
- Nicholls, Walter. 2009. “Place, Networks, Space: Theorising the Geographies of Social Movements.” *Transactions of the Institute of British Geographers New Series* 34 (1): 78–93. <http://www.jstor.org/stable/30136815>
- . 2013. *The DREAMers: How the Undocumented Youth Movement Transformed the Immigrant Rights Debate*. Stanford: Stanford University Press.
- Nicholls, Walter and Tara Fiorito. 2014. “Dreamers Unbound: Immigrant Youth Mobilizing.” *New Labor Forum*. 1-7. DOI: 10.1177/1095796014562234
- Nolan, Robert. 2003. “Immigrant Workers Freedom Ride.” *Gotham Gazette*, July 16, 2003. <https://www.gothamgazette.com/civil-rights/1895-immigrant-workers-freedom-ride>.

- Nyers, Peter. 2003. “Abject Cosmopolitanism: The Politics of Protection in the Anti-Deportation Movement.” *Third World Quarterly* 24 (6): 1069–93. <https://doi.org/10.1080/01436590310001630071>.
- Nyers, Peter, and Kim Ryzgiel. 2012. “Introduction. Citizenship, Migrant Activism and the Politics of Movement.” In *Citizenship, Migrant Activism and the Politics of Movement*, 1–19. Abingdon: Routledge.
- Oswald, Lynda J. 1986. “Extended Voluntary Departure: Limiting the Attorney General’s Discretion in Immigration Matters.” *Michigan Law Review* 85 (1): 152–90. <https://doi.org/10.2307/1288886>.
- Pallister-Wilkins, Polly. 2019. “Walking, Not Flowing: The Migrant Caravan and The Geoinfrastructuring Of Unequal Mobility.” *Society and Space*, February 21. <https://www.societyandspace.org/articles/walking-not-flowing-the-migrant-caravan-and-the-geoinfrastructuring-of-unequal-mobility>.
- Ramos vs. Nielsen*. 2018. United States District Court Northern District of California.
- Rizzo Lara, Rosario de la Luz. 2021. “La Caminata Del Migrante: A Social Movement.” *Journal of Ethnic and Migration Studies* (June 15): 1–20. <https://doi.org/10.1080/1369183X.2021.1940111>.
- Routledge, Paul. 2013. “Geography and Social Movements.” In *The Wiley-Blackwell Encyclopedia of Social and Political Movements*. <https://doi.org/10.1002/9780470674871.wbespm096>
- Schwartz, Helge. 2016. “Transformations of the undocumented youth movement and radical egalitarian citizenship.” *Citizenship Studies*. 20 (5): 610–628.
- Segerblom, Eva. 2007. “Temporary Protected Status: An Immigration Statute That Redefines Traditional Notions of Status and Temporariness.” *Nevada Law Journal* 7 (2): 664–84.
- Seghetti, L, Karma Ester, and Ruth Ellen Wasem. 2015. “International Corporate Tax Rate Comparisons and Policy Implications.” CRS Report RS20844. Washington, DC: Congressional Research Service.
- Shaw, Randy. 2011. “Building the Labor-Clergy-Immigrant Alliance.” In *Rallying for Immigrant Rights: The Fight for Inclusion in 21st Century America*, edited by Kim Voss and Irene Bloemraad, 82–100. Berkeley, California; London: University of California Press.
- Squire, Vicki. 2011. *The Contested Politics of Mobility: Borderzones and Irregularity*. 1st ed. New York: Routledge.
- Svajlenka, Nicole Prchal. 2019. “TPS Workers Are Rebuilding States Devastated by Natural Disasters.” Center for American Progress. <https://www.americanprogress.org/issues/immigration/reports/2019/03/05/466885/tps-workers-rebuilding-states-devastated-natural-disasters/>.

Unzueta Carrasco, Tania A, and Hinda Seif. 2014. "Disrupting the Dream: Undocumented Youth Reframe Citizenship and Deportability through Anti-Deportation Activism." *Latino Studies* 12 (2): 279–299.

Valdes, Marcela. 2021. "Their Lawsuit Prevented 400,000 Deportations. Now It's Biden's Call." *The New York Times Magazine*.  
<https://www.nytimes.com/2021/04/07/magazine/immigration-el-salvador.html> (accessed 8 June 2021).

Voss, Kim, Fabiana Silva, and Irene Bloemraad. 2020. "The Limits of Rights: Claims-Making on Behalf of Immigrants." *Journal of Ethnic and Migration Studies* 46 (4): 791–819. <https://doi.org/10.1080/1369183X.2018.1556463>.

Waite, Louise. 2009. "A Place and Space for a Critical Geography of Precarity?" *Geography Compass* 3(1): 412–33.

Walters, William. 2008. "Acts of Demonstration: Mapping the Territory of (Non-)Citizenship." In *Acts of Citizenship*, eds. Engin F. Isin and Greg M. Nielsen. London: Zed Books, 182–207.

———. 2015a. "Migration, Vehicles, and Politics: Three Theses on Viapolitics." *European Journal of Social Theory* 18(4): 469–88.

———. 2015b. "On the Road with Michel Foucault: Migration, Deportation and Viapolitics." In *Foucault and the History of Our Present*, eds. Sophie Fuggle, Yari Lanci, and Martina Tazzioli. London: Palgrave Macmillan UK, 94–110.  
[https://doi.org/10.1057/9781137385925\\_7](https://doi.org/10.1057/9781137385925_7)

Wasem, Ruth Ellen, and Karma Ester. 2004. "Temporary Protected Status: Current Immigration Policy and Issues." CRS Report for Congress. Congressional Research Service. The Library of Congress.  
[https://www.everycrsreport.com/files/20041104\\_RS20844\\_d570c76458155fd585adc5eb2a486faff18b5f2d.pdf](https://www.everycrsreport.com/files/20041104_RS20844_d570c76458155fd585adc5eb2a486faff18b5f2d.pdf).

Wilson, Jill. 2020. "Temporary Protected Status: Overview and Current Issues." Congressional Research Service.

Zemans, Frances Kahn. 1983. "Legal Mobilization: The Neglected Role of the Law in the Political System." *The American Political Science Review* 77 (3): 690–703. <https://doi.org/10.2307/1957268>.

## About the author

Dr. Cleovi Mosuela is a postdoctoral researcher working within the Cluster of Excellence: 'Climate, Climatic Change and Society (CLICCS), B3: Conflict and Cooperation at the Climate Security Nexus,' Hamburg University, Germany. Her research interests include migration-mobility – its relationship with labor, security, and climate change – decolonization and care ethics.  
Email: cleovi.mosuela AT uni-hamburg.de

## **Acknowledgment**

The author would like to express her gratitude to the individuals who shared their time and knowledge through interview participation; to Nigel Clark for his close reading of the text; to the two reviewers for their insights; and to the German Academic Exchange Service, through the Postdoctoral Researchers International Mobility Experience, and the Bielefeld Young Researcher's Fund for the trust and generous funding.