

GLOBAL MIGRATION  
RESEARCH PAPER  
N°34 | 2026

---

# The Intelligible Asylum Seeker: Creating an Affectively Credible Protagonist

Claire Elizabeth Eastwood

GENEVA  
GRADUATE  
INSTITUTE

GLOBAL  
MIGRATION  
CENTRE

Claire Elizabeth Eastwood

The Intelligible Asylum Seeker: Creating an Affectively Credible Protagonist

ISBN 978-2-9701467-7-3

The Global Migration Research Paper Series – N° 34, 2026

The Global Migration Research Paper Series (ISSN 2296-9810) is published by the Global Migration Centre (GMC).

Located in Geneva, the world capital of migration, the GMC offers a unique interface between academia and the international community. The GMC conducts advanced research, policy-relevant expertise and training on the multifaceted causes and consequences of global migration.

Email: [globalmigration@graduateinstitute.ch](mailto:globalmigration@graduateinstitute.ch)

Website: <http://graduateinstitute.ch/globalmigration>

The views expressed in the Global Migration Research Paper Series are those of the author and do not represent the views of the Graduate Institute of International and Development Studies.

© Global Migration Centre

Graduate Institute of International and Development Studies

## **BIOGRAPHY OF THE AUTHOR**

Claire Elizabeth Eastwood completed her Master's degree at the Graduate Institute, where she studied Anthropology and Sociology, and her Bachelor's degree at Western Connecticut State University, where she studied Anthropology and Sociology with a minor in Conflict Resolution. Throughout her education, she has focused on migration governance and border studies, bringing the theoretical knowledge she built in classrooms into practical legal and advocacy settings. She has held various positions at NGOs working with migrants in the United States, Austria, and Switzerland, with work that focuses on promoting the accessibility of legal information for asylum seekers, advocacy for migrant rights, and community support.

## **ABSTRACT**

Asylum judges derive the legitimacy of their decisions through an evaluation of the asylum seeker's credibility, which is thought to filter out fraudulent asylum claims. Scholars have analyzed credibility as consistency, reflecting how judges themselves define credibility in their written decisions. I challenge the notion of credibility as being solely based in consistency by exploring its affective construction in asylum cases. Through an eight-week ethnography at a United States legal aid non-governmental organization (NGO), I observe how lawyers construct what I term affective credibility—creating an illusion of complete intelligibility by transforming asylum seekers into logical, coherent, and trustworthy protagonists within linear storylines. Presenting the asylum seeker as such allows the judge to know them as a literary character, building an affinity between judge and applicant that convinces the judge of the applicant's credibility not only because they aren't lying, but because they wouldn't lie. The judge is invited to enter the story as the hero who can deliver the happy resolution of an affirmative asylum decision.

**Keywords:** **Credibility, asylum, lawyers, intelligibility, affect, United States, ethnography, narrative, documents, bureaucracy**

## ACKNOWLEDGEMENTS

I am deeply thankful to the Global Migration Centre for selecting this work as the recipient of the 2025 Global Migration Award. Thank you to each member of the board for taking the time to read and evaluate this research. I am honoured to be recipient of this award.

I want to thank my thesis advisor Alessandro Monsutti for the many conversations we have had about this material. Thank you for giving me the space to think through this material aloud. I have learned a great deal and enjoyed our conversations immensely. Additionally, thank you for the reading recommendations, which have been essential to my analysis.

I would also like to thank my second reader, Shaila Seshia Galvin, for your support and interest in this topic. Your research, though seemingly disconnected from United States asylum procedures, has been indispensable throughout my ethnographic fieldwork and analysis. Your guidance and encouragement regarding the documents at the heart of this work have been foundational.

I want to thank my colleagues at the legal aid NGO for all of their guidance and support throughout my ethnographic research. I am profoundly grateful to have been able to be there during the difficult months of the 2025 presidential transition. To be able to talk about the immigration system honestly and bluntly with you has been eye opening, and I am incredibly thankful that you were willing to teach me so much about the complexities and difficulties of legal aid work. This work, of course, would have been impossible without you.

I thank my family for all of their support throughout this research and my education. Your support has made my studies and this research possible. Thank you for your encouragement and for your critical engagement with my work. I want to especially thank my grandparents and uncle for supporting me throughout my master's studies.

Finally, I am thankful to all the friends who I have spoken to about this research, who have peer-read my work, and who I have studied alongside. The conversations I have had about this research have been essential to my analysis. Thank you to all who have engaged with my research honestly and critically.

## TABLE OF CONTENTS

1. INTRODUCTION	2
1.1 The Making of Credibility: Asylum, the Legal Aid Office, and Kendrick Lamar	2
1.2 Methodology: Ethnography in the Immigration Legal Aid NGO	6
1.3 Welcome to the United States: The Asylum System and Introducing Key Terms	7
1.4 Positionality: Navigating the Legal Aid Office as an Ethnographer and Legal Intern	10
1.5 An Outline of the Chapters	12
2. BECOMING A PERSON AND FITTING INTO THE BOX	12
2.1 To Be Intelligible	12
2.2 The I-589	14
2.3 To Become a Person: The USCIS's Understanding of Personhood	18
2.4 The Box and How To Fit Into It	21
3. THE ILLUSION OF INTELLIGIBILITY: CREATING A PROTAGONIST	25
3.1 Nelson Mandela and the Broken Chair: Hierarchies of Suffering and the Emergence of a Protagonist	25
3.2 A Hero, a Victim, and a Good Citizen	27
3.3 Evidence and Making a Convincing Character	36
3.4 Beyond Intelligible: The Bad Client	38
4. WRITING THE STORY: THE PLOT, THE ANTAGONIST, THE HERO, AND THE RESOLUTION	43
4.1 A Life Becomes a Story	43
4.2 Making a Life Linear: The Phases of a Story and the Creation of a Plot	44
4.3 A Simply Bad Antagonist	47
4.4 An Unfinished Story: Waiting for the Ultimate Hero to Beckon in the Resolution	50
5. CONCLUSION: BECOMING INTELLIGIBLE IN AN INCREASINGLY UNINTELLIBLE SYSTEM	52
BIBLIOGRAPHY	55

## **ABBREVIATIONS**

USCIS – United States Citizenship and Immigration Services

EOIR - Executive Office for Immigration Review

ICE – Immigration and Customs Enforcement

DRC – Democratic Republic of the Congo

NGO – Non-governmental organization

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

SOGI – Sexual orientation and gender identity

## 1. INTRODUCTION

### 1.1 The Making of Credibility: Asylum, the Legal Aid Office, and Kendrick Lamar

My sibling drives quickly along the narrow curves of the dark New England roads in our local town. They listen to rap in the evenings, they tell me, and Americana before work. The blasting of Kendrick Lamar from their 2003 Honda speakers seems to encourage their speeding, but I keep this thought to myself as they anguish over the fact that no, I am not caught up on the Kendrick Lamar and Drake feud and no, I do not know who Diddy is. “They are, of course, all pedophiles, except Kendrick Lamar. Kendrick is an artist and his work is raw.”

Over the next five weeks, Donald Trump is inaugurated as the 47th president of the United States, making a flurry of dramatic changes during this event. Donald Trump, along with breaking numerous records, became the first American President to attend the Super Bowl. The 2025 Super Bowl’s halftime show, along with the monstrously expensive commercials, draws non-football fans and football fans alike to watch the game. This year’s halftime show was headlined by Kendrick Lamar. The performance was laced with moments of resistance, but in an atmosphere of political exhaustion and increasing media censorship what truly caught the world’s attention was Kendrick’s singing of *Not Like Us*, bringing his feud with Drake and his allegations of pedophilia to the front of a global audience.

The day after the Super Bowl, I sat at the large table in the legal aid NGO’s conference room. The atmosphere during lunch was often heavy with fear, uncertainty, and anger as the conversation invariably circled to current politics and the absurdities of new policies. On February 10th, this atmosphere remained strong even as the conversation stayed centered on the Super Bowl. Andrea took the lead in the conversation, sighing dramatically as she grasped for the words to summarize the feud between Kendrick Lamar and Drake and the significance of *Not Like Us*. “This beef, it’s based on the need to be seen as credible and legitimate, from the hood or ghetto or whatever. Kendrick Lamar is from Compton, his father was in a gang, he is credible and legit.” She pauses dramatically, and then states, “Drake, well... Drake is half white and from Canada.”

After receiving a deportation notice for an asylum seeker from the Democratic Republic of the Congo (DRC), based on the grounds of credibility, Andrea told me that credibility was merely “an excuse”—a cover-up for a judge who doesn’t like clients from the DRC. But, as illustrated in a lawyer’s handwritten note on the side of a doctor’s affidavit, it is also the strict legal consistency that raises questions about what it means to “witness” an assassination. Andrea speaks about credibility when she describes her son as a “bad client”: “I gave him grapefruit and he tried it and he said, ‘I don’t like grapefruit!’ then he ate some more and said, ‘I like grapefruit mommy!’” This is the most common way that judges and lawyers speak about credibility: consistency of facts. Say you witnessed the assassination only if you saw it

happen. Don't say you had papers in Brazil if you said you didn't earlier, it doesn't matter if English is your second, third, or fourth language, it doesn't matter if you are saying "Oui," to most of the questions and your response to this question is the same. And if you do get the answer right, don't wait too long to respond, don't look confused, and do not stutter.

Credibility is central to asylum cases. Scholars and judges are preoccupied with this concept for good reason: it is thought to prove the truthfulness of an asylum claim. Credibility is treated as strictly logical in a judge's written rejection of asylum, and it is often analyzed as something ridiculous and bureaucratic by scholars (Rose and Given-Wilson 2021; Laws 2024; Zisakou 2023; Smith-Khan 2019). However, I would argue that the way we think about credibility neglects to consider its affective construction by instead focusing on consistency as its primary characteristic. If I were to use Andrea's terms, when we speak about credibility we speak about the applicant's consistent preference for grapefruit. This focus makes sense: judges do not reject a case for credibility without citing some reason about consistency of facts, even if it is a simple stutter over an answer to a question (Coffey 2003). However, when engaging with how lawyers construct asylum cases, it becomes clear that credibility is not only about consistency. Credibility has an additional, affective, moral construction that is crafted through the interior logics of storytelling within the asylum casewriting process. This affective construction functions with the consistency aspect of credibility, but while credibility's consistency aspect focuses on proving that the applicant *isn't* lying, the affective dimension focuses on convincing the reader that the applicant *wouldn't* lie.

The role of emotions within asylum case writing is well documented. Scholars looking at the role of graphic depictions of suffering within asylum claims point to how pity becomes a tool of the case, where migrant suffering can become a form of humanitarian capital that drives the judge to grant asylum based on compassion and pity (Galli 2020; Kelly 2012). Other scholars have written in depth about the performance of asylum, where crying and demonstrating how a partner touches one's hair can become determining factors in a judge's response to a case (Castañeda and Crabapple 2023; Dagg and Haugaard 2016; Vogl 2024). Such displays and descriptions can appeal to "the humanness of the judge through emotion," becoming essential to determining the decision of asylum cases.<sup>1</sup> However, these emotional appeals are not analyzed as means to construct credibility.

Credibility is often theorized as something cold and bureaucratic, conflicting with emotions' unpredictability. Emotional appeals, such as reaction evoking descriptions of violence or direct pleadings for asylum, are often held in contrast to the credibility built

---

<sup>1</sup> This quote is from a lawyer who represents a major law firm. He was presenting on asylum cases at a seminar I attended as part of a different work position.

through consistency of narrative and strong pieces of evidence (Galli 2020; Smith-Khan 2017; Jacobs and Maryns 2022). Judges also speak of credibility as something based in rationality, justifying their rejection decisions through carefully reasoned points about why the asylum claim is “uncredible” (see Smith-Khan 2017; Cohen 2001; Affolter 2022). In this way, credibility is often thought to hold a certain bureaucratic soundness and trust (Giddens 1990; Weber 1978), rather than entailing the unpredictability of emotions (for example, laughing when recounting traumatic events. See Castañeda and Crabapple 2023, 125). But asylum is inherently about both: yes, it is a bureaucratic, legal regime, but it is also a regime based on suffering, where the weeping of the applicant has value within the procedural restraints of asylum (Galli 2020; Kelly 2012; Castañeda and Crabapple 2023).

UNHCR’s explanation of credibility is too vague to support a definition grounded solely in bureaucratic rationality. UNHCR speaks about credibility as a means to evaluate if “fear is reasonable,” intersecting the unpredictability of emotion (“fear”) and the rationality of credibility (“reasonable”) (UNHCR 2011). UNHCR further defines a credible account as one which is “coherent and plausible, not contradicting generally known facts, and therefore is, on balance, capable of being believed” (UNHCR 2011). Credibility, by this definition, is subjective to the capability of the judge to believe the account based on coherence—an ambiguous term—and alignment with known facts (i.e. country conditions and public perception of country of origin). If using solely these definitions, there is clearly space for emotional appeals towards the judge to play a part in building credibility, as long as these emotions are “coherent”—whatever that might mean—with the facts of the case.

Some scholars have unsettled the division drawn between credibility and emotions in literature on asylum cases, but this unsettling is often specialized to specific demographics of asylum seekers. This is well demonstrated on analyses of asylum claims based on sexual orientation or gender identity (SOGI).<sup>2</sup> Within SOGI asylum claims, credibility is often associated with proving to the judge that the applicant is “truly queer” (Vogler 2016). This does not occur through consistency of fact, but rather through trying to fit the judge’s expectation of what queerness looks like (Singer 2021; McNeal and Brennan 2021; Mole 2020). This includes fitting stereotypes of queerness and fitting state terms of outness, which are through to prove the applicant to be queer (Singer 2021; Llewellyn 2017; Savci 2020). Thus, credibility, rather than only being constructed through consistency of fact about queerness, is also constructed through a recognizable performance of queerness. For example, borrowing from Vogler, a feminine-presenting gay man who works as a hairstylist may be more comprehensively queer to a judge than a masculine-presenting gay man with

---

<sup>2</sup> Additionally, see McKinnon’s analysis of credibility performance in gender-based asylum claims, where emotional expression must align with gendered expectations of how women recount trauma (McKinnon 2009).

two children and an ex-wife (2016). While consistency of fact remains relevant, the first case aligns with cultural stereotypes that make the applicant more comprehensible and therefore more credible in the eyes of the judge. The applicant is perceived as credible not necessarily because their story is consistent, but because they fit a recognizable and emotionally resonant image of queerness. In this way, the affective construction of credibility is shaped by the judge's cultural recognition of queerness. The applicant appears truthful not through factual consistency, but because his presentation emotionally resonates with the judge's expectations of what a gay man looks like.

When Andrea talks about Kendrick Lamar's credibility as a rapper, she is conceptualizing credibility like SOGI asylum case scholars. Andrea is recognizing Kendrick as being more credible than Drake not because of his songwriting or the lack of pedophilia accusations against him, but because he fits a culturally recognizable image of what an authentic rapper is, largely, that a good rapper is Black, "from the ghetto," and has experienced poverty and violence. This is a narrative of a person that emotionally resonates with how Americans recognize authentic rap.<sup>3</sup> Interestingly, my sibling uses the lack of pedophilia accusations against Kendrick and the quality of his work (described as "rawness") as evidence not that Kendrick is a good rapper, but that he is a good artist. This refers to a very different narrative than the narrative of what makes an authentic rapper and thus has different qualifiers where criminal record and quality of work may carry more significance.<sup>4</sup>

The affective construction of credibility in asylum cases operates similarly to how rappers are determined to be "legitimate" and queer asylum seekers "truly queer" (Vogler 2016). In each case, credibility depends on conformity to recognizable narratives that emotionally resonate with the evaluators' expectations. For asylum seekers broadly, this means embodying the persona of someone who is "truly trustworthy," fitting the image of a credible asylum seeker and inciting a "gut feeling" in the asylum judge that functions as "an intuition about whether the asylum seeker's story is true or not" (Affolter 2021, 467). This affective dimension of credibility layers with the consistency requirement, where lawyers construct cases that simultaneously prove asylum seekers aren't lying (through consistent testimony) and wouldn't lie (through character construction). Lawyers affectively construct credibility by transforming asylum claims into narratives that follow established storytelling conventions, positioning asylum seekers as familiar protagonists whose character arcs make them intelligible and predictable. Within these narratives, other actors assume stereotypical

<sup>3</sup> Obviously, this is somewhat of a generalization. However, even when thinking about famous white rappers, for example Eminem, these rappers are often described as "white rappers," while Black rappers are not commonly referred to as "Black rappers," meaning the assumption is that rappers are Black, which aligns with rap's historical context (Hess 2005).

<sup>4</sup> It could be argued that a criminal record can build legitimacy in the image of an authentic rapper. This is perhaps exemplified with A\$AP Rocky, who was accused of firing a gun at a former friend.

roles, creating a comprehensible moral universe that judges can emotionally invest in beyond mere factual assessment.

## **1.2 Methodology: Ethnography in the Immigration Legal Aid NGO**

I collected the empirical material for this paper through my work as an unpaid intern at a migration legal aid office in the United States.<sup>5</sup> I worked here on a full-time basis for eight weeks, a period that overlapped with the 2025 presidential transition marking Donald Trump's second term as president. In the first hours of his inauguration, he signed a record-breaking number of executive orders, many related to migration policy, which greatly influenced the environment at the legal aid office. Throughout my internship, my colleagues knew that I was conducting ethnographic research focused on asylum cases.

As an intern, I supported the lawyers with a wide range of legal tasks. These included collecting evidence, preparing paperwork, and handling mail. I collected, reduced, and organized years of evidence for U-Visas, recorded countless phone numbers in excel sheets for TPS clients, collected country condition information for asylum cases, and filled out boxes in I-589s, I-765s, and countless other forms.<sup>6</sup> All of my work was reviewed by a lawyer.

Because of my interest in asylum, my colleagues gave me full access to the office's file room. Many of the cases I analyzed were ones I pulled from the file cabinets myself, identified by I-589 stickers which indicate asylum claims. Other files were given to me directly by lawyers, either so I could work on them, because they were especially proud of the case, or because they found the judge's response especially ridiculous.

Beyond document work, I observed the everyday life in the office. I paid close attention to how lawyers understood their work, how they made sense of the legal system they operated within, and how they discussed their cases. Throughout my fieldwork, I prioritized staying true to what my colleagues said and meant.

I observed several court hearings for asylum seekers, all of which were Master Calendar Hearings. These are preliminary hearings where multiple cases are scheduled at once, and they do not involve detailed testimony or decisions on asylum claims. Instead, they focus on procedural matters such as scheduling, confirming legal representation, and identifying the type of relief being sought. I observed hearings with only one judge, who, according to Rayana, was known as a "kind judge" who would not "put on a show" by being especially harsh or performative.

For confidentiality purposes, all names used in this paper are pseudonyms. I have also changed or omitted identifying details such as dates, names of schools, organizations, and specific locations. In describing violence, I use general or vague terms whenever

---

<sup>5</sup> Throughout my research, I refer to the organization where I did my research as the legal aid office, the office, and the legal aid NGO. These terms are used interchangeably.

<sup>6</sup> The I-589 is the Application for Asylum and the I-765 is the Application for Employment Authorization.

possible in order to avoid sensationalizing the experiences recounted in these asylum claims. However, at times I analyze more graphic accounts of violence when doing so is necessary to understand the legal reasoning or narrative strategies at play in the case. I include these accounts with care and intention, guided by their relevance to the analysis.

As you read this research, I urge you to remember that the asylum seekers, lawyers, and other figures are all reflective of people, who are complex and unintelligible. The narratives I discuss and the interactions I have are in no way fully reflective of the complexity of the person, and in no way are these interactions and narratives generalizable to all people seeking asylum. These are devices to make the person appear intelligible, and terms like asylum seeker, refugee, lawyer, judge, are simple labels attached to a person far more complex than whatever the label tries to communicate (see Zetter 1991). Though my analysis focuses on these labels and how the person is made to appear to fit these labels, the person behind the label is always far more complex, and, as my colleague said, "a person cannot fit into a box."

My empirical material is grounded in detailed ethnographic fieldnotes. These notes described the tasks I performed, the files I reviewed, and both the mundane and interesting moments in the office. I also used these notes to reflect on my own experiences and emotional responses to files as I worked at the office. I later coded my fieldnotes using NVivo software, which helped me identify the key themes I explore in this paper.

### **1.3 Welcome to the United States: The Asylum System and Introducing Key Terms**

The United States immigration system, in Rayana's words, is "complex." Within the humanitarian dimension of United States migration, there are many different statuses and visas. My research focuses specifically on asylum cases and the lawyer's role in constructing them. There are two avenues to apply for asylum in the United States: affirmatively and defensively.

Affirmative asylum claims occur when the applicant is not in deportation proceedings. These applications result in an interview with an asylum officer from United States Citizenship and Immigration Services (USCIS). Defensive asylum claims, by contrast, occur as a defense against deportation proceedings. These applications lead to hearings before an immigration judge within the Executive Office for Immigration Review (EOIR). Most of the applications I worked with during my fieldwork were defensive asylum claims; however, the distinction between the two was not relevant for my research as the application process follows the same documentary procedure, and lawyers approach case construction similarly in both contexts.<sup>7</sup>

---

<sup>7</sup> I am not aware of any difference in the way the cases are constructed between those sent to the EOIR and USCIS except through the cover letter format and the address.

My research does not examine the evaluation of asylum claims but rather focuses on the development of the claims. Throughout this paper, I use the terms "judge" and "asylum officer" interchangeably—not because these are equivalent roles, but because in my analysis, both fulfill the same function: they evaluate asylum claims and represent the United States asylum system. Similarly, I use the term USCIS for simplicity. Though the USCIS and EOIR are separate entities, within this paper they have the same function as being evaluating entities of asylum cases and are representations of the broader asylum regime in the United States. I choose to use 'USCIS' the way I do in this paper because it matches how lawyers in the legal office referred to the USCIS. Oftentimes, this entity was referred to as a person (e.g., "the USCIS requests more evidence") and I often adapt similar language in this paper.

I use specific terminology to describe the documentary components of the asylum process. The term 'asylum case' refers to the complete asylum application, consisting of the I-589 form (as described in Chapter 1) and all supporting evidence, including passports, affidavits, birth certificates, medical documents, country condition reports, and other materials deemed relevant to establishing the asylum claim. The 'file' is a more expansive term and consists of the asylum case along with all communications with the USCIS, the EOIR, and Immigration and Customs Enforcement (ICE). This includes arrest documents, receipt notifications, rejection notices, requests for additional evidence, employment authorization applications, and other procedural paperwork, and is all contained within a manila folder completed with a printed name on the right tab.

I use the term 'asylum story' to refer to the narrative constructed throughout the asylum case. The asylum story centers on the first-person narrative in the applicant's affidavit but also incorporates surrounding evidence and the I-589 form. The affidavit, also called the applicant's declaration, is a co-constructed statement between the lawyer and client that describes the applicant's asylum claim in narrative format (Smith-Khan 2017).<sup>8</sup> The asylum story centers on this document and is a term used by researchers in this field (see Woolley 2017; Holland 2018; Castañeda and Crabapple 2023). It is not a term I observed lawyers using.

For simplicity, I use the term 'lawyer' throughout this paper to refer to the various legal professionals I worked with during my fieldwork. In the United States, different levels of

---

<sup>8</sup> The affidavit construction begins with a conversation between lawyer and client, recorded in handwritten notes in whatever language the conversation occurs in. In the files I examined, there were typically three to five versions on record: beginning with messy handwritten notes in the original conversation language, progressing through lawyer-annotated versions with crossed-out sections, then typed versions in English, with imperfect grammar that are further annotated in pencil, and finally the polished document sent to USCIS. I do not analyze the differences between construction stages in this thesis because the process varied dramatically among lawyers, with inconsistent documentation across cases.

education and accreditation are required for different titles associated with immigration legal aid provision. Some of my colleagues were attorneys with law degrees, others were Department of Justice (DOJ) accredited legal representatives, and one was being trained to become a DOJ legal representative. I specify which category a legal professional belongs to only when relevant to the analysis.

As my research centers on the asylum story, I deliberately distinguish between the person seeking asylum and the narrative character they become within the legal process. I use 'protagonist' to refer specifically to the character constructed in the asylum story, and view this as distinct from the applicant. This distinction allows me to analyze how the asylum seeker is represented and rendered within the storytelling framework of the legal process.

Similarly, I use 'reader' to encompass anyone engaging with the asylum narrative as a reader, including judges, asylum officers, and myself as an ethnographer. This term highlights the active role of interpretation in the asylum process and positions the judge not merely as a legal decision-maker but as someone encountering and responding to an immersive story (Nash 2022b). The asylum story becomes a space where the judge meets the applicant (represented as the protagonist) in a way that enables affective engagement between reader and protagonist, moving beyond the constraints of purely legal roles.

I also use three terms to refer to the person applying for asylum: client, applicant, and asylum seeker. 'Client' reflects the terminology used within the legal aid office and appears when I'm discussing this institutional context. I primarily use 'applicant' as a neutral identifier for someone in the process of applying for asylum. I use 'asylum seeker' when referring to the legal category of seeking asylum, where the applicant becomes an asylum seeker after submitting the asylum case to the relevant authority.

There are many additional aspects of the asylum system—from the interaction between the EOIR and USCIS bureaucracies to the Asylum Clock, Employment Authorization processing, Credible Fear Interviews, and more—that I do not address in detail. Though I encountered these dimensions during my fieldwork, they fall outside the scope of my specific research focus on asylum case construction.

It is essential to understand that the asylum system is based on suspicion. The refugee is always assumed to firstly be “bogus,” a liar and a potential terrorist, before they are proven innocent and granted asylum (De Genova 2013). Additionally, asylum status is becoming an increasingly “scarce” resource (Fassin and Kobelinsky 2012). The granting of asylum is becoming a humanitarian gift, a “favour” (Fassin 2016) instead of a legal and humanitarian obligation (Chetail 2012; Fassin 2005). Though asylum is an internationally

protected right, it is now perceived as a gift and granted far more sparingly than it has been in previous years (Fassin 2016; 2011). Applying for asylum thus firstly becomes a practice of convincing the judge that the applicant is not lying and is trustworthy, and then that the applicant is exceptional in his deservingness of the gift of asylum.

#### **1.4 Positionality: Navigating the Legal Aid Office as an Ethnographer and Legal Intern**

"My soul is full of rage." - Rayana, on my first day of fieldwork

Immigration legal work is frustrating work. My colleagues were overworked and underpaid, and the onset of a new administration that actively opposed migration and criminalized humanitarian status seekers created an atmosphere heavy with anger, hopelessness, and fear. On my first day in the office, Rayana exclaimed that her "soul is full of rage." By the end of my time working in this office and navigating the rapid political changes, I began to understand what she meant.

As an ethnographer, my emotional responses to asylum cases, immigration procedures, and the broader political climate shaped my research. I believe this was essential to my understanding of asylum procedures. Despite institutional attempts to frame asylum cases as bureaucratically and legally objective processes (see Affolter 2022), lawyers, based on how they craft asylum cases, believe asylum case outcomes to be influenced by the emotions they elicit in judges. To ignore my own emotional reactions would mean overlooking how lawyers craft cases to function. Throughout my research, I considered my interactions with and reactions to the cases as part of the ethnographic material.<sup>9</sup>

As a United States citizen who grew up in the United States, I have distinct understanding of the United States ethos, values, and patriotism because I have been taught it since a young age. My primary and secondary education in the United States became essential to how I read and understood asylum cases, as many of the narrative structures and tropes were ones I have been educated in as a child in English and civics courses. I believe that I identified the themes and patterns that I did because of this education.

I was never questioned on why I would be interested in asylum as a United States citizen. Many of my colleagues were United States citizens and understand their work not as something humanitarian but simply as a means to make money. Though there is an inherent humanitarian nature to immigration legal work, most of my colleagues were burned out, overworked, and underpaid, and the humanitarian motivation seemed to lose poignancy

---

<sup>9</sup> As Audra Simpson claims, ethnography in anger can be productive (2014). I found Audra Simpson's work influential in how I approached my research and how I reflected on my emotion within my ethnographic research.

based on how long people have worked within the legal aid NGO. Many of my colleagues, though aware I was doing research, seemed to assume my interest was less academic than practical in terms of finding future work.

Though I have none of the credentials, in many ways I am a lawyer in this story. As an intern in the legal office, I participated in the same procedures I describe in this paper. I am familiar with these narratives, character types, plotlines, and tropes because I actively navigated them. I too have attempted to fit actors into character tropes in the hope that this would increase the likelihood of the applicant being granted asylum. The case material I draw from was developed by lawyers, and not myself, unless otherwise mentioned. However, I often understood these structures because I was tasked with helping construct them.

After hearing a summary of my research, my friend jokingly asked me, "so the lawyers are your protagonists?" This highlights a tension within my research. By analyzing how lawyers transform complex lives into narrative constructs, I am potentially reproducing this same reductionist process in my analysis. I extract descriptions of violence and lived experiences from manila folders to explore how lawyers create convincing cases, much like how lawyers take details from a person's life to make them into a protagonist within narrative constraints. I continue to question the ethics of fragmenting these cases to analyze how they become narratives for the sake of this paper. Nevertheless, I believe this discussion is necessary to understand how lawyers attempt to navigate and negotiate the bureaucratic nature of the United States asylum system.

Though the lawyer's development of asylum cases can feel bureaucratic in a twisted way compared to typical immigration proceedings, I would not credit this to the lawyers even as they are the people actively developing the cases as such. By transforming a life into a story through character construction and adherence to narrative constraints, lawyers engage in a process that is reductionist and potentially dehumanizing. Yet, ironically, this is precisely how lawyers present a human subject to a judge. In this transformation, emotions, motivations, and personal histories—attributes that would usually be used to define a person, and elements that the supposedly objective asylum process would consider irrelevant—become valuable narrative tools. Thus, this process, as violent as it is, functions as a negotiation of the inherent bureaucratic violence of the asylum procedure.

In many ways, the lawyers I worked with do act as protagonists in the narrative of this paper. The lawyer is positioned within a system actively opposed to asylum seekers and migrants, and they are the person standing between this system and the person seeking legality (see Achiume 2019). The lawyer has the role of making the client legible,

comprehensible, and worthy to the system. This is an impossible task when the system refuses to recognize the complexity of personhood within the applicant in the first place.

In an oversimplified narrative where lawyers are my protagonists, the antagonist is the larger system that makes personhood into something that must be legible and comprehensible, instead of allowing it to exist in its violent complexity. This antagonist, however, is not the clear-cut villain of asylum stories. It is a system embedded within broader systems of border control that create the very conditions necessitating asylum. And, as these past months have made clear, having a functional asylum system is better than having none.

I will not claim these methods are effective in securing asylum approvals. But I will say that a legal system that lawyers believe to be influenced by, if not partially dependent on, the perceived charisma and narrative appeal of the applicant is not a system that is as coldly rational and objective as it claims to be.

## **1.5 An Outline of the Chapters**

The first chapter explores the Application for Asylum, a 12-page form that renders the applicant recognizable as a person in the eyes of the USCIS. Within this analysis, I examine "the Box," which consists of all that constitutes an applicant as an asylum seeker recognizable by the state. The second chapter analyzes the protagonist constructed through the asylum story, which creates an illusion of intelligibility by suggesting that the person seeking asylum can be fully understood through this narrative character. The final chapter explores the asylum story's structure and its two key supporting characters: the antagonist (the persecutor) and the hero (the United States).<sup>10</sup> I explore how these roles function in relation to the protagonist, concluding with a discussion of what it means to become intelligible within an increasingly unintelligible system.

## **2. BECOMING A PERSON AND FITTING INTO THE BOX**

### **2.1 To Be Intelligible**

A credible asylum seeker must be intelligible and recognizable. Butler writes about grievable lives, and asks: what lives are worth grieving? The answer is the lives that are named, understood, and known—lives that are recognizable (Butler 2009a). However, to be recognizable as a life, a life "has to be intelligible as a life, has to conform to certain conceptions of what life is" (Butler 2009a, 7). What conceptions define what the life of the asylum seeker is?

---

<sup>10</sup> Throughout my analysis, I refer to the United States as if it is a person because it adapts a character role within the asylum story.

Malkki defines refugee life as separate from ordinary human life as it entails being a specific “knowable, nameable figure” and a specific “object of social-scientific knowledge” (Malkki 1995, 498).<sup>11</sup> The refugee becomes intelligible as a subject within the refugee camp, and recognizable through some “generalizable, psychological condition” that is assumed to exist as a result of violence (Malkki 1995, 510). People can be unintelligible due to their falling “out of place” or “inbetween” of the in/out binary constructed through the border (Ahmed 2000; Ombagi 2016; Anzaldúa 1987), like how the queer person is unintelligible in their outsideness of the categories that define intelligibility of sexuality and gender (Butler 2009b). In these contexts, becoming intelligible requires becoming a refugee through the bureaucracy of the refugee camp, choosing between the in/out of the border, or fitting within established categories of sexuality and gender.

This chapter explores the starting point of intelligibility for the asylum seeker. This begins with the I-589 form, where the asylum seeker’s life becomes recognizable by its fitting within of boxes and categories. The I-589 acts as what Butler calls a frame of recognition that makes a subject intelligible and thus recognizable. The I-589, as such a frame, entails “a constant breaking from context, a constant delimitation of new context,” where it never properly contains the life that it tries to convey (Butler 2009a, 10). The I-589 is the frame that makes the applicant recognizable as a person in the eyes of the government by condensing the applicant’s identity to the 12 pages of a standardized form. Yet, the applicant’s identity as a person who qualifies for asylum cannot be sufficiently conveyed in this form. Thus emerges a larger frame of recognition that catches the overflow of the I-589: The Box, which consists of all that constitutes an applicant as an asylum seeker recognizable by the state.

And so emerges the key issue of this paper: In order to fit into the Box, the applicant must conform to certain conceptions of what life is. Though the Box’s conceptions may be more flexible than the rigid boxes of the I-589, in the procedure of becoming categorizable as an asylum seeker and, eventually, an asylee, some humanness is lost because it is precisely through one’s non-recognizability and inability to fit within established categories that one’s humanness emerges (Butler 2009b, 73).<sup>12</sup> The person fitting within the Box is only a character—a protagonist—that does not reflect the complicated terms of personhood or “humanness” that may define the person who shares a name with the character that fits within the Box (Butler 2009b, 73).

In this chapter, I begin by providing an overview of the I-589 form. The I-589 is the application for asylum, it is the starting point of intelligibility where the applicant becomes

<sup>11</sup> Refugee is a separate category from asylum seeker, as refugees are resettled into a destination country through refugee resettlement programs while asylum seekers enter a country before seeking asylum. Refugees and asylum seekers seek protection based on the same international framework, but the means of obtaining that protection differ.

<sup>12</sup> Asylum seeker refers to someone in the process of seeking asylum while asylee is a person who has been granted asylum.

recognized by the state as a person within its borders. I explore the I-589 as the procedural becoming of a person, where the applicant is unintelligible and unrecognizable in their undocumented state, but becomes intelligible and recognizable by filling out this form. This analysis explores how the state understands personhood as something that can be comprehended and governed.

From here, I introduce the Box, drawing from empirical material from lawyers in their descriptions of asylum. With these lawyers, I describe the impossibility of the Box, as a person in all their “humanness” is never “fully categorizable” and able to fit within this Box (Butler 2009b, 73). Yet the judge must be convinced that it is a possibility for the applicant to fit within the Box, because fitting into the Box makes the applicant intelligible, and as a result, both trustworthy and worthy of asylum. And so emerges the protagonist, a figure that is portrayed as “fully recognizable, fully disposable, fully categorizable” and, ultimately, fully intelligible (Butler 2009b, 73). Yet conforming to this frame and to these “conceptions of what life is,” is an impossibility, it is an illusion, but it is one that is abided by throughout the asylum procedure (Butler 2009b, 73).

## 2.2 The I-589

If you were to apply for asylum at the legal aid office where I worked, you would sit across from Rayana in an uncomfortable wooden chair. It is hard to get a meeting with Rayana, she is booked out months in advance. It is difficult to comprehend that this meeting, which you have been waiting for months for, will only take 30 minutes. An old wood desk, covered in files, sticky notes, notepads, and pens, sits between you and Rayana. Rayana has her laptop open, her eyes are focused on the screen rather than on you. You take out a plastic folder, in which you have carefully placed all of the legal documents you possess. You hand the folder to Rayana, she opens it and takes out the documents: a Notice to Appear (also called the NTA, this is the arrest document provided to you when you were seized at the border), your passport, and a birth certificate. The casual way she interacts with the documents—glances passively at the NTA, bends open the passport—is a bit jarring after the desperate search through your brother’s house to find a folder to put the documents in, and the near obsessive way you have held onto these documents up to this point. The first few moments are spent in silence, you sit and look out the window absently as Rayana types with practiced speed, her eyes flicking between the screen and the documents as she does so. “Current residence?” She asks absentmindedly, jerking you out of your distant observations of a squirrel outside. You respond, promptly, spelling out the street name without being asked. She doesn’t give a reaction to reassure you that she heard properly, but she glances back at your birth certificate and continues to type rapidly so you assume she heard you. You begin to worry that she spelled the street name incorrectly. What if she misheard you, and mistook the I for

an E? Did you even spell it correctly? Do you *really* know your brother's address? You try to ignore the growing anxiety about spelling your street name by trying to refocus on the squirrel that has returned outside, when Rayana asks, quickly and concisely, "are you married?" You shake your head, no, as she clicks her keyboard and she asks "religion? Any children?"<sup>13</sup>

The I-589 is formally titled *Application for Asylum and for Withholding of Removal*. This is the central document of asylum cases. Other documents act only as evidence for the story told within this concise 12 page document.<sup>14</sup> Lawyers constantly interact with the I-589 and other forms, and they often treat the questions on the document with a casualness that confuses the clients who sit across from them. The clients are paying the lawyer, they know the procedure is not as simple as the lawyer seems to imply with the absent-minded way she

<b>Part A.I. Information About You</b>				
1. Alien Registration Number(s) (A-Number) <i>(if any)</i>	2. U.S. Social Security Number <i>(if any)</i>	3. USCIS Online Account Number <i>(if any)</i>		
4. Complete Last Name		5. First Name	6. Middle Name	
7. What other names have you used <i>(include maiden name and aliases)</i> ?				
8. Residence in the U.S. <i>(where you physically reside)</i>				
Street Number and Name		Apt. Number		
City	State	Zip Code	Telephone Number (      )	
<i>(NOTE: You must be residing in the United States to submit this form.)</i>				
9. Mailing Address in the U.S. <i>(if different than the address in Item Number 8)</i>				
In Care Of <i>(if applicable):</i>		Telephone Number (      )		
Street Number and Name		Apt. Number		
City				
<b>Figure 1: Information About You, Page 1 of the I-589</b>				
10. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	11. Marital Status. <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed			
12. Date of Birth <i>(mm/dd/yyyy)</i>	13. City and Country of Birth			
14. Present Nationality <i>(Citizenship)</i>	15. Nationality at Birth	16. Race, Ethnic, or Tribal Group	17. Religion	
18. Check the box, a through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings. b. <input type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am <b>not</b> now in Immigration Court proceedings, but I have been in the past.				
19. Complete 19 a through c.				
a. When did you last leave your country? <i>(mm/dd/yyyy)</i> _____ b. What is your current I-94 Number, if any? _____				
c. List each entry into the U.S. beginning with your most recent entry. List date <i>(mm/dd/yyyy)</i> , place, and your status for each entry. <i>(Attach additional sheets as needed.)</i>				
Date _____	Place _____	Status _____	Date Status Expires _____	
Date _____	Place _____	Status _____		
Date _____	Place _____	Status _____		
20. What country issued your last passport or travel document?	21. Passport Number	22. Expiration Date <i>(mm/dd/yyyy)</i>		
Travel Document Number				
23. What is your native language <i>(include dialect, if applicable)?</i>	24. Are you fluent in English?	25. What other languages do you speak fluently?		
<input type="checkbox"/> Yes <input type="checkbox"/> No				

<sup>13</sup> This is an invented account that I developed based on my observations of meetings between clients and lawyers.

<sup>14</sup> Throughout this analysis, I use the 01/20/25 version of the I-589 (USCIS 2025).

**Part A.III. Information About Your Background**

1. List your last address where you lived before coming to the United States. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. (List Address, City/Town, Department, Province, or State and Country.)  
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street (Provide if available)	City/Town	Department, Province, or State	Country	Dates From (Mo/Yr)      To (Mo/Yr)

2. Provide the following information about your residences during the past 5 years. List your present address first.  
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Dates From (Mo/Yr)      To (Mo/Yr)

3. Provide the following information about your education, beginning with the most recent school that you attended.  
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name of School	Type of School	Location (Address)	Attended From (Mo/Yr)      To (Mo/Yr)

4. Provide the following information about your employment during the past 5 years. List your present employment first.  
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Dates From (Mo/Yr)      To (Mo/Yr)

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.  
 (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location
Mother		<input type="checkbox"/> Deceased
Father		<input type="checkbox"/> Deceased

**Figure 2: Information About Your Background, Page 4 of the I-589**

fills out the form and poses the questions to the client.

Indeed, the lawyer also considers asylum procedures very complex, yet the literal application for asylum seems to hold none of this complexity.

The I-589 is divided into five sections: "Information About You," "Information About Your Spouse and Children," "Information About Your Background," "Information About Your Application," and "Your Signature." The first two sections follow the

same structure (See Figure 1), asking for alien and passport numbers, names, gender, nationalities, and then a significant amount of space is dedicated to location: how did you enter the United States? Where did you enter? Where do you live now? These questions repeat for the family members and the applicant alike.

The "Information About Your Background" section asks for information about employment and addresses over the past five years, information about education, and information about family (See Figure 2). This section is striking because of how simply it is arranged. There are separate tables for each question, as if the information can fit so concisely into boxes. The information about family is also simplified into a nuclear family format, with a row for a mother, a row for a father, and rows for four siblings. The expectation that the applicant can fit all of this information into these neat boxes is remarkable.<sup>15</sup>

The "Information About Your Application" section begins by asking about the basis for seeking asylum, providing six boxes that can be checked: race, religion, nationality, political opinion, membership in a particular social group, and torture convention (See Figure 3). The relevant boxes are checked, and the following questions follow a predictable structure.

<sup>15</sup> Page 12/12 of the form provides a space for additional information regarding the form. The entire page is for additional information regarding a single question. The page can be copied for additional questions if needed.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below.

I am seeking asylum or withholding of removal based on:

<input type="checkbox"/> Race	<input type="checkbox"/> Political opinion
<input type="checkbox"/> Religion	<input type="checkbox"/> Membership in a particular social group
<input type="checkbox"/> Nationality	<input type="checkbox"/> Torture Convention

A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

No       Yes

If "Yes," explain in detail:

1. What happened;
2. When the harm or mistreatment or threats occurred;
3. Who caused the harm or mistreatment or threats; and
4. Why you believe the harm or mistreatment or threats occurred.



– **Figure 3: "Information About Your Application" Question 1 & 1A, Page 5 of the I-589** –

Question 1A (See Figure 3) exemplifies the "Information About Your Application" question structure: "Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?" This is followed by two boxes: "No" or "Yes." Then, there is a larger box where the answer must be expanded upon. This same format continues for twelve questions, with the last six focusing on information that may disqualify the applicant from asylum, such as questions about crimes committed by the applicant and family members, other legal statuses in other countries, and more.

The I-589 form in its very structure and self-containment expects the asylum seeker to fit their life within its boxes. Paired with this expectation is the requirement that the life fit within these boxes. This is the procedural making of a legal subject, it is making a person both governable and comprehensible (Riles 2006). Of course, regardless of how Rayana interacts with the boxes, they are not easy to fill out. For example, consider the religion box. When I showed my friend this form, she was stuck on this box. Her father is Sikh, her mother is Hindu, and she was raised atheist. But now she is attending a Christian church. Should she put Sikh/Hindu? Atheist? Sikh/Hindu/Christian? Is religion something you are raised with, is it something passed from your parents to you, is it something you choose for yourself? Or consider the family box. What if you do not have a mother and father, what if you have two mothers, or a father that left, or what if you have a non-biological sibling who never legally was adopted by your mother but did grow up with you? Or education. What if you have been mobile for a while, maybe you moved from one school to another, what do you list? There isn't enough space for all of the schools you attended, you can't even remember the names of all the schools. You need to edit the narrative to fit the five rows. What can be taken out?

The form constrains the asylum claim by requiring the applicant to fit within certain boundaries of intelligibility. Beyond five schools is incomprehensible within the pages of this document. Having two fathers is beyond comprehensible. Religion must be summarized with a single word, and it must be something that is recognizable to the judge. The central logic of the form is to provide the information that the USCIS believes defines you as a person. The relevant question is not what religion means; it is: what does the USCIS think religion means? What does the USCIS think family means? Ironically, this is all complexified within the evidence and affidavits in the asylum case, where you have the space to explain how your non-biological non-legal sister is your sister (proven through emotional accounts), and her murder is grounds for persecution. But within these boxes? The narrative must be kept simple and concise.

Thus, who the applicant is matters less than if the applicant is comprehensible to the USCIS. This reduction is a violent process where the fault is on the applicant for not fitting within the boxes, rather than the fault being in the boxes itself (Graeber 2012). The I-589's structure operates as what Hull (2012b) calls the "government of paper," where the form doesn't simply collect pre-existing information about asylum seekers but actively shapes what can be said, known, and recognized about their experiences. Through its rigid categories and limited space, the form forces complex lives into bureaucratically digestible fragments. This documentary violence lies not just in what must be excluded or simplified, but in how the form's constraints become naturalized as the proper way to understand and evaluate claims to protection. The asylum seeker's life becomes legitimate only insofar as it can be made to conform to the state's predetermined categories of intelligibility.

### **2.3 To Become a Person: The USCIS's Understanding of Personhood**

Through a series of predetermined categories and required fields, the I-589 reveals the bureaucratic imagination of what constitutes a complete person worthy of state recognition. The form becomes the space where asylum seekers must transform themselves from complex human beings into simplified bureaucratic subjects, fitting their identities into the narrow categories that the USCIS has determined define legitimate personhood. The I-589 is the space where the asylum seeker becomes legible by providing the USCIS with the information they feel identifies and defines the applicant as a person.

The I-589 exposes the USCIS's assumptions about what constitutes a recognizable person. Like a video game's avatar creation screen, it presents a series of predetermined categories that supposedly capture human identity: nationality, religion, marital status, age. In video games, where designing an avatar often mirrors the construction of an "ideal self" (Green, Delfabbro, and King 2021), players similarly choose from a limited set of options—

hair color, personality traits, background details—crafting a self within the boundaries of the system. The I-589 functions similarly, offering applicants fixed categories that the USCIS uses to identify and define the applicant as a person. In the I-589, the applicant is made into their “ideal self” when they, through filling out and submitting the form, submit to the frame of recognition that makes them “ideal” in their ability to be recognized and intelligible as a legal subject that can be governed (Butler 2009a).

What the USCIS wants to know about a person mirrors what game designers think players need to know about their avatars. These are essential identifiers that make the person fit within bureaucratic systems and the avatar fit within the video game world. Personal characteristics only matter as much as they serve the system's purpose, making the avatar functional for game mechanics or making the applicant recognizable to immigration officials. Neither the gamer nor the asylum applicant is “completely free in their decisions” (Klimmt, Hefner, and Vorderer 2009, 362). You cannot choose options not provided by the game designer, just as you cannot skip I-589 questions without consequences. Both must work within constraints that reflect what the controlling system believes constitutes a complete person, revealing more about the system's understanding of identity than about the individual filling out the form.

The applicant, like anyone, is a person before they are labelled and categorized as an asylum seeker. In Galvin's research on organic food, she writes about how foods are organic “by default” and “by design” where traditional farming practices that are inherently sustainable must be transformed through certification processes to gain official recognition as organic. Immigration proceedings process applications in a similar way. The person applying for asylum is a person “by default”—applying for asylum does not make them into a person. However, filling out the I-589 requires them to become a person “by design,” fitting into the categorization and certification requirements through which the USCIS recognizes the applicant as a person. Like how fulfilling certification procedures for foods can make food recognizable to consumers as organic, fulfilling the bureaucratic requirements and fitting within bureaucratic standards in the I-589 allows the USCIS to recognize the applicant as a person. Through the I-589, simply being a person “by default” is not enough, instead the applicant must become a person “by design,” which requires meeting the USCIS's standards of personhood.

Being a person, in state terms, means being legitimate, and this legitimacy comes from possessing legal papers. Legal citizens of a state hold an “enduring legal status” as “individuals,” which grants them specific rights and entitlements (De Genova 2005, 216). Undocumented persons are considered to be outside of this system, and thus ungovernable

and exploitable. In an economy of migration, undocumented people become an exploitable labor force under the threat of deportation (Golash-Boza 2015). This threat is possible precisely because migrants are cast as "dangerous, illegitimate beings" due to not possessing papers, and are delegitimized as "decent, regular persons" (Rodriguez and Paredes 2013, 75). In contrast, citizens are cast as decent, regular, and legitimate persons whose labor rights are protected because of their legal status. In this setting, the asylum seeker must become a real person by stepping into the realm of the USCIS's imagination of what constitutes personhood. The I-589, when the applicant is undocumented, transforms someone from an undocumented, illegitimate person into someone who fits within the bureaucratic standards that define legitimate personhood by gaining paper evidence of their existence within the United States.

The procedural becoming of a person is a ridiculous process, which is evident in the cases I interacted with. In one case, the USCIS rejected an application because the birthdate on the form did not match that on the birth certificate. The applicant was from Honduras, and during the period he was born birth certificates had a registration date (the date you register the birth), along with the birthdate. The USCIS thought that the registration date was the birth date, and the lawyer had to explain multiple times how to read a Honduran birth certificate, drawing from reputable articles to support their claim. In this instance, the misreading of a birthdate was enough to reject the application. This rejection reveals how the USCIS treats their bureaucratic standards as the only legitimate way to establish personhood. A person's entire identity is rendered illegitimate not because they lack documentation, but because their documentation doesn't align with American assumptions about how personhood should be documented.

A second example is evident in a case for an Afghan client. The notes on the I-589 in the case have three different dates written in pencil around the birthdate box: 01/01/1979, 03/08/1980, 01/01/1980, one of which was circled multiple times. The confusion over birthdates often comes from differing systems of record-keeping and identity documentation. While birthdates are considered central to identity in the United States, they often hold little significance in other contexts where formal birth registration may be uncommon or unreliable. This mismatch forces people navigating United States bureaucracy to fabricate birthdates when none exists, resulting in many people choosing January 1st birthdates and the most likely year of birth. The form provides only a small box for the birthdate with no space to explain uncertainty about the date. The asylum seeker thus must invent aspects of their identity to become recognizable to the system, transforming from someone whose

personhood doesn't register in USCIS terms into someone whose fabricated details suddenly make them recognizable as a complete person.

The I-589 fits the person into "formal sets of compartmentalized data" which the USCIS believes to be representative of a person (Zetter 1991, 41). The USCIS does not want to know the full person behind the application. As Latour observes, a scientist would not want a forest in their laboratory. It would be hot and humid and dirty. A grid of precise boxes containing soil samples is far preferable and gives the scientist the information they need (Latour 1999). Likewise, the USCIS does not want to see the complexity of a full person. This is "bureaucratically indigestible" in its rawness (Scott 1998, 38). Instead, the USCIS wants to see an abstracted and simplified version of the person, not fully representative of the raw whole. The representation the USCIS uses, the I-589, is far less precise than the representation created by the scientist of the forest. Yet, the USCIS treats the I-589 as being secure in its completeness, an abstraction that the USCIS believes is, somehow, a sufficient representation of the client sitting across from the lawyer.

#### **2.4 The Box and How To Fit Into It**

Rayana sits behind a desk covered in files. The office is narrow; it hardly fits the two chairs positioned across from her on the other side of the desk. To her left is a bookshelf full of stacks of files, and on the ground is a box of miscellaneous files from a recently retired colleague. "It's absurd what they want!" Rayana exclaims as she grabs a file from the top shelf of the bookshelf. "They expect people to fit their life into a set box, and people don't fit into boxes. But the story must fit into the Box."

The lawyer's job is firstly one of filling out boxes. The lawyer must put the right information in the right box, typing the answer the correct way, placing the X in the right spot. The I-589, like other immigration forms, are made up of boxes to check Yes or No, boxes to fill out with address information, ID numbers, nationalities, and more. Within the I-589, the claim to asylum also must fit neatly into boxes and is framed as an expansion to a carefully checked Yes box (see Figure 4). As predictable as this work is, and as central it is to everything the lawyer must do, Rayana still considers it to be "absurd."

---

A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

No       Yes

If "Yes," explain in detail:

1. What happened;
2. When the harm or mistreatment or threats occurred;
3. Who caused the harm or mistreatment or threats; and
4. Why you believe the harm or mistreatment or threats occurred.

My husband was kidnapped by a police officer in Caracas, Venezuela due to his participation in anti-government protests. Because I am his partner, I began receiving threats. I was kidnapped by a man in a van, who interrogated me about my husband and my political involvement. This is a summary of my claims for the purposes of the one year filing deadline. I will provide more information at a later time.

**Figure 4: Sample Answer to Question 1A of "Information About Your Application"**

When lawyers speak about boxes they are rarely speaking about the I-589. In fact, the I-589 is often discussed as something circumstantial. Andrea describes the I-589 as a means "to buy time" in a period of heightened deportations. It is discussed in an almost arbitrary manner, and it is often filled out in such a way. Lawyers, rather than specializing a response to each of the short answer questions, would often write the same 3-5 sentences for each box, such as the statement written in Figure 4, ending with a statement assuring the USCIS that more information will be provided at a later date.<sup>16</sup>

When Rayana says "the story must fit into the Box," she is not referring to the careful boxes that make up the I-589. "The story"—the selected experiences and fears that form the basis of the asylum claim—literally cannot fit within the boxes of the I-589 form, as the standardized closing statement repeated across all the I-589s I have encountered demonstrates (see Figure 4). Rayana provides insight into what the Box is when we discussed an interaction we observed in court.

Andrew is a middle-aged man. He had joined the court meeting on Webex, the videoconference software used by the EOIR. He was wearing a button-down shirt and was sitting straight, he looked professional and formal in a way that betrayed his nervousness. He joined the court hearing and the judge, Lawrence, asked if he had submitted an asylum application. Andrew said yes, as Lawrence searched for the application in the software on his computer. Lawrence's eyebrows rose and his eyes widened dramatically, an expression I grew familiar with by the end of the day, and he asked Andrew to give him a moment to take a look at the "lengthy" application. Lawrence took about two minutes to do so before giving Andrew a new court date so he could have time to find an attorney, the same response he

---

<sup>16</sup> The open-ended question regarding social groups is often the exception to this consistent answer, and may feature a list and description of student organizations, political movements, and so on.

gave to all clients on this day. After Andrew left, Lawrence spoke to his colleagues saying Andrew's case was a "comprehensive file," and that the applicant was an attorney. The colleagues murmured in an impressed way as the next meeting began.

The next day, Rayana and I discussed our observations of the court session. She spoke about Andrew. He was noteworthy because he had submitted this case himself, and he was an attorney in his country of origin. Rayana leaned back in her chair and explained: "It is good to speak to someone who knows the procedures because you could have a good case, you could have good cause for persecution, but you might not know how to accommodate it into the Box."

The applicant could meet the refugee definition set by the 1951 Geneva Convention and thus qualify for asylum, but fitting into the Box requires the applicant to become comprehensible to the state and to gain official recognition through the asylum process. As Chetail emphasizes, the person displaced across borders is already a refugee before gaining the status of a refugee from the state (Chetail 2019). Fitting into the Box is getting recognition as someone deserving protection by the state (represented by the judge and the USCIS), and the Box represents the state's understanding of what constitutes a recognizable refugee. In the politics of asylum, the asylum seeker truly being a refugee is irrelevant. As Zetter says, a refugee's identity as a refugee is only truly relevant in its conforming to institutional requirements, that is, fitting within the Box and becoming recognized by the state (Zetter 1991, 51).

Andrew, as an attorney, knew the legal language and rationalities surrounding asylum. However, both Rayana and the judge thought that this was not enough for a successful asylum case. Andrew likely knew how to write an "objectified formal-institutional account" of his asylum claim (Jacobs and Maryns 2022). However, asylum is not only this narrative; it is also one that is interesting and makes sense to the judge—not in legal terms but in affective terms. This is where the asylum story emerges: the applicant must be interesting and make sense as a protagonist, in addition to making sense as a person fitting under a legal label. The formal, legal account of persecution is not enough because the credibility of it can be questioned. The account needs to possess the charisma and rawness of believable humanity so that the judge does not want to question the applicant's credibility.

In *The Writer*, Allington provides advice on how to construct convincing characters:

Some novelists prepare a curriculum vitae of each character, listing vital statistics, mannerisms, habits, hobbies, etc. While I don't follow this practice in my own fiction writing, such a vitae may provide a useful reference. But these are only the superficial aspects of character. There is a deeper dimension to personality, and you must search for it in each of your major players. As the casting director of your novel, you

should be able to answer the next question: What is the defining issue in life that shaped the personality of this character? Know the answer before you ever start to write (Allington 1998, 23).

The I-589 form and Andrew's "objectified formal-institutional" asylum claim function like the character curriculum vitae that Allington describes. They catalog vital statistics, document persecution events, and provide the basic factual framework required by law. These elements establish factual credibility, demonstrating that the applicant meets the technical requirements for asylum. However, just as Allington argues that convincing fictional characters require deeper dimensions beyond these superficial details, lawyers believe that asylum claims must transcend mere legal compliance.

The judge must perceive not just the facts of persecution, but the underlying person whose authentic experience makes those facts compelling. Andrew's case exemplifies this tension. Despite his legal training and "comprehensive" application, both Rayana and the judge recognized that technical proficiency alone would not guarantee an affirmative decision. His application functioned at the level of Allington's "superficial aspects"—it catalogued events, provided documentation, and met procedural requirements. But to truly fit into the Box, the asylum claim must reveal what Allington calls the "deeper dimension of personality" that transforms a legal claim into a human story that judges find difficult to doubt.

This is where affective credibility becomes relevant. The judge must feel that they know the applicant beyond the formal legal framework. The deeper dimension of the applicant's personality and story is often implied throughout the case rather than explicitly stated. This assumption of knowing the applicant is what makes the story affectively credible and convinces the judge that the applicant wouldn't lie.

The Box that Rayana and other lawyers speak about is not only structured by the rationality and technicalities of law. As Rayana said, an asylum seeker can have great cause for asylum, or in Chetail's words, they could be a refugee, but becoming recognized as such is thought to require a lawyer who understands how to "fit the person into the Box." This entails making the story not only legally comprehensible but affectively credible. The judge, asylum officers, and the USCIS must believe that they know the person beyond the Box, and to do this the Box must contain an affectively credible protagonist.

### 3. THE ILLUSION OF INTELLIGIBILITY: CREATING A PROTAGONIST

#### 3.1 Nelson Mandela and the Broken Chair: Hierarchies of Suffering and the Emergence of a Protagonist

I sit on a wooden bench behind the Maison de la Paix in Geneva, Switzerland. Ahead of me, tall silver poles mark the walls of Nelson Mandela's reconstructed prison cell, established as a memorial to the years he spent unjustly imprisoned for his fight against apartheid. Down the pathway, through patterns of blooming flowers and past a refugee housing center, you will catch sight of a large three-legged sculpture, the Broken Chair, standing in front of the United Nations (UN) Palais. It commemorates people who have suffered from landmines, though in this commemoration, the people who have suffered remain nameless. These two memorials sit within walking distance of each other, and they demonstrate a difference in how suffering is remembered. Mandela's cell is preserved because his imprisonment was the persecution of a hero, an activist. The Broken Chair acknowledges suffering too, but the people it represents fade into anonymity.

As I write this, President Donald Trump is deporting people to El Salvador's mega prison, known for its human rights violations. While I sit and look at Mandela's prison, I wonder if the size of the deportees' cells are larger than Nelson Mandela's. The answer to this question doesn't matter compared to the question of who occupies the prison and how we understand their stories. Fassin describes a hierarchy of suffering in international aid contexts, where humanitarian workers' lives are valued more highly than those of regular people (Fassin 2012). This framework reveals how some lives and some forms of pain are deemed more significant than others. We pity those we feel are more deserving of it because of the perceived righteousness we identify in their actions (Butler 2009a; Fassin 2012).

In my work reading through and constructing asylum cases, I understood Fassin's hierarchy of suffering as a tool of persuasion. If I could emphasize an applicant's heroism, activism, and pro-American sentiment, I thought the suffering she experienced due to persecution would be considered more unjust than it would be for someone who does not portray these sentiments. This injustice, I expected, would drive the judge to make an affirmative asylum decision. Castañeda and Crabapple speak to this when they describe asylum stories as tragic tales:

The basic principle of tragedy is that not all suffering is tragic. Tragic suffering is elevated above suffering in general: 'significant suffering' versus 'mere suffering' ... For much of the history of tragedy, this distinction was accomplished in part through socioeconomic criteria: Only the suffering of the demigods, the aristocracy, or the

nobility aroused the pity and fear necessary for a compelling tragic plot (Castañeda and Crabapple 2023, 103).

Asylum cases are rarely about demigods, the aristocracy, or nobility. Luckily, we are past the point in history where such qualities were necessary for a compelling tragedy. A compelling tragedy or story requires a protagonist that “drives the narrative forward” (Nash 2022, 790). This protagonist must demonstrate why their suffering is “significant,” deserving of pity and an affirmative asylum decision (Castañeda and Crabapple 2023, 103). Why should the reader care about your imprisonment compared to the many others who faced the same treatment? Why should the reader care about your testimony about landmines when there are plenty more who have experienced the same? The process of proving suffering to be significant and pitiable is one of proving a life to be significant, a life that we should mourn if lost (Butler 2009a). The humanitarian worker’s life is grievable because they have done a great deal for others and would have continued to do so if they stayed alive. Nelson Mandela’s cell is remembered the way it is because of his activism. The asylum seeker’s suffering must also be proven noteworthy, and to do this she is presented as a protagonist.

I title this chapter “The Illusion of Intelligibility” because this is what the creation of the protagonist achieves. A protagonist can be known and understood. I can open a book and meet a character, understand their passions, motives, and personality. I can witness their interactions with others. It is far more difficult and time-consuming to know and understand a person. Within the violent bureaucracy of the asylum regime, the attributes that the person believes define them matter little. However, lawyers try to implement these attributes as persuasive tools within the narrative structures of the asylum story. To do this, they use the logic of storytelling that transforms the applicant into a protagonist, where these attributes can have specific meaning as character development tools.<sup>17</sup> A protagonist can be intelligible; they can be portrayed within linear narratives that are easily comprehended. Just as Latour observes scientists abstracting a forest into a series of analyzable boxes to make it intelligible, the narrative structuring of asylum cases transforms applicants into seemingly comprehensible figures—not as complete persons but as protagonists whose characters become understandable through familiar tropes (Latour 1999). In writing this chapter, I explore how lawyers construct asylum stories within storytelling logics that identify the

<sup>17</sup> When speaking about storytelling logics and conventions, I am referring to a conservative and “euro-centric” understanding of what defines a story (Vuong in Fragoso, 2025). This understanding is well represented in Burroway’s guide to writing fiction, which I occasionally draw from within this paper (Burroway 1995). She writes about how to tell a good story, which is one that is structured, linear, and coherent. Within this framework, telling a good story requires that the story fit within a linear and logical story structure, rather than allowing the structure of the story to “make room” for the story you want to tell (Vuong in Fragoso, 2025). This conservative way of telling a story through abiding by a specific structure is also how I was taught to tell and understand stories in my secondary education in a United States high school and is the storytelling logic that I refer to throughout this paper.

asylum seeker along particular tropes. These logics and tropes help make the asylum seeker into someone the reader can conceive as intelligible, who the reader can connect with emotionally, and thus perceive as affectively credible.

### 3.2 A Hero, a Victim, and a Good Citizen

#### 3.2.1 A Hero

When I open Mohammad's file, I am drawn to a yellow sticky note placed on the inside left cover of the manilla folder. The sticky note provides an update to the case, stating that Matthew had gone to San Francisco to meet with Mohammad himself. I picture Matthew meeting with Mohammed over a cup of take-away coffee in Golden Gate Park, Matthew would be talking and laughing as he sits on a bench with Mohammed, chatting casually without the severity of the law office where the client and lawyer are formally divided by a desk and the quality of the chairs.

At this point, I was beginning to grow familiar with the heroic stance that lawyers seem to hold Afghan clients in. Just the previous week, Lucel had looked me straight in the eye before whispering conspiratorially that she had an Afghan who was a *pilot*, who had his "very own security guard, someone to carry a gun for him!" In another meeting, Nicole raved about "the handsome one," the man from Afghanistan in question blank faced and hardly reacting to the statement. These instances stood in contrast to other narratives: Camila speaking about "my poor Cubans," Pete talking about the "poor" Venezuelan man who worked the early shift at Goodwill, Elizabeth talking, generally, about "my little refugees."<sup>18</sup>

Matthew did not need to meet with Mohammad in person, he could have easily met with him on Webex, Zoom, or WhatsApp. Furthermore, there wasn't a need for him to meet with Mohammed directly. Communications about updates to cases were always sent by email and, occasionally, with voicemail or phone call. This sticky note, like Lucel's awe filled whisper about having a *pilot* sitting in her office, told me a great deal about who Matthew believed Mohammad to be. Rather than being a "poor refugee," Mohammad is someone that Matthew, an accomplished lawyer, would want to spend time speaking casually with. This all ties into the orientalist awe that lawyers viewed Afghans with, where lawyers became fascinated by their ability to become accomplished even in a society actively against them.

The asylum seeker must be a hero, aligning with what the United States believes to be heroic and humanitarian. This characterization demonstrates a twist of events where the heroic and locally grounded humanitarian must now ask for humanitarian assistance from the United States. This characterization follows three patterns: it emerges organically from the character's introduction, it is presented as a phase in a transformative narrative that is

---

<sup>18</sup> Goodwill is a secondhand clothing store chain that markets itself as providing employment for people with disabilities and from economically or socially marginalized backgrounds.

followed by the victim characterization, and its prominence varies based on the protagonist's demographic characteristics.

In the character tropes that define the protagonist of an asylum story, the hero characterization is developed in the story's first arc. The hero characterization is portrayed as naturally, automatically, and insuppressibly developing from the protagonist's concrete moral foundation that is established in the story's exposition. Mohammed's story starts with his birth, which occurred in a Swiss emergency hospital in a neighboring country due to displacement. He was fed UN biscuits because his family had no income. He talks about how his grandparents were tortured and killed for their involvement in international organizations. This all works to build a protagonist that makes sense: Mohammed was born in a situation of displacement; he was poor and dependent on international humanitarian aid. There is a legacy of international organization involvement in his family. His hero characterization organically emerges: how can someone who was born into such a context not support the United Nations and fight for human rights?

The same occurs for Emma, an asylum seeker from the DRC. Her asylum story describes the difficulties she encountered finishing her secondary education as a pregnant student. She began her political involvement in university, when she joined the political party that her uncle co-founded. She fought for social and economic equality through this political party. This makes sense because Emma experienced inequality firsthand by being confronted with such difficulties as a young mother. Furthermore, her family has a history of caring about these issues. Emma's political involvement makes logical sense and emerges naturally based on her background characterization.

The hero characterization's development from the exposition of the asylum story makes this characterization seem "irreversible and fateful," emerging as a natural and logical progression (Tschalaer 2021, 3537). This portrayal enhances credibility by presenting the cause of persecution as something inherent to the protagonist's character, making it a fundamental aspect of their personality that makes the resulting persecution inevitable. Such characterization demonstrates the impossibility of the applicant returning to the country of origin without being persecuted (Carrillo 2010). When an applicant is cast as a protagonist and their experience is structured as a story, this character development must feel authentic and inevitable. Ultimately, this approach portrays the asylum seeker as deserving of protection based on the immutable and fundamental nature of the trait that subjects them to persecution (Shiff 2020).

The hero characterization is a phase in a transformative arc in the protagonist's character. Within the asylum story, the key act of persecution that forms the center of the asylum claim functions as the climax of the narrative, transforming the protagonist from a hero to a "pathetic victim" that can be pitied and requires saving (Meyers 2011). The hero

characterization is the initial characterization of the protagonist, marked by an act or resistance that leads to persecution and, eventually, the protagonist's victim characterization.

The prominence, specific tropes, and transformation of the hero characterization vary based on how the asylum seeker is identified as a protagonist, particularly according to their nationality and gender. Afghan men like Mohammed require a hero characterization that is deeply developed. Mohammad, like all other Afghan applicants whose cases I interacted with, is not only supportive of the United States. He is also a defender of human rights, civic and political engagement of youth, education of women, and election surveillance.<sup>19</sup> Within the asylum story, the violence and fear he experienced is far less emphasized than this activism.

For other asylum seekers, the weight of the hero characterization compared to the victim characterization varies, and the hero characterization can look different. Sofia, an asylum seeker from Ecuador, applies for asylum based on being the partner to her husband. She describes the men in the vans that drove to her son's school to kidnap him, linking this to her husband's political involvement. Sofia's role as a hero emerges in her desperation to protect her child. She flees to the United States so her child can be protected from the gangs that were chasing her husband. She willingly leaves her husband behind to do this.

Sofia's hero characterization follows what Tschalaer calls the Madonna and Child trope (Tschalaer 2021). This trope embodies an ideal of femininity as being present through tenderness and care to a child. Within this trope, women and their children, as a single unit, are considered the most vulnerable because of this femininity. Protagonists aligning with this trope are an exception to the predictability of the hero-to-victim transformation, where this transformation does not need to occur because the concept of motherhood as entailing both heroic protection of the child and vulnerability in caring for a child is already easily comprehensible. Sofia exemplifies this trope through her self-sacrificial tenderness and care that prioritizes her child's welfare above her and her husband's, defining her hero characterization (Tschalaer 2021). This characterization, though very different from Mohammad's, is easily comprehensible because of its alignment with gender stereotypes. Like the example used in the introduction of the gay man whose presentation of queerness emotionally resonates with the judge, Sofia becomes affectively credible because her characterization aligns with a stereotype that is expected to resonate with the judge.

The hero characterization most often emerges to fit the client within the persecution based on "membership in a particular social group" box. This membership is tied to heroic acts that correlate to fear or experience of persecution. Mohammad was politically active and founded NGOs in support of democracy in Afghanistan; he is targeted by the Taliban

---

<sup>19</sup> Election surveillance in Afghanistan has historically been something the United States supported. For example, see USAID 2024 and 2010.

because of this. Emma was part of a political party fighting for equality for women; she was kidnapped because of this. The formula is predictable: membership of a social group leads to persecution. But the underlying notion is that this membership must be something that the United States would want to support by rescuing the applicant from the persecution resulting from it.<sup>20</sup> The applicant's heroic acts must fall "within the bounds of internationally recognized rights," in order to sanitize the agency of the protagonist in "the eyes of those who see the justice of their causes" (Meyers 2011, 259). This has the effect of ensuring that the persecution described is understood as unjust by the reader.

### 3.2.2 A Victim

Bianca's asylum case was the first one that I worked with. She is Venezuelan, and her case is 595 pages long. I glanced through her case before reading her affidavit, scanning what evidence was included and what order they were arranged in. I glanced at her husband's death certificate and mentally noted what letters of support were included before reading her affidavit.

Her affidavit was immersive, it read like a novel, even with the numbered paragraphs and sections split based on incidents that qualify her for asylum. I read through the account of her husband getting killed, and afterward I felt a weight to his death certificate that wasn't there before. It seemed heavy and significant after I got to know him through Bianca's eyes in the affidavit. In the I-589, Bianca describes her husband's death: *I lost my husband, he was assassinated, oh my loved one of 20 years.* In the affidavit, I learn that Bianca was carrying groceries up the stairs when her husband was shot at the ground floor, and I read her description of her dropping the groceries and running down the stairs at the sound.

In a letter from a doctor which described the trauma Bianca experienced due to witnessing her husband's assassination, a handwritten annotation on the side, made by Bianca's lawyer, states: *Witnessed? Back was turned.* I found the note cruel, even if necessary in terms of establishing credibility. I knew Bianca, I knew her passions and stories and how she met her husband and fell in love and how he died and the terror that followed her since. Questioning the legitimacy of her having "witnessed" her husband's assassination seemed cruel and ridiculous.

The victim characterization that is developed within the asylum story is essential because it displays the violence that the applicant is fleeing. This characterization consists of the experiences that the applicant has gone through that qualify them for asylum. It includes

<sup>20</sup> The United States these asylum cases speak to embody the nation's Cold War-era identity, characterized by its self-proclaimed role as "leader of the free world" and its claimed commitment to human rights and racial equality (Dudziak 2000). In this era, the United States positioned itself as both the moral arbiter of international human rights standards and responsible for ushering in global democratic transformation. This is of course deeply ironic in today's age, particularly with the United States experiencing political turmoil and having pulled out of the United Nations Human Rights Council.

threats and experiences of persecution and defines the precise threat the asylum seeker is requesting saving from. The victim characterization serves as the literal qualifier for asylum by documenting the persecution that legally justifies protection; however, it is rarely sufficient on its own to secure an affirmative decision. Effective victim characterization in asylum narratives derives its power not from explicit details of violence, but from creating emotional familiarity between the reader and the applicant, where knowing the person as a protagonist makes their suffering affectively credible and, likewise, emotionally compelling without requiring detailed accounts of suffering.

Victim characterization gains its persuasive power in asylum narratives through the gradual development of emotional familiarity, where readers who come to know the applicant's passions, history, and stories find their suffering inherently credible and emotionally compelling because the protagonist becomes a familiar and intelligible figure. This familiarity comes from spending time with the protagonist in the affidavit. As the reader begins to learn the passions and motivations of the protagonist, the applicant becomes a familiar, emotionally recognizable, and thus intelligible figure. The reader, like I experienced with Bianca's case, begins to feel that they know the applicant, resulting in the claim taking on an emotional dimension based on compassion, which is through to contribute to the rationality of decision making (Fassin and Kobelinsky 2012). This knowing of the applicant makes the victim characterization gain affective force, making the injustice of the victimization more intimate and emotionally compelling.

When readers have developed a personal connection with the protagonist of the asylum story, the victim characterization requires less explicit detail about violence because the reader's knowledge of the person makes even simple statements about harm emotionally impactful and thus affectively credible. Affolter describes this when she writes about asylum officer's having a "gut feeling" about the authenticity of an asylum claim that impacts how thoroughly the officer questions the applicant (Affolter 2021). Anna, an asylum seeker from Guatemala, had a credible fear interview upon entry into the United States. These interviews occur prior to the submission of an asylum case and are a means to test undocumented migrants' eligibility for asylum. Anna stated that she was beaten by her father's friends in the interview. The interviewer responded: "Which part of your body was kicked with their feet? Which part of your body was beaten with their hands?" These questions are cruel and ridiculous. Someone being beaten will not identify a foot from a fist, they are unlikely to even be able to distinguish the pain from one body part compared to another.

Within the asylum story, explicit details like what parts of the body were beaten with fists and what parts of the body were kicked with feet are rarely described. Instead, the story focuses on building the asylum applicant as a knowable and intelligible protagonist. I felt that I knew Bianca after reading her affidavit. I knew her family history, her passion for law, her

love for her dead husband. These details influenced my perspective towards her case far more than the graphic details. I ended up focusing more on her description of dropping the groceries when she heard a gunshot than thinking about whether or not hearing a gunshot qualifies her as a witness to the assassination. Bianca's account becomes affectively credible because the trauma and emotions that are evident within her affidavit make me, as a reader who is made witness to the violence she experienced (Nash 2022b), want to believe her, regardless of the technical qualification of "witness" or description of violence. Thus, the victim characterization does not need to be explicit or graphic in its description of persecution but rather depends on the building of the protagonist as someone who emotionally resonates with the reader. When the reader feels they know the applicant personally and the applicant becomes affectively credible, any description of violence becomes enough for an effective victim characterization, including "being beaten" without describing what parts of your body are hit with fists or feet.

The victim characterization, while legally essential as the foundation of any asylum claim, paradoxically cannot stand alone in persuading decision-makers. Castañeda and Crabapple describe the "bordering" that occurs within the asylum regime, where one is "moved to open the gate" (i.e., grant asylum) when the applicant's story is "terribly sad and unique," with no other applicant being exactly like this person (Castañeda and Crabapple 2023, 119). When this uniqueness is recognized, the gate opens because of a "mysterious synthesis of individuality and universal resonance that produces recognition" (Castañeda and Crabapple 2023, 119). Thus reveals a tension in asylum narratives, where the element of the story that legally qualifies someone for protection is also combined with other characterizations to achieve the uniqueness and emotional resonance that lawyers deem necessary to move the reader to act. The victim piece of the narrative is essential, but to make the asylum story compelling enough for the reader to "open the gate," it needs to be paired with the hero and good citizen characterizations that transform the asylum seeker as a legal subject into a complete, knowable human being worthy of protection (Castañeda and Crabapple 2023, 119).

### **3.2.3 A Good Citizen**

Bianca describes her activism in Venezuela in terms that fit how I was taught patriotism in my American high school civics class. She participated in "peaceful and legal protests," she calls Venezuela "my country," she protests against "unconstitutional laws and unconstitutional government," she is a member of a student group that she is "allowed to be in based on [specific law] and [specific article of the constitution]." She calls herself a "legal and legally acting citizen," and she supports the people of her country by organizing donations and campaign events. She is dedicated to "protecting the constitution."

When I finish reading her affidavit, I picture Bianca as someone who is patriotic and passionate about her country, who was forced to flee not because of her disagreements with her country—she would have stayed and continued to protest—but because of the aggression of her government that resulted in the assassination of her husband. She loves Venezuela and cares about it, she is proud to be Venezuelan, she does not want to be seeking status in a new country but is forced to. She was a good citizen in Venezuela, and she understands how good the United States is because she was fighting for the state functionality that the United States supposedly possesses.<sup>21</sup> This understanding and patriotism will make her a good citizen in the United States.

The good citizen characterization presents specific attributes that align with United States values, demonstrating that the applicant would make a good future United States citizen by matching what the United States wants its citizens to look like (see Dalton 2008; Goodman 2021). Like how Yukich observes that the New Sanctuary movement, a religious immigrant rights movement, frames the model immigrant in ways that resonates with religious groups, the good citizen characterization frames the protagonist as a model immigrant that resonates with a government audience (Yukich 2013). The good citizen characterization is made up of three traits: civic responsibility, patriotism, and self-sufficiency.

Bianaca's affidavit relies largely on two aspects: civic responsibility and patriotism. Her patriotism for the United States is built by showing how her patriotism for Venezuela manifested. This is largely through the use of terms that signal an alignment with the United States. While these terms generally reflect peaceful revolution, they take on new meaning within the context of an asylum case constructed for a United States audience. Bianca's success as a peaceful revolutionary does not matter for the asylum case. However, her role as a peaceful revolutionary matters in as much as this revolutionary action fits what the United States would want a revolutionary to be: peaceful, articulate, lawful, and patriotic, in contrast to an anarchistic or terroristic figure.<sup>22</sup> Even more specifically, Bianca is protesting for things that the United States thinks itself to be: constitutional and law following.<sup>23</sup> This

---

<sup>21</sup> It is ironic to write this amidst the current political turmoil in the United States. In writing this, I refer to the idea of the United States as a “land of opportunity” where people can work to achieve success and thus achieve the “American Dream” (Kluegel and Smith 1986; Reynolds and Xian 2014), and likewise the idea that United States democracy is/was functional and a model for the rest of the world (see Dahl 2001; Levitsky and Ziblatt 2019; Chomsky 1992). This idealized version of the United States aligns with my previous footnote on page 30, which explains that the United States embodied in asylum narratives reflects its Cold War-era persona.

<sup>22</sup> This is best understood through national remembering of the United States civil rights movement. In the United States, Martin Luther King (MLK) Jr. is idolized as the sole lead figure in the civil rights movement, symbolizing an ideal nonviolent protestor. He is not only peaceful, articulate, lawful, and patriotic, but also Christian. A “whitewashed” picture of MLK Jr. is thus constructed and celebrated (Visser-Maessen 2019). This contrasts with other essential figures in the civil rights movement who have been largely erased, or at the very least ignored, in recounts of this period in history books aside to be framed as terrorist insurgents (Carmichael and Hamilton 1967; Hinton 2021), regardless of what MLK Jr actually said about this matter (see 1967 speech “The Other America”).

<sup>23</sup> It is ironic to write this in the current political setting in the United States, where many constitutional rights that have been taken for granted are now being negotiated or overridden. In saying this, I think it is important to note that even when such negotiations are occurring, they are often framed within a language that speaks to

means that Bianca, though possessing the characteristics of what a United States would want a revolutionary to be, would cease being a revolutionary upon entering the United States because the United States is the “ideal” government for Bianca as it already possesses the characteristics that Bianca was protesting for in the Venezuelan government. Upon gaining legality, she would no longer need to challenge the existing economic and political order and would thus become a “safe, compliant” and “good” immigrant (Yukich 2013).

Civic responsibility is also presented through evidence that the applicant has exhausted all other options to pursue safety before applying for status in the United States. Dalton calls this citizen duty, defining it as “the willingness to report a crime” (Dalton 2008, 81). This is part of qualifying for asylum: it is necessary to prove the country the applicant is fleeing from is unable to protect her, and to do this, the applicant must provide evidence that she tried to pursue protection pathways through the state or other actors. For example, Mohammad explained that he went to the United States embassy for protection when he was in Afghanistan. In his affidavit, he writes that the “United States embassy had its limitations but remained supportive.” Similarly, Luis went to a human rights organization to report the abuse of the police but noted that they were unable to do anything to help him. These remarks not only provide evidence that the applicant cannot be helped in their home country (thus fulfilling asylum law requirements, see Chetail 2019), and that they are willing to report crimes and thus be civically responsible (as Dalton 2008 discusses), but also resets the responsibility of providing safety to the United States. This draws from historical precedent where the United States presents itself as a “global police person” that holds the responsibility of democratizing the world (see Chomsky 2004), in this case through saving people fleeing governments the United States identifies as nondemocratic.

A good citizen is also self-sufficient. This fits into the ‘pulling yourself up from your bootstraps’ narrative that is popularly assumed to be a possibility in the United States (Reynolds and Xian 2014). In the linear narrative of an asylum story, this attribute manifests after the asylum seeker is granted asylum. In the simplistic narratives of asylum stories, an asylum seeker cannot be both self-sufficient and a victim (see Meyers 2016; Nash 2022). However, the United States can allow the asylum seeker to become self-sufficient by rescuing them from this victim status. The potential for this transformation must be implied, if not explicitly said. Mohammed explains this most clearly in the closing statement of his affidavit:

---

constitutionality. For example, smothering pro Palestine protests is framed as fighting antisemitism, or censoring universities as equalizing politically left and right leaning voices. Even the bans on words in government funded research is framed as protecting free speech (Board 2025; Chong and Levy 2018).

I have started to reimagine my future and rebuild my path to promoting democracy globally from the United States. I have already started my Master degree in International Relations at Stanford University through a fully funded scholarship. I am on the right path to fulfilling my dreams. The opportunities I created for myself and others, put me in the top 1%. I am determined to do more and to give more. But first, I need to be protected physically through asylum.

Mohammad has concrete evidence for his potential self-sufficiency. He has been accepted into a university, he has a scholarship, and he reminds the reader of his hero characterization. He is on “the right path” to achieving full self-sufficiency. But self-sufficiency is unachievable until the United States steps into Mohammed’s story. Mohammed shows this when he breaks the trajectory of the statement by stating “but first, I need to be protected.” He sets the space where the United States must act for his self-sufficiency to become achievable. This is also a space of transformation: if the United States steps in, Mohammed would no longer be a victim but instead become a self-reliant person with legal status.

In narratives that rely more strongly on the victim narrative than the hero narrative, the self-sufficiency aspect comes in the beginning of the story, acting as foreshadowing to the role the applicant will have after being granted asylum. This is the case in Emma’s asylum story. Emma is an asylum seeker from the DRC. Though she also portrays heroic characteristics, including human rights activism, the violence she suffered and witnessed holds the greatest weight in the story. In her case, she begins with the self-sufficiency, good citizen aspect: “I became a businesswoman” she writes, and her lawyer emphasizes in her letter to the judge that “Emma was passionate about economics and commerce, and she was proud of owning her own business.” The narrative then constructs Emma’s hero characterization, before devoting the majority of its focus on the victim characterization. The role of the United States is to step in, provide Emma with asylum which will grant her the opportunity to heal from her trauma and become self-sufficient again.

The crafting of the good citizen characterization helps portray the applicant as a deserving immigrant, aligning him with the image of the model immigrant. Negative immigrant stereotypes can be countered by employing what Nicholls and Uitermark call the inversion of “disqualifying stigma” into “qualifying virtue” (Nicholls and Uitermark, 2021, 395). Stereotypes typically frame undocumented immigrants as both undeserving of legal status and not innocent (i.e. dangerous). This functions as a “disqualifying stigma” of undocumented immigrants, and, as previously mentioned, asylum seekers are often applying on a defensive basis where they have crossed the border illegally which inherently aligns them with this criminality stereotype. However, lawyers can invert these negative characterizations: the stereotype of the immigrant as terroristic, dangerous, parasitic (as in, taking advantage of

United States resources, see HoSang and Lowndes 2019), and anti-American can be inverted to show the immigrant as supportive of the United States (patriotic), self-sufficient, and civically responsible. Demonstrating this patriotism and pro-American sentiment thus counteracts the stereotype of immigrants as terrorists and dangerous (Yukich 2013). Furthermore, developing this good citizen characterization in the protagonist helps depict the asylum seeker as a future positive contributor to the national community (Hasselberg 2016; Yukich 2013), rather than as a threat to the national community's wellbeing (Yukich, 2013, 308).

Portraying immigrants in opposition to negative stereotypes helps frame asylum seekers as deserving of legal protection and, by association, as innocent. This portrayal works by aligning the asylum seeker with United States values and beliefs. Meyers describes how the actions of heroic victims must be depicted as falling within "internationally recognized rights" in order to sanitize "the agency of heroic victims in the eyes of those who see the justice of their causes" (Meyers 2011, 259). This is especially the case when the rights are not recognized by the persecutor, thus placing the persecutor in direct opposition to the United States while the protagonist aligns with the United States. This alignment between the United States and the protagonist, and the misalignment between the persecutor and the United States, secures the innocence of the protagonist (Nash 2022a; Meyers 2011). Likewise, the immigrant is portrayed as deserving of legal protection through this alignment. Things like shared culture and utilitarian contributions identify the protagonist with an idealistic image of the United States, working against the image of immigrants as polluting and defiling of the nation (Nicholls and Uitermark 2021; HoSang and Lowndes 2019), ultimately establishing the applicant's deservingness of legal protection.

### 3.3 Evidence and Making a Convincing Character

"The husband could be dead somewhere, buried, and what does it mean if she doesn't have a death certificate? It is awful, just awful." – Rayana, on Maria's case

Evidence is essential to asylum cases. The essentiality of evidence in asylum cases is surprisingly well documented considering anthropologists' general aversion to bureaucratic documents (Hull 2012a). Perhaps the well-researched aspect of this evidence arises from the ridiculousness of it: asylum cases can be rejected for lack of evidence, for unconvincing evidence, and for questionable evidence. Of course, the bureaucratic violence of evidence is also striking. As Oxford aptly says, "fleeing for one's life leaves little time to pack and organize documents" (Oxford 2023, 195).<sup>24</sup> The very expectation that the person has

<sup>24</sup> By "evidence," I refer to the documents like those Oxford refers to: identity documents, threatening letters, photographs, work certificates, death certificates, birth certificates, and similar materials. In my use of this term, I exclude first-person narratives such as affidavits or letters of support, whether written by the applicant or by third parties like teachers or family members.

documents to use as evidence is also ridiculous. My interest in evidence is not as something that holds individual weight in front of the judge; I am not evaluating the effectiveness of asylum casewriting methods in achieving affirmative decisions in the first place. Rather, my interest in evidence arises from what it does to the overall asylum story that is developed through the asylum case. Through this perspective, the exhibit of evidence, beyond the first-person written evidence like the affidavit, becomes a space where the lawyer enters the asylum story as an external narrator, shaping the asylum story by presenting records and documents which render the applicant's personal account factually credible.

The lawyer acts as an external narrator by presenting the documents that prove events and interactions to have occurred. The unreliability of the first-person narration in the affidavit is diminished through the presentation of documents assembled by the trustworthy and "omniscient" external narrator (Burroway 1995). This process of external validation is crucial because, as Castañeda and Crabapple observe, the pile of evidence makes the asylum judge's job easier because the applicant has "already been recognized by others" (Castañeda and Crabapple 2023, 118). In the context of asylum cases, the lawyer becomes the primary "other" doing this recognition work by curating, organizing, and presenting documentary evidence that validates the applicant's claims. By assembling medical records, employment certificates, or identity documents, the lawyer vouches for the applicant's factual credibility. This external recognition transforms individual documents from neutral artifacts into persuasive evidence that supports the asylum story.

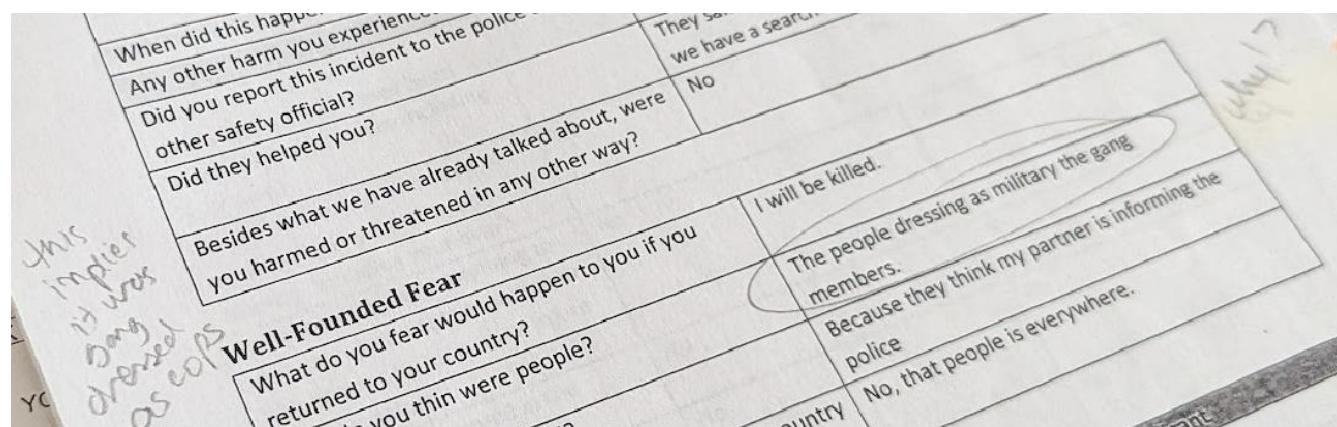
In Maria's case, which Rayana remarked on at the beginning of this section, the lack of a death certificate for her husband becomes detrimental to the credibility of her case. Maria is not sure if her husband is dead. He had stopped responding to her WhatsApp messages and it is now impossible for her to contact him. Rayana, notably, doesn't mention Maria not knowing if her husband is dead, instead she notes how awful it is that she doesn't have a death certificate. Within the affidavit, Maria can speak about her husband as if he is dead. He no longer responds to her messages, whether this is to keep her safe because of the dealings he may have had with the gangs or because he has died. Regardless, he is cut off from Maria. She can tell the lawyer about this in an affectively credible way, but without a death certificate the event is not proven as having happened.

Documents prove interactions to have occurred. Murray describes documentary evidence as articles which "authenticates the identity of and relationship between the writer and recipient" (Murray 2016, 498), where the writer is the creator of the document. In Charles' case, the document showing his employment for the human rights NGO authenticates that the relationship between him and the NGO did truly occur, and that the claims he makes about this within the affidavit is true. In a culture of suspicion within asylum, where people's histories are questioned and facts are challenged, having documentary

evidence like evidence of employment or medical evidence of torture acts as a production of trust in the reader (Fassin and D'Halluin 2005; Affolter 2022).

Documentary evidence must support the asylum story presented by the first-person narrator in the affidavit and I-589. Documents, as something that exists on their own, can have many meanings, signaling both belonging and unbelonging and thus being unstable in their intentions (Cabot 2012). The affidavit defines the meaning of the documentary evidence. As Murray says, the meaning of the documents arises from the reading of it rather than what is literally inscribed on the document (Murray 2017, 470). The affidavit defines how the piece of evidence is read. When I described Bianca's case, I discussed the weight I felt in her husband's death certificate after I read her affidavit compared to before I read the affidavit. The death of her husband and the content of the certificate remained the same before and after reading the affidavit, but after reading the affidavit the death certificate had new meaning as evidence of a tragic event. Documentary evidence thus has specific meaning because it acts as support for the affidavit rather than functioning apart from it.

### 3.4 Beyond Intelligible: The Bad Client



**Figure 5, A lawyer's notes on a client's credibility fear interview transcript, photo by author**

"He is a bad—a horrible—client."

Theo's case was the second asylum case I worked with during my time at the NGO, and it was also where I began to learn what the "bad client" characterization entailed. Theo is a Brazilian man who was tortured by the local police because he was dating a cop's son. Andrea had handed me the case with a muttered "this is a disturbing one" before retreating to her office. I was researching country conditions, collecting articles from state agencies and NGOs about human rights abuses in Brazil as they related to Theo's case. When I later asked Andrea about Theo's case, she justified her characterization of him as a bad client by

saying “he is 19, maybe 20 now, wears his hood up and acts like a teenager. He just shrugs and says yeah in response to questions—no details.”

There was a lack of detailed description in the I-589. In this form, Theo’s experience of persecution was described with the brief summary that he was “beaten and abused by the cops.” The detailed description of the persecution that Theo experienced was not present in the I-589, but it was recorded in the survivor services eligibility transcript placed below the I-589 in the manila file. I was frustrated with Theo’s case because I thought a judge would find the case unconvincing because of the lacking description of the persecution in the I-589. Additionally, finding evidence that white gay men experienced persecution by police in Brazil was difficult, primarily because reports focused on people of colour as victims of persecution. I remember thinking that if Theo was more willing to share the details of the torture he experienced to Andrea, and if he was not white, his case would be stronger.

My frustration with Theo’s case, particularly the ridiculous questions and qualifying statements I thought up as I worked with it, followed me throughout the day. That evening I complained briefly to my friend, telling him I was frustrated about a case where the client got beaten up by his boyfriend’s dad. I remember my friend’s brief response, “well... when you date a cop’s son...” before he rapidly changed the subject. My friend, like the judge, knew none of the details of the persecution that Theo suffered. A detailed account of the persecution experienced is not explicitly necessary to qualify for asylum, yet when crafting a case to convince a judge, providing a detailed account of persecution can help convince the judge that the applicant’s claimed experience has actually happened. And, thinking of my friend’s response, perhaps a detailed description of torture would distract the judge from thinking that Theo should have known better than to date the cop’s son.

Lawyers spoke frequently about good and bad clients. Bad clients make bad protagonists: they may be poorly spoken, shy, unassertive, maybe they misunderstand the questions the judge asks them. They are not convincing characters. They are beyond the terms of intelligibility created by the asylum procedures and negotiated through the asylum story. They do not fit into the Box.

When I was working on Theo’s case, I thought he was a bad client because he was unable to speak about the torture he experienced in explicit, detailed terms. This connects with many literature I have read and interacted with, it is an example where migrant suffering must be explicit to effectively become humanitarian capital, invoking pity and a duty to protect in the judge (Holland 2018; Galli 2020; Oxford 2023). Andrea spoke about the need for detail herself when she complained that Theo did not provide a detailed narrative.

Looking back, I do not think it was necessary for Theo to provide a detailed account of the exact torture and humiliation he had gone through. However, using terms like torture and humiliation instead of beaten and abused reflects the severity of what occurred through language that is identifiable to the judge and connects directly to the Convention against Torture, one of the grounds for asylum in the United States, making his claim legally legitimate.

After interacting with many other asylum cases, I now think that the explicit detailedness of Theo's narrative was not the issue. Rather, the issue was, as Andrea said, that Theo "wears his hood up and acts like a teenager." Being a good protagonist, a good client, entails fitting the character tropes of the asylum seeker. You must be a hero, a victim, and a good citizen. When Theo "just shrugs" and "wears his hood up," he is neglecting to fall into these tropes. He does not show a passion for gay rights and equality of opportunities; he does not express emotions and trauma in a way that is easily comprehensible to the judge (Castañeda and Crabapple 2023; McKinnon 2009). He doesn't talk about how he started dating the cop's son, he doesn't poetically speak about dating and falling in love in a society that was actively against him. Instead, he sits across from Andrea with his hood up, shrugging and providing short answers to questions, using too many 'ums' and mumbling. Theo is not fitting within the role of a protagonist, a hero-turned-victim, a person with emotions and motivations and passions that can be read in the pages of an affidavit. He is a person, maybe he was fighting for gay rights, maybe these potential poetics are all true. But because he is unable to say these things he becomes too complex to be intelligible in the eyes of the lawyer, the judge, and the law. He becomes incoherent and confusing as a protagonist. And, as Burroway states, "almost any reader can identify with almost any character; what no reader can identify with is confusion" (Burroway 1995, 103). The incoherence and confusion of the asylum seeker's character thus makes it more difficult for the reader (the judge), to identify with the protagonist, affecting the applicant's affective and factual credibility. Thus, the bad client is unintelligible as a protagonist.

Through Theo, we can see that a bad client is thought to be badly spoken and does not fit the role of the protagonist. Rayana expands this narrative when she describes Manuel, a man from Honduras, as a "bad client." She says "he is very" before making circles with her pointer fingers on either side of her head. He is floaty and scatterbrained. A bit all over the place. "The judge will ask him if he has experienced exhortation. And he's going to be like, 'oh no, well, you see...' and he will basically just normalize the violence and make it seem like a lesser deal than it is. That's what it is—normalizing the violence." Normalizing violence conflicts with a victim narrative where the effects of violence are fully felt and expressed in a

way that is intelligible and evokes pity (Beneduce 2015; Oxford 2023). It doesn't matter if this violence is common in the country of origin, it still must be presented as "significant suffering" through the presentation of the asylum seeker as a predictable protagonist who is heroic and traumatized in a way that is intelligible to the judge (Castañeda and Crabapple 2023, 103; McKinnon 2009).

And so a key problem arises: trauma is rarely intelligible, and furthermore traumatic events can rarely be recounted in coherent, linear narratives (Beneduce 2015; Oxford 2023; Stepnitz 2023). As Oxford observes, when asylum seekers have experienced traumatic events, the memories they do have are often the ones the judge is "the least interested in hearing about" (Oxford, 2023, 189). A linear narrative, where the "persecutor's motivation or harm is neatly linked in a causal narrative package" (Oxford, 2023, 189) and where experiences are placed within the "legal and cultural boundaries of what is desirable and acceptable for an asylum seeker" (Stepnitz, 2023, 2) becomes a monumental, and at times impossible, task. Organizing fragmented and vague memories into a linear and intelligible structure is an extraordinarily difficult and unrealistic expectation.

For example, in the photo at the beginning of this section (see Figure 5) you can see the client stated that the people who invaded his house were gang members dressed as cops. On the side, you can see the lawyer's annotation: *why!?* The people who entered the house may have been cops, and based on the lawyer's notes it appears that this is what the asylum story states going forward. However, this instance makes the narrative incoherent. By tripping over the words, saying the wrong thing, perhaps misremembering in this instance, the asylum story can be determined to be incoherent and thus incredible (Coffey 2003; Affolter 2021). This is not to say the applicant won't get asylum, but the building of a coherent and logical story is already difficult because of this instance where the client tripped over his words when in a stressful situation in front of an asylum officer.

On another occasion, Lucia complained about a bad client who was rude to the lawyers before noting that the client had suffered the loss of her child and husband the year prior. When trauma manifests in messy ways, whether that is rude behavior, short answers, murmuring, or wearing a hood up, the judge does not want to understand in the same way that they might want to understand the woman who weeps when she speaks about her husband's assassination (Oxford 2023; Galli 2020). A victim who is rude is too complex of a character to fit within an asylum story. A hero who committed voodoo against his enemies is too complex of a character to fit within an asylum story. A good citizen who supports socialism because they believe it would feed the poor is too complex of a character to fit

within an asylum story. The asylum seeker must be a protagonist that is intelligible, simple, predictable, and comprehensible in United States terms.

## 4. WRITING THE STORY: THE PLOT, THE ANTAGONIST, THE HERO, AND THE RESOLUTION

### 4.1 A Life Becomes a Story

We have a case, but we don't have a case if there is no identified persecutor. The persecutor needs to be identifiable, if it is Nicaragua we need to know it is the president against its people, if it is a gang we need to know its name, if it's the indigenous community then we need to have the name, we need the name so we can do the research to show the persecutor. The persecutor can't be a person in a mask or someone in an SUV, they need to be identifiable. This is a case, but it is not a case.

– Rayana, on Eleanor's case

Eleanor's husband refused to tell her about the interactions he had with the gangs that would subsequently try to kidnap their child. His refusal to tell Eleanor these details were likely an attempt to keep her safe, yet when she sits across from Rayana in the legal aid office, this protection has the effect of possibly disqualifying her from legal protection in the United States, and thus possibly forcing her back into the setting of violence she had fled. Eleanor's persecutors wore masks and hid in the SUV before they tried to grab her child. She believes they are members of a gang, but this belief lacks factual credibility when she doesn't have stories as evidence to prove this to be the case. Her persecutor remains nameless, and without a name, her asylum case cannot be constructed as a coherent story.

An asylum claim is based on interactions between three key figures: the asylum seeker who was persecuted, the persecutor who inflicted that persecution, and the United States, represented through the judge that reads the case, who makes the asylum decision. The asylum case, when centered around the affidavit, constructs this claim as a story that the reader can easily comprehend and emotionally invest in. Within this story, these three figures become characters that fit particular tropes and follow logical storytelling arcs. If the persecutor is nameless, the hero doesn't know who they are rescuing the protagonist from, and a compelling story cannot be crafted around it. To fit these tropes, follow these storytelling logics, and be granted asylum, these characters must have names.

Of course, lives do not naturally occur as stories. Bourdieu critiques the notion of considering “life as a history,” arguing that this implies life is a “coherent narrative of a significant and directed sequence of events” (Bourdieu 2017, 211). This, he claims, is a “rhetorical illusion” (Bourdieu 2017, 211). Woolley, likewise, criticizes asylum cases as fixing a life into a “particular version of the truth” that fails to account for the complexities and instability of real life (Woolley 2017, 381). For the asylum story, events must be chosen to

spin a narrative around. The direction of the sequence of events that Bourdieu mentions is the asylum claim which is presented in the I-589 as a summarized statement explaining why the applicant qualifies for asylum. The asylum story provides the context for this claim, depicting the characters and events in alignment with this claim and censoring the complexities of reality that may work against it.

In this chapter, I explore how the asylum story is constructed. Much of the material draws from the affidavits presented in asylum cases, which form the center of the asylum story by providing the first-person account of the events and happenings that qualify the applicant for asylum. I explore how lives are transformed into such asylum stories—coherent and linear narratives that are easily followable and predictable. I explore the characters of the antagonist and hero, who are superficial characters that drive the narrative forward and, eventually, beckon in the resolution.

Lives are not linear. They are not coherent or sequenced along specific motives. That lives can be rendered this way is, as Bourdieu says, an illusion. However, portraying lives in such linear and compelling ways helps, as Nash observes about human rights films, persuade audiences to accept that “what we have experienced in watching a film [or reading a story] is real, true, and of value” (Nash 2022b, 208). The immersion within a story, whether visual or written, helps convince readers of the reality of the subject matter because they become invested in the emotion and detail of events. This narrative power builds the affective credibility of the asylum case, rendering the applicant’s life complexities into a form that the judge can easily comprehend and respond to.

## **4.2 Making a Life Linear: The Phases of a Story and the Creation of a Plot**

DECLARATION OF LUIS ANDREAS

A#000 000 000

I, Luis Andreas, state the following under penalty of perjury:

1. My name is Luis Andreas and I am the lead respondent in this case. I am submitting this declaration in support of my application for asylum, withholding of removal and relief under the Convention Against Torture. This is a summary of my claim, I will provide more details in my testimony.
2. I was born in Tacuba, El Salvador, on January 1, 1981. I was raised in Tacuba with my mother and three siblings. My father abandoned me when I was three years old. I have two sisters and one brother, I am the eldest. I studied in school until I was 15 years old. I did not graduate. I started working when I was 11 years old. My aunt had a food stand. I had to work there, processing orders and going to the market. I also worked at a school cleaning.

3. My cousin, Carlos Gonzalez, raped me when I was a child. Carlos was my aunt's son. I spent time at my aunt's house when there was no one else to take care of me. One day, Carlos raped me. I think I was 13 years old when this happened, he was 19 or maybe 20 years old. After this incident, I stopped working for my aunt. I just recently started opening up about this and only at church and to my wife. It is very hard for me to talk about.
4. I met my wife, Maria Andreas (née Ramirez), when my family and I had to move to a different neighborhood.....

This is the first page of Luis's affidavit. The affidavit continues for twenty pages.

In the I-589, the summary of Luis's asylum claim says the following:

I was threatened and beaten by police officers. I worked at a mechanics store. The police came to my store and stole from me. After multiple instances, I reported them. They found out and came to my house and threatened me. The threats escalated until they pulled me from my car in front of my wife and child to beat me. Then they shot at my house when my wife and child were inside. This is a summary of my claim. I will provide more information at a later time.

Affidavits are strikingly predictable in format. The first paragraph introduces the person applying for asylum, the second starts the story with information about birth location, parents, and siblings, the third paragraph usually maps educational background, and the fourth introduces the applicant's partner. The predictability of these beginning paragraphs does not occur because lives are lived in such a linear format. Rather, this predictability reflects how the lives of asylum seekers are transformed into stories following linear formats. Bourdieu describes the consideration of life as a history as requiring a "coherent narrative of a significant and directed sequence of events," that is, where there is logical and causal flow leading from one part of the narrative to the next (Bourdieu 2017, 211). In affidavits, lives are portrayed like histories that are linear, logical, and coherent. This linearity makes the life story comprehensible in its predictability. The classical structure of a story is easy to comprehend and follow, the chaos and unpredictability of a lived life is far more difficult to grasp.<sup>25</sup> Thus, in asylum applications the inherent logic of storytelling is often used to talk about a life in a way that is comprehensible and emotionally investable by the judge. This occurs through transforming a life into an intelligible and predictable plot, that can be easily understood and followed by the judge.

<sup>25</sup> In writing this, I am reminding of Garcia's ethnographic work at a drug rehab clinic. Garcia describes how her detailed 11-page account of the day's work had to be reduced to three sentences for official records. This demonstrates how bureaucratic systems cannot accommodate the full complexity of lived experience (Garcia 2010).

The logic of storytelling does not only present the necessary legal information that forms the basis of the asylum claim in a linear format, but it also presents this information as immersive knowledge that the reader can emotionally engage with. In Nash's research on human rights films, she observes how knowledge is shared as "immersive knowledge" which uses techniques to "draw viewers into knowing that is intuitive, emotional, imaginative, and embodied" (Nash, 2022, 4). This is usually done through techniques similar to those used in ethnographic film, with long shots based on observations of people's lives as if the observation is unmediated. These scenes help the viewer "create identification with a protagonist" and aim to create empathetic understanding within the viewer (Nash, 2022, 4). She notes that cinematic strategies like immersive knowledge help persuade the viewer to "accept that what we have experienced in watching a film is real, true, and of value to controversies over human rights" (Nash 2022b, 208). The affidavit becomes the space in the asylum case where legal information is shared as immersive knowledge, not through cinematic techniques but through storytelling techniques. Here, the passions, emotions, and motivations of the applicant have distinct value as drivers of the narrative that provide context for the legal information that forms the basis of the asylum claim, helping convince the reader that the information is "real, true, and of value" because this knowledge is portrayed as immersive and thus affectively credible (Nash 2022b, 208).

The exposition of the affidavit introduces key characters in the asylum story and uses narrative tools like foreshadowing, increasing the credibility of future events that form the basis of the asylum claim (Burroway 1995). In Luis's narrative, we learn that he was abandoned by his father as a child and had to provide for his family from a young age. We learn of the rape he experienced by his cousin. Through storytelling conventions these experiences are transformed into Luis's "origin" (Bourdieu 2017) and "purpose" (Burroway 1995), becoming the driving force for the protagonist's character. This introductory information makes Luis's later character developments predictable through storytelling logic: his familial background establishes him as someone who cares deeply about the wellbeing and unity of his family, and the rape positions him as particularly dedicated to protecting children.

Within the logic of storytelling, these experiences cannot simply exist as complex lived events. They must serve a narrative function by making later events seem inevitable. Personal history becomes the exposition of a story, transforming these traumatic experiences into the "origin" and the "primal force," of the protagonist, driving the plot development of this chronological narrative (Bourdieu 2017, 210). Luis's personal history thus holds specific meaning as a narrative tool rather than a complex lived experience, reducing this experience to something that explains Luis's character and later actions in

order to move the story forward. This is the very reduction that Bourdieu critiques in his analysis of life histories, where events like these become narrative tools instead of simply existing in their complexity and personal impact.

The rising action and climax of the story are primarily marked by shifts in how the protagonist is positioned within the narrative. In the rising action, we see the protagonist as a hero, while the climax transforms the protagonist to what Nash, drawing from Meyers, calls a "pathetic victim," who can be pitied compared to the agentic victim who is able to save himself (Meyers 2011; Nash 2022a). In Luis's asylum story, the rising action centers on the police stealing from his store and ends with Luis's resistance against them. This resistance establishes Luis's heroic characterization within the narrative's logic. The climax consists of Luis's house being shot at and him being beaten by the police in front of his child. The narrative is less focused on him being beaten, than on him begging his persecutors that they do not hurt him in front of his wife and child. This shift transforms Luis from a hero or agentic victim who can save himself to a "pathetic victim" that can be pitied and requires protection, while still maintaining his "origin" values that made him heroic in the first place (Meyers 2011; Bourdieu 2017).

The falling action phase of the asylum story is marked by silence. This includes the unspoken movement to the United States, signified only by the asylum application itself. Asylum stories do not recount the journey to the United States; they do not discuss the brutal crossing of the border and the events that follow. These forms of violence are part of United States border policy (De Leon 2019; Golash-Boza 2015), describing these violences would map the United States as an antagonist or as a complicated, multifaceted hero, neither of which is helpful for an asylum case. Instead, the falling action is concise: *For this reason, I came to the United States. To protect my family.* While the falling action encompasses the physical journey to the United States, the asylum application, the waiting, the court dates, living under the threat of deportation, seeking work, and trying to obtain medical care, none of this reality can fit within the linear asylum story.

#### 4.3 A Simply Bad Antagonist

When Rayana gave me my assignment, she introduced it by telling me the role of the antagonist in this asylum story. "They chop children's hands off, dry them out and wear them as key chains. They cut people up. They are a violent people." I was researching country conditions for Alexandra. She is a member of this indigenous community and married a man within the group and experienced years of domestic violence. She had children and waited until they became adults before trying to flee. I was supposed to find country conditions

portraying the indigenous group as a violent people, unforgiving of people who would flee and betray the community.

I was not able to find any evidence for the violence of the community. There were accounts of hand chopping rituals many years ago, but modern articles focused on foreign mines taking over the land and women's resistance against the mines. These articles did not help form a narrative where the community was oppressive of women. The anthropological articles I found did not help, and instead painted glamorous photos of the indigenous group, talking about the land and food and so on. At the end of the day, I ended up printing articles with statistics about indigenous peoples in general, stating that some percentage of indigenous women experience domestic violence.

At lunch, I chatted with Rayana and Andrea about the indigenous group. Andrea added to the image of the community that Rayana described. "Oh, they are the ones with the house scam right?" She explains how she heard of multiple people who rented a house within the land belonging to the indigenous group. They were then chased out in the middle of the night with threats of burning the house down. Andrea was clear in her account: the community organized the rental, they planned the chasing out of the renters and the threats, and they kept the profit. The indigenous group is untouchable by the state, allowing this to continue to occur.

When I was given this assignment and began to read the published articles about the community, I began to piece together a picture of how I imagined the violence to be occurring. The indigenous group had gone to the UN about the illegal mines, which were permitted to operate by the nation state. The UN responded to the request, so there was international scrutiny of this community's interactions with the state to ensure their sovereignty was upheld. In this setting, it would make sense that the state did not want to get involved with reports of domestic violence, as they had already been negotiating the sovereignty of the indigenous people and would be afraid of further international backlash. As I found myself trying to explain this argument through simple highlights in articles, I realized this was a narrative that was too complex to fit within the asylum case. The indigenous group needed to be simply violent: they are oppressive and violent towards women. Women cannot be leaders in the community if this is the case, so I have to hope the judge doesn't think to Google the community and see the articles about women leading resistance groups against mines. I needed to find evidence of a superficial antagonist, an indigenous people following all the tropes of violent savagery. There is no space for the antagonist to be complex in the asylum story.<sup>26</sup>

---

<sup>26</sup> Notably, the asylum seeker does not need to be cognizant of the simply bad nature of the antagonist in the story. If we consider Bianca's case, she talked about how she "loves Venezuela." In her case, the Venezuelan government was the antagonist. Even though Bianca loves her country, the country is still portrayed as simply

The need for a superficial antagonist was also demonstrated in Charles's asylum story. Charles is an asylum seeker from the DRC. He was kidnapped and tortured because of his work with a human rights organization. In the very back of his file, there is a stack of papers paperclipped together with a yellow sticky note on the top reading: *Not Used*. When I flip through these pages, I quickly recognize that each document reflects the DRC's recognition of the human rights organization that Charles was working for. These are bureaucratic documents legitimizing the organization in the eyes of the state.

When I read through Charles' asylum rejection notice and his deportation order, the decision was justified because the organization he was working for was recognized by the DRC as a non-profit. According to the judge, this makes Charles' asylum claim not credible. The antagonist in the story is the DRC. In a simplistic asylum story, the DRC cannot officially recognize the human rights organization as a nonprofit and participate in persecution against the members of the organization. This story makes the DRC too complex of a character to be believable. Thus, the asylum story must minimize the recognition of the organization so that the DRC's role is simplistic enough to be credible.

The linear narrative of the asylum story forces the construction of a "flat and homogenous" antagonist that does not reflect the complexity and inconsistencies of sociopolitical contexts (Carrillo 2010, 446). Wooley states that asylum seekers must "narrate themselves into a position of legitimacy" (Woolley 2017, 380). This legitimacy comes from cleanly separating "states that protect their subjects from violence from those that do not" (Shuman and Bohmer 2014, 951). In practice, this narrating to legitimacy requires portraying the antagonist as simply bad, inherently "backward," with the country of origin entirely unable to protect the applicant from violence (Shuman and Bohmer 2014, 951). Within the asylum story, this forces applicants to vilify their country of origins to remove any suggestion that the applicant could return and not be persecuted (Carrillo 2010, 446).

The need to construct a simple antagonist is not a new phenomenon. Shuman and Bohmer (2014) discuss the limited approval rates for gender-based asylum claims in the UK. They discuss how attempts to expand asylum approvals based on gender-based violence had the effect of further demonizing persecutors as "backward" and "conforming to outdated gender norms, thus erasing and making invisible cultural distinctions and the particular contexts (especially colonial and post-colonial contexts) of gender discrimination" (Shuman and Bohmer 2014, 951). The same occurs in Alexandria's case. In my attempts to construct the antagonist as simply bad and thus more convincing, I was constructing the indigenous group as entirely oppressive of women, deceptive, and violent. In this process, I was choosing to ignore the complex realities of women's leadership of resistance movements

---

and wholly bad, and, in effect, she as the applicant is portrayed as simply not knowing better which reinforces the United States' role as the ultimate saving hero.

against foreign mines because this created an antagonist that would be too complex for the reader of the case to quickly comprehend.

Storytelling logic and the requirements of proving persecution result in superficially bad antagonists, which obscure the political contexts that would complexify this characterization. Within the asylum framework, these complex realities must be hidden to create a simplistic antagonist whom the lawyer can recognize as "backward" and "violent," with no further complexity that might muddy the narrative required for legal success (Shuman and Bohmer 2014, 951).

#### **4.4 An Unfinished Story: Waiting for the Ultimate Hero to Beckon in the Resolution**

Asylum stories are always unfinished. The resolution of the story is unwritten, and the reader of the case is invited to step in and usher in the resolution. The resolution is the affirmative or negative decision that closes the asylum seeker's case. The role of the judge in ushering in this resolution is developed throughout the story, with the United States cast as the hero and the judge representing the United States through their power to grant asylum and provide the story's resolution.

This heroic positioning becomes evident from the beginning of the story through seemingly peripheral elements of the narrative that helps establish and imply the United States' role within the story. When I first read Luis's asylum story, I found the account of Carlos, his cousin who raped him as a child, disconnected from the rest of the structured narrative. Carlos has no impact on Luis's technical qualification for asylum. Through the logics of storytelling, however, this account takes on specific significance that is illustrated by the ending statement of the paragraph: "I only now have the courage to discuss this, and only at my church and with my wife." This statement maps out the role of the United States in the story. Luis is in the United States and can now begin to confront and heal from his childhood trauma. This was not possible when Luis was in Honduras. Carlos may not be part of the asylum claim, but he plays the role of reflecting who Honduras and who the United States is in the story. The United States, even before fully stepping into the story's role as the hero, has already started saving the character by providing an environment that is safer than the one he had left because Luis is able to start processing this violence. Within the asylum story, this trauma becomes significant as a foreshadowing tool, instead of it simply existing as a traumatic experience.

The transformation of the judge into a hero requires their recognition of themselves as what Nash describes as a "witness" who has an obligation to respond to the material (Nash 2022). The witness is beckoned to recognize their "capacity to make it [the suffering] stop" (Nash 2022, 21). This witness role becomes explicit in the closing statement of Mohammad's

asylum story, which clearly maps out the United States' role and the judge's capacity to usher in a happy resolution to the story. Mohammad begins by stating, "I have started to reimagine my future and rebuild my path to promoting democracy globally from the United States... I am on the right path to fulfilling my dreams." He concludes the paragraph by stating a prerequisite to fulfilling his dreams: "But first, I need to be protected physically through asylum." This is a clear mapping of the United States' role, where the United States must grant asylum to allow Mohammad's story of persecution and violence to be resolved, allowing him to start a new life in the safety of the United States.

The resolution of the asylum story is one that is imagined and hoped for by the protagonist. Nash describes how human rights filmmakers orientate hope towards a "future that is possible, and necessary, but that exists in the here and now only in the imagination" (Nash 2022, 13). Within the boundaries of the asylum story, Mohammad's resolution exists only as this hopeful orientation. As he says: "I have started to reimagine my future and rebuild my path to promoting democracy globally from the United States." In this instance, Mohammad's potential future is frozen within the imagination because he is not protected through asylum. Thus, the judge must step into the story as a "witness" who holds the capacity to conclude the story by protecting Mohammad through asylum, ending his suffering. In this way, the asylum story's unfinished quality beckons the reader to use their legal power as a judge to step into the story and transform the imagined future to an actualized one.

Asylum is a "scarce resource" (Fassin and Kobelinsky 2012, 447). It is based on moral incentive, where the judge grants asylum based on some notion of humanity and compassion that they hold towards the applicant (Fassin and Kobelinsky 2012). The structuring of the story and the dichotomy between the antagonist and protagonist requires that the reader, who is made a witness through immersive knowledge (Nash 2022b), to identify with one or the other. By casting the United States as the potential hero and the judge as its representative, the asylum story creates a framework where denial becomes not just a legal decision, but a moral failure to fulfill the heroic role the narrative has established (see Fassin 2005). The responsibility to resolve the asylum story and prevent its tragic conclusion falls to the judge, who must choose whether to give the story a happy resolution through the granting of asylum, or let it end as a tragedy through deportation to dangerous circumstances. The asylum story's narrative arc concludes with this decision, while the messy realities that follow exist outside the story's carefully constructed framework.

## 5. CONCLUSION: BECOMING INTELLIGIBLE IN AN INCREASINGLY UNINTELLIBLE SYSTEM

Throughout these chapters, I have explored how lawyers build asylum cases through the construction of asylum stories that feature coherent and affectively credible protagonists. I build on other scholars who have analyzed the consistency aspect of credibility (Affolter 2022; Cohen 2001; Jacobs and Maryns 2022), and those that have analyzed the role of emotion in asylum claims (Singer 2021; Castañeda and Crabapple 2023; McKinnon 2009). I introduce the concept of affective credibility where the applicant, through the construction of a protagonist, becomes illusioned as fully intelligible and thus “truly trustworthy,” convincing the judge that the applicant is someone who not only isn’t lying but wouldn’t lie (Vogler 2016). The affectively credible protagonist makes the asylum seeker appear intelligible to the judge through emotional connection built through the asylum story’s protagonist rather than genuine understanding of the person applying for asylum.

To explore the process of creating the illusion of the intelligible asylum seeker, I start with the center of the asylum case: the I-589. I examine how the form functions as the starting point of constructed intelligibility, making the applicant into a person “by design” by fitting into the bureaucratic boxes that the USCIS believes defines and identifies a person, making them comprehensible and governable (Galvin 2021). I then discuss the Asylum Box and the failings of the I-589, exploring how the I-589 is not enough to fit an applicant “into the Box” and make them comprehensible to the state as a person qualifying for asylum. I introduce the need for an affectively credible protagonist that can become fully intelligible to the judge to fit the applicant into the Box.

I then explore the creation of the protagonist. I introduce the three core tropes that define the protagonist of the asylum story: the hero, victim, and good citizen characterizations. These tropes are predictable across asylum cases with few exceptions. I briefly consider evidence beyond the affidavit, considering documentary evidence as a means to reinforce the reliability and factual credibility of the first-person narrator of the affidavit. I close the section with an examination of the bad client, the applicant who eludes full intelligibility as a protagonist.

My final chapter examines the story line of the asylum story, exploring the linearity and predictability of the asylum story that allows it to be easily comprehended and deemed factually credible through a logical progression of events. I then discuss two key characters in the story: the antagonist and hero, who are made into superficial characters that must be portrayed as entirely “bad” or “good.” I conclude by considering the role of the reader of the story in providing an affirmative decision that would beckon in the resolution.

Though these methodologies of asylum story writing function as negotiations of the bureaucratic violences of the asylum regime by implementing emotional terms of personhood

within the pages of the asylum case, there is violence in doing this. This is best demonstrated by a conversation I had with Rayana. We were discussing SOGI asylum claims, and she said: "A lot of times, in these Central American countries where there aren't many rights for LGBT people, gay people join gangs and then they can rape whoever they want." This reflects the violent assumptions that emerge when countries are understood through these asylum stories, where queerness is depicted as either a cause of persecution—where the protagonist is persecuted because of their queerness—or as something violent—where the protagonist is raped by someone of their same sex.<sup>27</sup> Queerness as something that exists in all contexts and in all complexities is erased.

Likewise, when countries are understood through their asylum stories, indigenous communities become solely violent. Afghan women become entirely helpless and dependent on Western saving (see Billaud 2015). Successful resistance against the Venezuelan government becomes an impossibility. The effort to build a credible protagonist and story obscures the complex reality of what is actually occurring and, following Rayana's words, what being queer might actually look like in the country of origin. Queerness, indigeneity, femininity, resistance—all are reduced to one thing: dangerous. Any success the applicant has in resistance against the persecutor likewise must be erased to make them into a "pathetic victim" (Meyers 2011). This is violent, even if it is done with good intentions and is deemed necessary to get the client asylum status.

After reading this paper, it is very likely that you are left with one question: but does it work? Does constructing an affectively credible protagonist succeed in securing the applicant asylum? Does creating a linear, logical narrative actually influence the judge? This question extends far beyond the scope of my research's capabilities to answer. My research centers on the lawyer and their strategies for constructing a convincing asylum case, not on the judge's reception of the asylum case. However, in offering what must necessarily be a provisional and tentative response, I want to draw from Fassin's and Kobelinsky's observations of the disparities in affirmative and negative decisions between judges (Fassin and Kobelinsky 2012), and a statement from Andrea, made after she handed me the deportation order for Charles, an asylum seeker from the DRC: "Wilson [the judge] hates people from the DRC. He doesn't believe them. That's why Charles was rejected." Andrea, like Fassin and Kobelinsky, understands the judge to be the final determining factor in the case. The predispositions of the judge determine the result of the asylum seeker's case, which is why many people want their cases to go to some courts and judges over others.<sup>28</sup>

---

<sup>27</sup> I specify queerness as a cause of being a victim to persecution compared to acting in persecution because Rayana is referring to cisgender gay men as perpetrators of violence specifically, not queer people in general.

<sup>28</sup> My interlocutors have spoken to this, but this also been a theme that has arisen in conversations I have had with scholars and people working in other legal aid organizations.

If asylum decisions are understood to be determined by the emotions and predispositions of individual judges, which is evident in Andrea's statement, the accompanying literature, and in the very concept of affective credibility, then can the system and its decisions be comprehended as something rational? Is the asylum system itself intelligible as a coherent mechanism? If the system is unintelligible, the question of whether asylum storytelling effectively produces affirmative decisions is unanswerable. Charles from the DRC could of had an excellent case for asylum; he fulfilled all the legal requirements and suffered persecution. Yet, his case was rejected. Can this be understood as resulting from a flaw in his case? Judges are required to explain their rejections as something logical, yet it is rarely that. And this is not new. In a file I was responsible for shredding, I was struck by a series of communications between EOIR and a client from Guatemala. The judge carefully explained his reasons for rejection, which were in complete contradiction to what was written in the claim. The applicant responded: *I believe there has been an issue with translation.* There was no issue with translation, I could see the contradicting lines in front of me. This case was from the early 1990s, yet the principle remains the same. The response to an asylum claim does not need to be logical, it does not need to be lawful, it does not need to make sense. It needs to pretend to, a response must be sent in proper legal language justifying the negative decision, but this can still be in contradiction to the case that has been submitted.

Thus leads us to another violence: the asylum seeker is illusioned as becoming intelligible through all these processes, but they are becoming intelligible in an increasingly unintelligible system. The humanitarian sector of migration that asylum is grouped under has been dramatically reduced in the past weeks. Humanitarian Parole and Temporary Protected Statuses have all but closed, forcing many people into illegal statuses that are used to threaten them with deportation. Refugee resettlement has been shut down, and organizations like the one where I did my ethnographic research have seen their funding severely cut if not entirely frozen. Asylum is continuously being negotiated through policy, travel bans, funding crises, mass deportations, violations of non-refoulement, and far more. All of this reinforces a central theme that Fassin identified: Asylum, increasingly so, is a favour (Fassin 2016). It is a special status given to a select few, a humanitarian gift instead of a legal obligation and right. When this happens, the asylum system is under no need to be intelligible, logical, or consistent, even if the asylum seeker must be.

## BIBLIOGRAPHY

Achiume, E Tendayi. 2019. "Migration as Decolonization." *Stanford Law Review* 71 (6): 1509–74.

Affolter, Laura. 2021. "Regular Matters: Credibility Determination and the Institutional Habitus in a Swiss Asylum Office." *Comparative Migration Studies* 9 (1): 4. <https://doi.org/10.1186/s40878-020-00215-z>.

———. 2022. "Trained to Disbelieve: The Normalisation of Suspicion in a Swiss Asylum Administration Office." *Geopolitics* 27 (4): 1069–92. <https://doi.org/10.1080/14650045.2021.1897577>.

Ahmed, Sara. 2000. *Strange Encounters: Embodied Others in Post-Coloniality*. Transformations. London: Routledge.

Allington, Maynard. 1998. "A Matter of Character." *The Writer*. 111 (10): 23–26.

Anzaldúa, Gloria. 1987. *Borderlands/La Frontera: The New Mestiza*. 5<sup>th</sup> ed. San Francisco: Aunt Lute Books.

Beneduce, Roberto. 2015. "The Moral Economy of Lying: Subjectcraft, Narrative Capital, and Uncertainty in the Politics of Asylum." *Medical Anthropology* 34 (6): 551–71.

Billaud, Julie. 2015. *Kabul Carnival: Gender Politics in Postwar Afghanistan*. 1st ed. The Ethnography of Political Violence. Philadelphia: University of Pennsylvania Press.

The Editorial Board. 2025. "Opinion | The MAGA War on Speech." *The New York Times*, February 28, 2025. Available at: <https://www.nytimes.com/2025/02/28/opinion/free-speech-trump-maga.html>.

Bourdieu, Pierre. 2017. "The Biographical Illusion (1986)." In *Biography in Theory*, edited by Wilhelm Hemecker and Edward Saunders. Germany: Walter de Gruyter GmbH.

Burroway, Janet. 1995. *Writing Fiction: A Guide to Narrative Craft*. 4th ed. New York, New York: Watson-Guptill.

Butler, Judith. 2009a. *Frames of War: When Is Life Grievable?* London: Verso.

———. 2009b. *Undoing Gender*. New York, New York: Routledge.

Cabot, Heath. 2012. "The Governance of Things: Documenting Limbo in the Greek Asylum Procedure." *PoLAR: Political and Legal Anthropology Review* 35 (1): 11–29.

Carmichael, Stokely, and Charles V. Hamilton. 1967. *Black Power: The Politics of Liberation in America*. New York, New York: Vintage.

Carrillo, Héctor. 2010. "Immigration and LGBT Rights in the USA: Ironies and Constraints in US Asylum Cases." In *Routledge Handbook of Sexuality, Health and Rights*, 444–52. Taylor and Francis.

Castañeda, Michelle, and Molly Crabapple. 2023. "Bring Me the Room: Tragic Recognition and the Right Not to Tell Your Story." In *Disappearing Rooms*, 91–128. The Hidden Theaters of Immigration Law. Durham, North Carolina: Duke University Press.

Chetail, Vincent. 2012. "Are Refugee Rights Human Rights? An Unorthodox Questioning of the Relations between Refugee Law and Human Rights Law," in *Human Rights and Immigration, Collected Courses of the Academy of European Law*, 19-72. Oxford, UK: Oxford University Press, 2014.

———. 2019. "Refugees." In *International Migration Law*, by Vincent Chetail, 1st ed., 169–99. Oxford University Press.

Chomsky, Noam. 1992. *Deterring Democracy*. London: Vintage.

———. 2004. *Hegemony or Survival: America's Quest for Global Dominance*. Penguin UK.

Chong, Dennis, and Morris Levy. 2018. "Competing Norms of Free Expression and Political Tolerance." *Social Research* 85 (1): 197–227.

Coffey, Guy. 2003. "The Credibility of Credibility Evidence at the Refugee Review Tribunal." *International Journal of Refugee Law* 15 (3): 377–417.

Cohen, Juliet. 2001. "Questions of Credibility: Omissions, Discrepancies and Errors of Recall in the Testimony of Asylum Seekers." *International Journal of Refugee Law* 13 (3): 293–309.

Dagg, Jennifer, and Mark and Haugaard. 2016. "The Performance of Subject Positions, Power, and Identity: A Case of Refugee Recognition." *European Journal of Cultural and Political Sociology* 3 (4): 392–425.

Dahl, Robert A. 2001. *How Democratic Is the American Constitution?* New Haven: Yale University Press.

Dalton, Russell J. 2008. "Citizenship Norms and the Expansion of Political Participation." *Political Studies* 56 (1): 76–98.

De Genova, Nicholas. 2005. *Working the Boundaries: Race, Space, and "Illegality" in Mexican Chicago*. Duke University Press.

———. 2013. "Spectacles of Migrant 'Illegality': The Scene of Exclusion, the Obscene of Inclusion." *Ethnic and Racial Studies* 36 (7): 1180–98.

De Leon, Jason. 2019. *The Land of Open Graves: Living and Dying on the Migrant Trail*. University of California Press.

Dudziak, Mary L. 2000. *Cold War Civil Rights: Race and the Image of American Democracy*. Politics and Society in Twentieth-Century America. Princeton: Princeton University Press.

Fassin, Didier. 2005. "Compassion and Repression: The Moral Economy of Immigration Policies in France." *Cultural Anthropology* 20 (3): 362–87.

———. 2011. "Policing Borders, Producing Boundaries. The Governmentality of Immigration in Dark Times." *Annual Review of Anthropology* 40 (1): 213–26.

———. 2012. *Humanitarian Reason*. Translated by Rachel Gomme. Los Angeles, California: University of California Press.

———. 2016. "From Right to Favor." *The Nation*, April 5, 2016.  
<https://www.thenation.com/article/archive/from-right-to-favor/>.

Fassin, Didier, and Estelle D'Halluin. 2005. "The Truth from the Body: Medical Certificates as Ultimate Evidence for Asylum Seekers." *American Anthropologist* 107 (4): 597–608.

Fassin, Didier, and Carolina Kobelinsky. 2012. "How Asylum Claims Are Adjudicated: The Institution as a Moral Agent." *Revue Française de Sociologie* 53 (4): 444–72.

Fragoso, Sam. 1 June 2025. "Ocean Vuong." Talk Easy with Sam Fragoso. Accessed June 7, 2025. <https://talkeasypod.com/ocean-vuong-2025/>.

Galli, Chiara. 2020. "Humanitarian Capital: How Lawyers Help Immigrants Use Suffering to Claim Membership in the Nation-State." *Journal of Ethnic and Migration Studies* 46 (11): 2181–98.

Galvin, Shaila Seshia. 2021. *Becoming Organic: Nature and Agriculture in the Indian Himalaya*. New Haven: Yale University Press.

Garcia, Angela. 2010. *The Pastoral Clinic: Addiction and Dispossession along the Rio Grande*. 1st ed. Berkeley: University of California Press.

Giddens, Anthony. 1990. *The Consequences of Modernity* | Stanford University Press. Stanford, California: Stanford University Press.

Golash-Boza, Tanya Maria. 2015. *Deported: Immigrant Policing, Disposable Labor and Global Capitalism*. New York: NYU Press.

Goodman, Sara Wallace. 2021. "Good American Citizens": A Text-as-Data Analysis of Citizenship Manuals for Immigrants, 1921–1996." *Journal of Ethnic and Migration Studies* 47 (7): 1474–97.

Graeber, David. 2012. "Dead Zones of the Imagination: On Violence, Bureaucracy, and Interpretive Labor: The Malinowski Memorial Lecture, 2006." *HAU: Journal of Ethnographic Theory* 2 (2): 105–28.

Green, Raquel, Paul H. Delfabbro, and Daniel L. King. 2021. "Player-Avatar Interactions in Habitual and Problematic Gaming: A Qualitative Investigation." *Journal of Behavioral Addictions* 10 (2): 223–33.

Hasselberg, Ines. 2016. "The Politics of Deportation." In *Enduring Uncertainty*, 23–40. Deportation, Punishment and Everyday Life. Berghahn Books.

Hess, Mickey. 2005. "Hip-Hop Realness and the White Performer." *Critical Studies in Media Communication* 22 (5): 372–89.

Hinton, Elizabeth. 2021. *America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s*. Erscheinungsort nicht ermittelbar: Liveright.

Holland, Madeline. 2018. "Stories for Asylum: Narrative and Credibility in the United States' Political Asylum Application." *Refuge: Canada's Journal on Refugees / Refuge : Revue Canadienne Sur Les Réfugiés* 34 (2): 85–93.

HoSang, Daniel Martinez, and Joseph E. Lowndes. 2019. *Producers, Parasites, Patriots: Race and the New Right-Wing Politics of Precarity*. Illustrated edition. Minneapolis, MN: University of Minnesota Press.

Hull, Matthew S. 2012a. "Documents and Bureaucracy." *Annual Review of Anthropology* 41:251–67.

———. 2012b. *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan*. 1st ed. Berkeley: University of California Press.

Jacobs, Marie, and Katrijn Maryns. 2022. "Managing Narratives, Managing Identities: Language and Credibility in Legal Consultations with Asylum Seekers." *Language in Society* 51 (3): 375–402.

Kelly, Tobias. 2012. "Sympathy and Suspicion: Torture, Asylum, and Humanity." *The Journal of the Royal Anthropological Institute* 18 (4): 753–68.

King, Martin Luther, Jr. "The Other America." Speech, Chicago, IL, August 20, 1963.

Klimmt, Christoph, Dorothée Hefner, and Peter Vorderer. 2009. "The Video Game Experience as 'True' Identification: A Theory of Enjoyable Alterations of Players' Self-Perception." *Communication Theory* 19 (4): 351–73.

Kluegel, James R., and Eliot R. Smith. 1986. *Beliefs about Inequality: Americans' Views of What Is and What Ought to Be*. New York: Aldine De Gruyter Press.

Latour, Bruno. 1999. "Circulating Reference: Sampling the Soil in the Amazon Forest." In *Pandora's Hope: Essays on the Reality of Science Studies*, 24–79. Cambridge: Harvard University Press.

Laws, Ben. 2024. *Asylum and Nonreligion: Emotions, Evidence-Making and Credibility*. Cham: Springer Nature Switzerland.

Levitsky, Steven, and Daniel Ziblatt. 2019. *How Democracies Die*. New York: Crown.

Llewellyn, Cheryl. 2017. "Homonationalism and Sexual Orientation-Based Asylum Cases in the United States." *Sexualities* 20 (5–6): 682–98.

Malkki, Liisa H. 1995. "Refugees and Exile: From 'Refugee Studies' to the National Order of Things." *Annual Review of Anthropology*, 495–523.

McKinnon, Sara L. 2009. "Citizenship and the Performance of Credibility: Audiencing Gender-Based Asylum Seekers in U.S. Immigration Courts." *Text and Performance Quarterly* 29 (3): 205–21.

McNeal, Keith E., and Sarah French Brennan. 2021. "Between Homonationalism and Islamophobia: Comparing Queer Caribbean and Muslim Asylum Seeking in/to the Netherlands." In *Queer Migration and Asylum in Europe*, edited by Richard C. M. Mole, 162–83. UCL Press.

Meyers, Diana Tietjens. 2011. "Two Victim Paradigms and the Problem of 'Impure' Victims." *Humanity* 2 (2): 255–75.

Mole, Richard C.M. 2020. "Queer Russian Asylum Seekers in Germany: Worthy Refugees and Acceptable Forms of Harm?" In *Refuge in a Moving World*, edited by Elena Fiddian-Qasmiyah, 273–88. Tracing Refugee and Migrant Journeys across Disciplines. UCL Press.

Nash, Kate. 2022a. "Beyond Suffering, towards Justice? Human Rights Films and the Critique of Humanitarian Culture." *Human Rights Quarterly* 44 (4): 784–805.

———. 2022b. "Knowing through Human Rights Films." *Human Rights Quarterly* 44 (1): 193–209.

Nicholls, Walter J., and Justus Uitermark. 2021. "A Virtuous Nation and Its Deserving Immigrants. How the Immigrant Rights Movement Embraced Nationalism." *Social Movement Studies* 20 (4): 381–98.

Ombagi, Eddie. 2016. "Notes on the Nation: A Conversation with Sara Ahmed's 'Strange Encounters: Embodied Others in Post-Coloniality, The Cultural Politics of Emotion and Queer Phenomenology: Orientations, Objects, Others.'" *Agenda: Empowering Women for Gender Equity* 30 (2 (108)): 147–52.

Oxford, Connie. 2023. "The Gory Details: Asylum, Sexual Assault, and Traumatic Memory." *Sexes* 4 (2): 188–221.

Reynolds, Jeremy, and He Xian. 2014. "Perceptions of Meritocracy in the Land of Opportunity." *Research in Social Stratification and Mobility* 36 (June): 121–37.

Riles, Annelise. 2006. *Documents: Artifacts of Modern Knowledge*. University of Michigan Press.

Rodriguez, Nestor, and Cristian Paredes. 2013. "Coercive Immigration Enforcement and Bureaucratic Ideology." In *Constructing Immigrant "Illegality": Critiques, Experiences, and Responses*, edited by Cecilia Menjívar and Daniel Kanstroom, 1st ed. Cambridge, UK Malden, MA: Cambridge University Press.

Rose, Lena, and Zoe Given-Wilson. 2021. "'What Is Truth?' Negotiating Christian Convert Asylum Seekers' Credibility." *The Annals of the American Academy of Political and Social Science* 697: 221–35.

Savci, Evren. 2020. *Queer in Translation: Sexual Politics under Neoliberal Islam*. Duke University Press.

Scott, James C. 1998. *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*. Veritas paperback edition. Yale Agrarian Studies. New Haven, CT London: Yale University Press.

Shiff, Talia. 2020. "Reconfiguring the Deserving Refugee: Cultural Categories of Worth and the Making of Refugee Policy." *Law & Society Review* 54 (1): 102–32.

Shuman, Amy, and Carol Bohmer. 2014. "Gender and Cultural Silences in the Political Asylum Process." *Sexualities* 17 (8): 939–57.

Singer, Sarah. 2021. “How Much of a Lesbian Are You?: Experiences of LGBT Asylum Seekers in Immigration Detention in the UK.” In *Queer Migration and Asylum in Europe*, edited by Richard C. M. Mole, 238–60. UCL Press.

Smith-Khan, Laura. 2017. “Telling Stories: Credibility and the Representation of Social Actors in Australian Asylum Appeals.” *Discourse & Society* 28 (5): 512–34.

———. 2019. “Why Refugee Visa Credibility Assessments Lack Credibility: A Critical Discourse Analysis.” *Griffith Law Review* 28 (4): 406–30.

Stepnitz, Abigail. 2023. “Believing Asylum-Seeking Women: Doing Gender in Legal Narratives of Sexual and Gender-Based Violence.” *Social & Legal Studies* 32 (5): 776–99.

Tschalaer, Mengia. 2021. “Victimhood and Femininities in Black Lesbian Asylum Cases in Germany.” *Journal of Ethnic and Migration Studies* 47 (15): 3531–48.

UNHCR (United Nations High Commissioner for Refugees). 2011. “Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees.” Geneva, Switzerland.

USAID (United States Agency for International Development). 2010. “Cellular Monitoring: Improving Governance in Afghanistan.” USAID. Available at: <https://divportal.usaid.gov/s/project/a0gt0000000rW65AAE/cellular-monitoring-improving-governance-in-afghanistan>.

———. 2024. “Facilitating Election Monitoring.” USAID. Available at: <https://divportal.usaid.gov/s/article/Facilitating-Election-Monitoring>.

USCIS (United States Citizenship and Immigration Services), *Form I-589, Application for Asylum and for Withholding of Removal* (edition 01/20/25) (Washington, DC: U.S. Department of Homeland Security, 2025), Available at: <https://www.uscis.gov/sites/default/files/document/forms/i-589.pdf>

Visser-Maessen, Laura. 2019. “Getting To That Promised Land: Reclaiming Martin Luther King, Jr. and 21st Century Black Activism in the United States and Western Europe.” *European Journal of American Studies* 14 (1).

Vogl, Anthea. 2024. *Judging Refugees: Narrative and Oral Testimony in Refugee Status Determination*. Cambridge Asylum and Migration Studies. Cambridge: Cambridge University Press.

Vogler, Stefan. 2016. “Legally Queer: The Construction of Sexuality in LGBTQ Asylum Claims.” *Law & Society Review* 50 (4): 856–89.

Weber, Max. 1978. *Economy and Society: An Outline of Interpretive Sociology*. University of California Press.

Woolley, Agnes. 2017. "Narrating the 'Asylum Story': Between Literary and Legal Storytelling." *Interventions* 19 (3): 376–94.

Yukich, Grace. 2013. "Constructing the Model Immigrant: Movement Strategy and Immigrant Deservingness in the New Sanctuary Movement." *Social Problems* 60 (3): 302–20.

Zetter, Roger. 1991. "Labelling Refugees: Forming and Transforming a Bureaucratic Identity." *Journal of Refugee Studies* 4 (1): 39–62.

Zisakou, Sophia. 2023. "Proving Gender and Sexuality in the (Homo)Nationalist Greek Asylum System: Credibility, Sexual Citizenship and the 'Bogus' Sexual Other." *Sexualities*, October, 13634607231208043.

**AI Disclaimer:** Throughout this paper, artificial intelligence (AI) tools have occasionally been used for grammar correction and language refinement. AI tools that were used include OpenAI's ChatGPT (GPT 4) and ClaudeAI, which have been accessed between the months of January and June 2025. These tools were not relied on; all ideas and content are my own.

ISBN 978-2-9701467-7-3  
GLOBAL MIGRATION  
RESEARCH PAPER  
N°34 | 2026