

An Analysis of Immigration and Asylum Experiences: Trans Identity, Colonialism and Spiritual Responsibility in the United States

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abstract

This paper examines the entangled dynamics of immigration, trans identity, and colonial power in the contemporary United States, arguing that both asylum systems and gender-based marginalization are shaped by enduring imperial structures. Through a postcolonial and theological lens, it reveals how U.S. immigration practices reproduce colonial hierarchies by criminalizing non-white and gender-nonconforming bodies, especially transgender migrants from the Global South. Drawing on frameworks such as biopower, necropolitics, and intersectionality, the paper analyzes how trans asylum seekers are systematically dehumanized through detention, bureaucratic exclusion, and religious silence. It critiques the colonial imposition of binary gender systems and the epistemological violence that demands trauma as a condition for legitimacy. While liberation theology has long offered a moral critique of economic injustice and migration, it often overlooks the specific experiences of trans people. By integrating the insights of trans theologians, the paper advocates for an expanded liberative praxis—one that is intersectional, incarnational, and spiritually grounded. Ultimately, it calls for a decolonial theology in which trans migrants are not only defended but also embraced as sacred witnesses and agents of divine resistance.

keywords

trans, postcolonialism, liberation theology, asylum, immigration

To understand the moral and political implications of immigration and asylum in the United States, one must interpret these experiences through a post-colonial lens. Colonialism continues to shape rigid borders, economic dispossession, and migration systems that disproportionately punish individuals from the Global South. In this context, the United States, a settler-colonial state, perpetuates immigration practices that mirror imperial structures of control. The ease with which white Americans travel and settle abroad sharply contrasts with the punitive, surveillance-heavy experiences of Latin American asylum seekers. Many of these migrants flee violence and instability resulting from U.S. interventionism. Immigration, therefore, is not simply a matter of policy; it reflects colonial hierarchies of race, gender, and power.

This enduring legacy of empire is evident in the geography of suffering it has produced. People from countries like Honduras, El Salvador, and Guatemala do not migrate arbitrarily; their movement is rooted in histories of land theft, military

coups, and foreign interference. These regions have been reshaped by neoliberal policies often imposed through international financial institutions like the IMF and the World Bank. These institutions themselves are products of colonial power dynamics. Migrants are, in this sense, not merely fleeing failed states but the direct consequences of global economic structures and US structures built through colonial conquest.

What makes this geography even more insidious is how colonialism has rendered entire populations disposable. The global migration system privileges capital and whiteness while criminalizing poverty and non-whiteness. Those who attempt to cross borders to survive are framed not as bearers of human rights but as security threats, drainers of resources, or cultural outsiders. This securitization of migration reproduces colonial logics of Otherness, where the Global South is always already a threat to the purity, economy, and identity of the Global North (Fanon, 2004: 110). As such, asylum seekers are not simply entering a new country—they are confronting an imperial system designed to exclude them from full humanity.

The idea of “borders” as fixed, inviolable lines is a colonial imposition. Before colonization, many Indigenous communities understood territory as relational and shared, governed by customary and ecological obligations rather than militarized walls. The modern nation-state has naturalized a territorial logic born of conquest. When migrants are criminalized for crossing borders, they are being punished for defying a spatial order established through colonial violence.

Immigration enforcement technologies and strategies are direct descendants of colonial surveillance. The biometric tracking, detention centers, and categorization of people into “legal” and “illegal” subjects mirror colonial practices of mapping, classifying, and controlling Indigenous and enslaved populations. Michel Foucault’s theories of biopower find practical application in immigration enforcement regimes that regulate who may live or die, who is worthy of inclusion, and who remains disposable.

The language used to describe migrants further reflects colonial worldviews. Terms such as “illegal alien” or “economic migrant” obscure the structural causes of displacement and instead individualize blame. These linguistic tools enable a distancing from the moral implications of national policies. They echo colonial tropes that constructed colonized people as deviant, inferior, or dangerous—rhetoric that justified imperial domination.

Colonialism persists through legal language and enforcement strategies and is embedded in the narratives that migrants are compelled to produce. International NGOs and state asylum agencies often require migrants to narrate their suffering

in ways that are legible to Western audiences. Stories that emphasize persecution based on gender or sexuality are often privileged over those rooted in poverty or ecological collapse, although all of these are interwoven. The requirement to produce trauma for validation transforms the asylum process into a spectacle of suffering, mirroring the colonial gaze that extracted knowledge and value from the pain of colonized peoples (Luibhéid, 2002: 43). In such systems, trauma becomes currency, and asylum is awarded not for inherent dignity, but for the ability to perform a certain kind of recognizable pain.

The uneven global mobility enjoyed by white Americans illustrates how colonial privilege persists. U.S. passports, until very recently, offered visa-free access to much of the world, and white migrants are rarely perceived as threats. In contrast, migrants from the Global South face a labyrinth of legal and extralegal barriers, regardless of the legitimacy of their claims (Cantor et al., 2023). This disparity is not incidental—it is the material legacy of racial capitalism and empire. The colonial world order was not dismantled; it was reconfigured through global neoliberalism, border militarization, and the persistent association of whiteness with civilization and non-whiteness with danger. In this view, migration is not simply a movement of people but a revelation of who is allowed to move with dignity and who must risk everything to survive.

Trans Identity and Systemic Discrimination in the U.S.

Transgender Americans face an escalating crisis marked by legal, economic, and social exclusion. Legislative efforts such as Executive Order 14187, issued in January 2025 by President Donald Trump, targeted gender-affirming care by threatening to withhold federal funding, directly harming the mental and physical health of transgender youth (Valentine, 2020: 40). State-level laws, including Georgia's Legislature Senate Bill 185, sought to deny medical care to transgender inmates, revealing systemic cruelty embedded in U.S. governance (Bulga and Schneid, 2025).

As of 2025, over 850 anti-trans bills had been introduced nationwide (*2025 Anti-Trans Bill Tracker*). These policies exacerbate poverty, homelessness, and mental health crises, especially for trans youth. Transgender asylum seekers from Central America, fleeing gang violence and familial rejection, often arrive in the U.S. only to be detained in facilities that lack gender-affirming accommodations. This systemic violence, as theorized by Achille Mbembe (2003: 20), constitutes "necropolitics," which is the use of power to expose marginalized bodies to death or conditions of death.

The U.S. asylum system compounds this violence by subjecting transgender migrants to institutional practices that demand rigid proof of identity while

denying them access to safety and care. Trans asylum seekers are often forced to present medical or psychological documentation to substantiate their gender identities, reflecting a medicalized and colonial understanding of transness. These requirements are not neutral—they are steeped in Western epistemologies of gender that do not necessarily reflect the cultural or personal experiences of trans individuals from the Global South. Such gatekeeping serves to invalidate non-Western expressions of gender, reinforcing a hierarchy of legitimacy and denying asylum to those who cannot conform to these narratives.

This crisis is not limited to the legal or bureaucratic arena; it is also deeply embedded in the cultural fabric of American life. Media portrayals of transgender individuals often vacillate between voyeuristic sensationalism and outright demonization. These representations feed into public misconceptions and political fear-mongering which justify restrictive policies. The result is a feedback loop of dehumanization that extends into housing, employment, healthcare, and public life. Trans people—especially Black, Brown, and Indigenous trans women—face heightened risks of violence, particularly in states where legislative hostility is paired with cultural conservatism.

The spiritual toll of this systemic marginalization is immense. Many transgender individuals are estranged from religious communities that perpetuate transphobia or remain complicit through silence. For trans migrants and asylum seekers, this estrangement is often intensified by their uprooting and displacement. Faith, once a source of meaning and comfort, becomes fraught with betrayal and trauma. The denial of spiritual belonging mirrors the denial of civil rights. Yet within this spiritual exile, many trans people cultivate new theologies of embodiment, community, and resistance. These theologies offer a counter-narrative to exclusion, affirming the sacredness of trans lives and identities as integral to the divine image.

The intensification of anti-trans legislation and public rhetoric must be viewed in connection with broader trends of authoritarianism and moral panic. The targeting of trans bodies is not an isolated phenomenon—it is part of a larger effort to reassert patriarchal, heteronormative, and nationalist ideals under the guise of protecting tradition or public morality. These efforts are reminiscent of colonial strategies that sought to regulate bodies and erase differences to maintain social control. Trans people, by their very existence, disrupt binary and essentialist notions of identity, posing a profound challenge to these authoritarian visions. Thus, the backlash against trans rights is not merely political—it is ontological, rooted in a refusal to accept the diversity of human existence. The advocacy group Human Rights Campaign notes that over 850 anti-trans bills were introduced nationwide in 2025 alone, reflecting alarming institutionalized discrimination (Reed, 2025).

In detention facilities, the vulnerability of transgender persons is further magnified by a lack of legal protections and the prevalence of abuse. Trans women are often misgendered, denied proper housing, and exposed to sexual violence in male detention centers. Even when recognized as vulnerable populations, they are frequently placed in solitary confinement under the pretext of protection, an isolating and dehumanizing practice that exacerbates mental health issues (Johnson and Levin, 2025). These conditions violate international human rights norms, yet remain widespread across the U.S. immigration and prison systems. The carceral approach to migration echoes colonial forms of punishment, where bodies deemed “non-normative” or “threatening” are segregated, surveilled, and punished without due process or dignity.

Recent U.S. policies have further exacerbated these disparities. In March 2025, the Trump administration invoked the Alien Enemies Act of 1798 to deport over 250 individuals, alleged to be members of the Venezuelan gang Tren de Aragua, to El Salvador's Terrorism Confinement Center (Human Rights Watch, 2025; Schmidt, 2025). Notably, many of these deportees had no criminal records, raising significant concerns about the justification and humanity of such actions, and the utter lack of due process as a constitutionally guaranteed right (Blaskey, 2025; Goertebus, 2025).

The case of Kilmar Abrego Garcia and the Trump administration's refusal to comply with court orders to return him (Feuer, 2025) underscores a broader disregard for due process and judicial authority. The Abrego Garcia case contrasts starkly with the ease with which many white Americans navigate immigration systems internationally, further highlighting colonial legacies of privilege.

These actions have drawn international condemnation. Pope Francis, for instance, was a vocal advocate for migrants, condemning policies he deemed inhumane. In 2025, he criticized U.S. mass deportation plans, emphasizing the moral imperative to treat migrants with dignity and empathy.

The contrasting experiences of white Americans and South American asylum seekers underscore systemic racial biases embedded in global migration frameworks. Addressing these disparities requires critically examining historical and structural factors that perpetuate inequality in immigration policies. International reactions emphasize the moral failures inherent in U.S. immigration enforcement practices, calling for policies rooted in human dignity and compassion. Liberation theology reinforces this ethical perspective, asserting that policies marginalizing migrants reflect structural sins requiring spiritual and political resistance (Gutiérrez, 2010: 64).

The invocation of the Alien Enemies Act, a relic from the 18th century, to justify mass deportations of Latin American migrants reflects a colonial mindset that views non-white populations as threats to national security (Sacchetti and LeVine, 2025). This perspective perpetuates a narrative where whiteness is associated with civility and legality, while non-whiteness is criminalized and deemed expendable. The disparities in immigration experiences between white Americans and South American asylum seekers are rooted in historical and systemic inequalities. Addressing these issues requires policy reforms and a critical examination of the colonial legacies that continue to shape immigration systems. Once she arrived in her country of origin, Tiffany tried to get exemption from service as a transwoman. The picture below and her oral history describes the obstacle she faced trying to get this exemption from the military.

Colonialism and Asylum: A Structural Crisis

Colonialism's legacy is embedded in modern immigration frameworks. The U.S. continues to police borders and use tools of exclusion forged during colonial conquests. For instance, after the invocation of the Alien Enemies Act, Trump used this tool illegally to immediately deport over 250 Venezuelans to El Salvador. This illustrates how colonial statutes continue to rationalize racialized state violence (Balz, 2020). Many of the deportees had no criminal records, yet were treated as existential threats.

Colonial empires were built on a logic of disposability, where bodies deemed unfit or unruly, by race, gender, or origin, were subject to control, surveillance, or elimination. That logic endures in how asylum seekers are filtered, detained, and denied protection. The contemporary asylum regime operates as a global sorting mechanism, determining which lives are worth saving and which are discardable. As Aníbal Quijano explains, modernity is inextricably tied to coloniality; the state's power to manage populations is shaped by the enduring racial and civilizational hierarchies birthed in empire (Quijano, 2007: 172). In immigration systems, this manifests in racialized profiling, protracted processing, and the prioritization of certain nationalities over others.

For transgender individuals, these structures are even more lethal. Colonialism imposed rigid binaries onto gender systems that were once fluid in many cultures. Pre-colonial societies in regions such as the Philippines, India, and Mesoamerica recognized multiple gender roles and honored gender-nonconforming people in sacred, social, and political life. Colonizers, particularly through Christian missionary efforts and legal reforms, violently replaced these systems with European norms of binary gender and patriarchal family structures (Lugones, 2007: 193). The result is a transphobia that is not indigenous to these lands but implanted

through colonial power, then maintained through both local and global institutions.

This transphobia is now enshrined in law, with trans folks removed from the military, medical gatekeeping, and societal norms across many postcolonial states, often and currently upheld by leaders educated in Western models of governance. When transgender people flee persecution in these countries and seek asylum, they are not escaping “cultural backwardness” but rather the long arm of colonial discipline. Ironically, the U.S., which exported many of these norms, now portrays itself with a large percentage of allies and defenders of LGBTQ+ rights while failing to ensure safety for trans asylum seekers (Johnson and Levin, 2025). This contradiction reveals the imperial double standard—claiming moral superiority while perpetuating the very structures of harm it denounces (Smith, 2021: 122).

Colonial violence was not only physical—it was epistemological. It imposed a universal model of knowledge that discredited Indigenous, Afro-diasporic, and queer understandings of the body, spirit, and personhood. In asylum processes, applicants are made to articulate their identity and suffering using frameworks intelligible to Western adjudicators. As Bhabha notes, this performance of mimicry is a resemblance that never fully becomes sameness. This is central to the colonial dynamic (Bhabha, 1994: 88). Trans migrants must tell their stories through scripts that satisfy the government, reproducing the colonial gaze within humanitarianism.

The infrastructure of detention reflects a colonial carceral logic. Facilities like El Salvador’s Terrorism Confinement Center (CECOT), used by the U.S. to house deported asylum seekers, recall colonial prisons where racialized bodies were confined en masse. These modern-day sites of warehousing extend colonial geographies of punishment. As Achille Mbembe writes, they are “death-worlds” in which the state decides who may be abandoned to violence, neglect, or death (Mbembe, 2003: 21). Transgender detainees, subjected to solitary confinement, misgendering, and sexual violence, occupy the most precarious position in these necropolitical landscapes.

The complicity of postcolonial states such as Mexico in enforcing U.S. immigration policy underscores the internalization of colonial values. Through programs like “Remain in Mexico,” migrants are forced to wait in unsafe border towns like Tijuana, where local governance often mirrors colonial-era marginalization of Indigenous and poor communities. Mexico, while once colonized, now assumes a subordinate role in a neocolonial border regime, enforcing policies dictated by the United States in exchange for economic and diplomatic concessions (Heyman and Campbell, 2012: 78). As of this writing, this may not be true as the policies are in flux and unknown to the American public. This enforcement reinforces a racialized

hemispheric order where mobility is stratified, and solidarity is replaced by compliance.

Liberation Theology: A Spiritual Response to Structural Injustice

Liberation theology offers a profound critique of oppressive immigration regimes. Rooted in Latin American resistance to dictatorship and inequality, this theological tradition emphasizes the “preferential option for the poor,” calling Christians to center the voices of the marginalized (Gutiérrez, 2010: 56). Pope Francis, influenced by this theology, has condemned U.S. immigration policies that inflict cruelty on migrants (Winfield, 2025).

Liberation theology’s roots in Latin America emerged from a fierce resistance to dictatorships and entrenched inequality, giving theological voice to those most economically and politically marginalized. Gustavo Gutiérrez’s notion of the “preferential option for the poor” insists that the church orient its mission around the needs of society’s least privileged (Gutiérrez, 2010: 56). This revolutionary stance reshaped Christian engagement with issues like land reform and economic injustice. Yet by centering primarily on class and geopolitical power, it can unintentionally set aside other axes of oppression, most notably those tied to gender identity.

When liberation theologians condemn cruel immigration policies, they rightly call out the dehumanization of migrants. However, by often portraying migrants as a homogeneous “poor,” they risk erasing the distinct sufferings of transgender individuals. Trans migrants endure detention environments that negate their identities, suffer medical neglect, and face heightened sexual violence (Tanis, 2003: 89). Such stark realities demonstrate how a framework focused chiefly on nationality and poverty can leave transgender lives at the periphery.

Moreover, liberation discourse frequently elevates the struggles of groups whose marginalization is widely recognized: Indigenous peoples, racial minorities, peasants, while leaving trans communities largely “untouchable” in theological reflection (Betz, 2025). Kimberlé Crenshaw’s (1989) concept of intersectionality underscores how overlapping systems of oppression produce unique vulnerabilities for those at multiple identity crossroads. Failing to name gender identity as an explicit site of injustice perpetuates the very silences liberation theology aims to dismantle.

In response, trans theologians like Justin Tanis and Robyn Henderson-Espinoza have enriched liberationist praxis by affirming that transgender bodies bear the divine image and belong at the heart of theological and political liberation (Tanis,

2003: 89; Henderson-Espinoza, 2019: 47). Their work unveils how colonial and patriarchal frameworks have historically erased or demonized gender diversity. Embracing their insights invites a decolonial theology that practices radical hospitality not only across national borders but also beyond restrictive gender binaries.

To broaden its table, liberation theology must consciously interweave economic, racial, gender, and sexual justice into one intersectional tapestry. This involves crafting liturgies, pastoral initiatives, and activist partnerships that resonate with the embodied realities of transgender people, acknowledging their struggles as fundamental to the collective quest for emancipation. Only by refusing to leave anyone “untouchable” can the church’s liberative vision truly reflect God’s concern for all who suffer under intersecting oppressions.

The spirituality of resistance must be incarnational. It must accompany trans asylum seekers through advocacy, legal reform, and spiritual care. Faith communities must reject theologies that justify exclusion and live into a vision of collective liberation where all are affirmed.

For liberation theology to remain relevant, it must evolve beyond its traditional categories of class and empire to explicitly include gender diversity, sexual orientation, and embodied identities. Too often, trans and queer individuals are marginalized not only by the state but also by the church. Patriarchal theology has historically justified the exclusion of women and gender-nonconforming people, and a liberative faith must reject such theological violence. The suffering of trans migrants is not peripheral to the gospel, it is its cruciform center, where God is found suffering with the oppressed.

A truly liberative theology must be intersectional. The reality of a transgender asylum seeker is shaped not by one axis of oppression but by the convergence of multiple injustices: race, gender, class, sexuality, legal status, and colonial legacy. This is what Kimberlé Crenshaw terms intersectionality, which is a framework that helps us see how overlapping systems of power function in the lives of the marginalized (Crenshaw, 1991: 1243). Liberation theology, informed by intersectionality, must move beyond abstract sympathy to concrete action: sanctuary, legal support, mutual aid, and public witness.

This action must also be global in vision. The crises that force trans people to flee their homelands are rooted in a world system shaped by colonial capitalism and global patriarchy. As Gerald West argues, liberation theology must be global, dialogical, and grounded in praxis—a lived theology that walks with the oppressed and learns from their wisdom (West, 2010: 27). Faith communities must forge

transnational alliances, support international human rights protections, and advocate for immigration policies that recognize the spiritual and physical dignity of all migrants.

In addition, liberation theology must be liturgical. Worship must become protest, sacrament must become sustenance, and church must become sanctuary. When the Eucharist is celebrated in a congregation that welcomes undocumented trans migrants, like mine, it becomes an act of sacred resistance. When prayers are lifted for those in detention centers, they become invocations of justice. As theologian James Cone reminds us, “God is not colorblind. God takes sides with the oppressed” (Cone, 1997: 121). The side of the oppressed today includes trans migrants, exiled by systems of state and church alike. A liberative spirituality must comfort them and confront the structures that exile them.

Toward a Decolonial and Liberative Future

Colonialism continues to shape immigration and asylum systems in ways that harm transgender individuals and racialized migrants. These systems criminalize survival, pathologize difference, and elevate whiteness as the normative standard. A truly liberative response demands policy reform rooted in historical accountability, theological repentance, and a recommitment to human dignity.

At the core of the asylum crisis is a fundamental question: whose lives are considered “grievable,” and whose stories are believed? Judith Butler (2009: 38) argues that the distribution of grievability is a function of political power—some lives are publicly mourned while others are erased in silence. Transgender asylum seekers, particularly from the Global South, inhabit a space of ungrievability. Their deaths are not marked by national sorrow or religious lamentation; instead, they are statistics, folded into bureaucratic reports and forgotten. A decolonial ethic must rehumanize these lives and insist that every person, regardless of gender identity, origin, or status, is inherently worthy of justice and compassion.

This rehumanization cannot be achieved solely through the law. As theologian M. Shawn Copeland (2010: 112) argues, justice must be embodied: lived through relationships, rituals, and communities that disrupt dehumanization and affirm dignity. Faith communities must therefore move beyond charitable aid to political solidarity. They must accompany trans migrants through court proceedings, offer sanctuary, and resist legislation that enshrines discrimination. In this context, hospitality is not optional—it is a sacred obligation.

Justice demands memory. A truly liberative future requires reckoning with the past: the violence of colonization, the complicity of churches in gendered oppression, and the history of theological exclusion. Liturgies of lament, truth-telling, and repair must be woven into the fabric of ecclesial and civil life. Reparative justice for trans asylum seekers would include not only access to safety and health care but also the dismantling of the carceral and border regimes that have long criminalized their existence.

Transgender migrants are not merely victims—they are theologians, prophets, and truth-tellers. Their bodies testify to the possibility of transformation and resistance in the face of oppressive structures. Robyn Henderson-Espinoza (2019:53) describes trans theology as a “disruption of empire,” insisting that gender-diverse people offer a unique witness to the sacredness of difference. By centering these voices, we allow theology to be shaped not from the center of power, but from the margins; detention centers, courtrooms, and borderlands.

In a world still haunted by the logics of empire, the call to justice must be intersectional, incarnational, and international. The cries of migrants at the border, of trans youth denied care, and of Indigenous people resisting displacement are all part of one interconnected call for justice. A decolonial future will not be gifted by institutions but forged by communities of resistance, spiritual imagination, and radical love. It is here, in the struggle, the prayer, and the solidarity, that liberation is born. In the Christian tradition, the prophetic call to welcome the stranger (Matthew 25:35) directly challenges the complicity of churches that remain silent or ambivalent in the face of xenophobic and transphobic policies. In a post-colonial world, where the residues of empire still deform moral conscience, spiritual responsibility must entail active resistance to systemic oppression and a commitment to restorative justice.

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other useful links

- Human Rights Campaign: <https://www.hrc.org>.
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- U.S. Committee for Refugees and Immigrants: <https://www.refugees.org>.