

Waiting in Captivity: Slow Borders, Predatory Bureaucracies, and the Necrotemporality of Asylum Deterrence

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Article abstract

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ABSTRACT

In recent years, the US government has implemented several bureaucratic changes aimed at stalling the influx of asylum seekers. From the “metering” system initiated under the Obama administration to the Migrant Protection Protocols (MPP) implemented by the Trump administration, these measures have erected a bureaucratic wall against asylum seekers that has kept them captive in Mexican border cities. Drawing on ethnographic fieldwork conducted in Tijuana, Mexico, I examine how these policies have produced deadly conditions for asylum seekers by calibrating time and space in such a way that increases their exposure and vulnerability to highly precarious environments and predatory bureaucracies.

KEYWORDS

asylum; bureaucracies; waiting; temporality; necropolitics; Mexico

RÉSUMÉ

Ces dernières années, le gouvernement américain a mis en œuvre plusieurs changements bureaucratiques visant à freiner l’afflux de demandeurs d’asile. Du système de «comptage» (*metering*) initié par l’administration Obama aux «Protocoles de protection des migrants» (*Migrant Protection Protocols*) mis en œuvre par l’administration Trump, ces mesures ont érigé un mur bureaucratique contre les demandeurs d’asile les ayant gardés captifs dans les villes frontalières mexicaines. M’appuyant sur une étude de terrain ethnographique réalisée à Tijuana, au Mexique, j’examine la manière dont ces politiques ont produit des conditions meurtrières pour les demandeurs d’asile en calibrant l’espace et le temps de manière à accroître leur exposition et leur vulnérabilité à des environnements hautement précaires et des bureaucraties prédatrices.

In June 2018, as the arrival of migrant caravans travelling from Central America towards the United States–Mexico border began to dominate news headlines, President Donald Trump clamoured in a White House speech: “The United States will not be a migrant camp and it will not be a refugee holding facility” (Gambino & Lartey, 2018, para. 2). Though unknown by the public at the time, in that same month, Trump’s secretary of the Department of Homeland Security circulated a memorandum among US Customs and Border Protection (CBP) leaders that guided them to turn asylum seekers away at ports

of entry along the US–Mexico border to prevent their “operational capacity” from being overwhelmed (Office of Inspector General [OIG], 2020). This practice, which came to be known as **metering**, allowed CBP leaders to set a daily limit on the number of migrants who would be allowed to cross into the US to request asylum protections (Gabbard, 2020).

Six months later, in January 2019, the Trump administration inaugurated the “Migrant Protection Protocols” (MPP), a program requiring certain migrants seeking asylum at the southern US border to wait in Mex-

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ico for the duration of their immigration proceedings (Kocher, 2021). This differed from normal asylum procedures, in which asylum seekers are allowed to await the conclusion of their cases inside the United States. Together, metering and MPP fulfilled Trump's promise to prevent the US from becoming a "refugee holding facility" by converting Mexican border cities into that very facility. Through these bureaucratic shifts, Mexico's borderlands became waiting rooms for migrants hoping to request asylum in the United States.

In this article, I draw on ethnographic fieldwork to examine how policies such as metering and MPP have inaugurated new forms of "bureaucratic violence" (Eldridge & Reinke, 2018) aimed at deterring asylum seekers from entering the United States. These changes in the US asylum system's bureaucratic procedures increase asylum seekers' exposure to structural and physical violence by forcing them to live in precarious states of indeterminate waiting along the Mexican border—a phenomenon I refer to as **necrotemporality**. While many scholars have analyzed the harms levelled against unauthorized migrants attempting to cross into the United States, in this article, I pay attention to the violence produced and exacerbated by the conditions of migrant stagnation and "stuckness" (Jefferson et al., 2019) brought about by emerging policies of asylum deterrence. Unlike practices of migrant deterrence that have relied primarily on spatial impositions (e.g., border walls and surveillance), these bureaucratic shifts in asylum procedures are intervening in the temporal field through various means, such as establishing daily limits on asylum processing, requiring asylum seekers to wait out adjudication of their cases outside of the United States, and establishing informal waiting lists. These shifts, enacted by a range

of both state and non-state bureaucratic actors, have resulted in a dispersed form of violence that collectively confines, exploits, and wears down migrating communities in Mexican border cities.

METHODS

This article is based on ethnographic fieldwork conducted between 2018 and 2020 that consisted of long-term participant observation carried out at multiple sites in collaboration with several grassroots organizations that provide services to migrant communities in Tijuana. In addition to conducting participant observation while working with these organizations, I also conducted approximately 40 open-ended interviews with asylum seekers, assisted with eight forensic evaluations for migrants seeking asylum, and carried out research and analysis of the relevant grey literature and news media. I began conducting ethnographic fieldwork shortly after metering was institutionalized by the Trump administration, at which time I started volunteering with *Al Otro Lado* (AOL), which provides asylum seekers with free legal services and advocacy. I also volunteered with the Refugee Health Alliance, a grassroots medical humanitarian organization that provides free primary care to migrants in Tijuana, and the Keck Human Rights Clinic, based at the University of Southern California, which supports asylum seekers by collecting medical evidence to support their asylum cases. Seeking to pursue a critically engaged activist form of ethnography (Speed, 2006), I contacted these organizations as I began conducting fieldwork as a means to engage in solidarity with asylum seekers stuck in Mexico while doing research. As a volunteer, I took on innumerable tasks, such as documenting the impacts of metering in Tijuana, performing clinical intake for patients receiving medical treatment with the

Refugee Health Alliance, and working with clinicians implementing forensic evaluations of asylum seekers.

My research and the daily chores I took on with the organizations I worked with became inseparable. Working with these organizations provided me with considerable insights into the conditions facing asylum seekers. But, as I learned, this did not come without its challenges and contradictions. I was frequently placed in the uncomfortable position of witnessing (and, as will be described, even quantifying) the ways that policies aimed at preventing asylum seekers from entering the US intimately impacted their lives. The needs experienced by asylum seekers being held captive in Tijuana far surpassed what organizations could provide. The social and political landscape in Mexican border cities, particularly during the period of my doctoral fieldwork, was constantly shifting, endlessly provoking new uncertainties and challenges for those who sought to provide various forms of care for migrants. Volunteers, including me, were heavily relied upon to respond to the fallout from asylum deterrence policies.

These grassroots efforts, though commendable, felt insufficient in the face of a deeply fractured asylum system. As I came to learn through my fieldwork, the organizations that I volunteered with also had to find strategies to contend with the violent bureaucracies impacting asylum seekers. This frequently required organizations to work within the strictures of these very bureaucracies. As a result, the structures of bureaucratic violence were often reinforced rather than directly confronted through these well-intentioned efforts. While volunteers sought to reduce the harms produced by violent bureaucracies, as I will discuss, it also became clear that in abiding by these structures, migrant suffering became an

inevitable and even necessary means of accessing the US asylum system.

BUREAUCRATIC VIOLENCE AND NECROTEMPORALITY

A growing literature on bureaucratic violence has sought to examine the disparate harms produced through daily and often mundane encounters with bureaucrats and bureaucracies (Abdelhady et al., 2020; Eldridge & Reinke, 2018). The notion of bureaucratic violence aims to transcend dominant conceptualizations of both violence and state power to reveal how quotidian engagements with a disaggregated assemblage of administrative actors can produce harmful outcomes for vulnerable communities. Scholars have increasingly revealed how seemingly innocuous bureaucratic processes serve as crucial vectors of disciplinary power (Auyero, 2012) and structural violence (Gupta, 2012) that are often concealed from public view or simply taken for granted. For example, Amanda J. Reinke and Erin R. (2020) find that communities seeking to access governmental relief support following hurricane damage in the eastern United States confront a series of confusing and stress-producing bureaucratic procedures exemplified by arcane technocratic language, slow-moving processes, and time-consuming paperwork that reduces them to “an application number for case tracking purposes” (p. 114). This emerging literature calls on scholars studying the often-violent impacts of legal regimes to broaden their view towards the ways that marginalized communities experience, negotiate, and resist bureaucratic burdens and governance (Abdelhady et al., 2020).

While the violence enacted by bureaucratic processes can result in physical harm, as I will demonstrate, it often takes the form of heightened stress, uncertainty, and feelings of hopelessness. Carina Heckert (2020), for

example, has examined how bureaucratic regulations exclude immigrant women from accessing publicly funded programs for prenatal coverage in states such as Texas by imposing unnecessary barriers and policy changes that make them afraid to access care even when they are legally entitled to enrol. While such programs create a "temporary zone of inclusion" for women who are otherwise legally excluded from health coverage, simply attempting to navigate such systems becomes a source of tremendous emotional distress that can ultimately have negative effects on maternal and infant health outcomes (Heckert, 2020). Thus, bureaucratic violence can simultaneously have emotional, psychological, and material consequences.

The concept of bureaucratic violence is especially useful in examining the multiplicity of bordering practices that states are developing to deter and manage migrants and asylum seekers. While significant scholarship has emphasized the physical violence experienced by migrant communities as a result of increased border militarization (De León, 2015; Falcón, 2001; Jusionyte, 2018; Slack et al., 2016), attention to bureaucratic violence can attune us to a wider range of disciplinary mechanisms that produce, exacerbate, and exploit the vulnerability of migrants, asylum seekers, and refugees. As Hannah Arendt (1976) posited, refugees, existing as de facto stateless subjects, are particularly vulnerable to the bureaucratic dictates of the nation-states they are seeking to access given that they have been "ejected from the old trinity of state-people-territory" (p. 232), leaving them in a condition of absolute rightlessness.

Recognizing this, scholars have increasingly emphasized the impacts of multiplying legal and bureaucratic regimes of migrant and refugee deterrence and management in destination countries. Cecilia Menjívar

and Leisy J. Abrego (2012), for example, put forward the term **legal violence** to describe the "normalized but cumulatively injurious effects" of US laws upon migrants with tenuous and undocumented legal statuses (p. 1380). As Menjívar and Abrego argue, legal violence is a particular medium by which immigrant communities come to experience and embody structural violence, or the harms produced by political, economic, and social structures that disadvantage marginalized populations.

Though the concept of legal violence provides a critical analytic lens through which to understand how forces of structural violence have come to be embedded in and deployed through public policies, the emerging modes of asylum deterrence being implemented via administrative changes demand that we expand our view towards the "meso-level," or the midrange level, of public administration (Moynihan et al., 2022, p. 23). Often, these administrative mechanisms don't require legislative action or enforcement to be implemented and thus remain obscured from analysis.

A deluge of slight and largely unregistered changes across the asylum and migration administrative apparatus have produced what Donald Moynihan and colleagues (2022) refer to as a "Kafkaesque bureaucracy." They describe 78 administrative actions taken by the Trump presidency as part of its broader strategy of blocking or slowing the influx of migrants from Latin American, African, and Muslim-majority countries. For example, 750 CBP officers were reassigned from ports of entry to other regions, slowing the processing of asylum seekers (Moynihan et al., 2022). Altogether, these administrative actions proved successful in achieving the administration's objectives, increasing the backlog for attaining US citizenship by 80% since 2014 and increasing the wait times

for acquiring some visas from five months to five years (Kanno-Youngs & Shear, 2021; Moynihan et al., 2022). Such administrative policies starkly illuminate how “violence intimately, and often invisibly, entangles with bureaucratic relations” (Eldridge & Reinke, 2018, p. 95).

Policies such as metering and MPP have converted the US–Mexico border region into a zone of captivity for asylum seekers through bureaucratic means. These policies dramatically exacerbated asylum seekers’ vulnerability to conditions of physical and structural violence (Carruth et al., 2021) by forcing them to reside for extended and indeterminate periods of time in Mexican border cities, often with few personal or public resources at their disposal. Metering and MPP produced deadly conditions for asylum seekers by bureaucratically calibrating time and space in such a way that increased their exposure to a variety of dangerous elements. I refer to this weaponization of time as **necrotemporality**.

In response to Michel Foucault’s bio-politics, theorist Achille Mbembe (2003) has offered the concept of necropolitics, which I draw from here, to describe conditions in which sovereign power is primarily oriented towards “the material destruction of human bodies and populations” (p. 14). Meanwhile, the notion of “slow violence,” as theorized by Rob Nixon (2013), has sought to draw attention to “a violence of delayed destruction that is dispersed across time and space, an attritional violence” that is “incremental and accretive ... playing out across a range of temporal scales” (p. 2). Similarly, Lauren Berlant’s (2007) concept of “slow death” aims to develop a framework for considering the accumulation of forces that lead to the “physical wearing out of a population,” particularly those living under “global/national regimes

of capitalist structural subordination and governmentality” (p. 754).

While these concepts are helpful for conceptualizing the cumulative and latent impacts of a diffuse array of insults produced by forces of structural violence, they are insufficient for making sense of strategies in which time is **intentionally** manipulated in a way that produces or exacerbates harm. Necrotemporality, I suggest, has emerged as a key component of the bureaucratic violence targeting asylum seekers, which scholars have increasingly documented in a variety of contexts.

METERING AND ASYLUM DETERRENCE THROUGH ADMINISTRATIVE MEANS

In recent decades, the US–Mexico border has been increasingly militarized with startling increases in funding and personnel for CBP and border patrol (Martínez et al., 2020; Mittelstadt et al., 2011). This has occurred most markedly since 1994 with the implementation of Prevention Through Deterrence policies outlined in that year’s “Border Patrol Strategic Plan” (De León, 2015). As suggested by anthropologist Jason De León (2015), this increase of border security measures, purportedly aimed at deterring migrants from crossing, has in fact served as a deliberate strategy that forces migrants to travel through the punishing landscape of the Sonoran Desert traversing the US and Mexican border—often resulting in their death.

The expansion and further militarization of the border wall, vociferously promoted but never completed by President Trump, was accompanied by a quieter bureaucratization of the border during his administration through the implementation of metering and several other “administrative burdens” on asylum seekers (Moynihan et al.,

2022). While migrant deterrence policies have spatially reshaped cross-border migrant transit routes, these new strategies of asylum deterrence have temporally reshaped the experience of asylum seeking while keeping many asylum seekers fixed in place by establishing what some have referred to as a “bureaucratic wall” (Ceceña, 2020).

Metering was first implemented as an informal practice by CBP officers in 2016 at the Tijuana, Mexicali, and Nogales ports of entry when thousands of Haitian migrants began arriving at the US–Mexico border. But in 2018, under Donald Trump’s presidential administration, it became an institutionalized administrative practice used across all US–Mexico border ports of entry in response to the arrival of thousands of Central Americans travelling in migrant caravans (Leutert et al., 2018). Given that placing a limit on the number of asylum seekers allowed to request asylum at a port of entry clearly contravenes existing international refugee laws and conventions, the Department of Homeland Security initially denied the existence of such a practice (Harris, 2021). But an internal memo outlining the use of metering procedures was later revealed following legal challenges from advocacy groups (Rivlin-Nadler, 2020). Metering was publicly justified by officials as a necessary response to an unprecedented rise in asylum requests and as a means of addressing “safety and health hazards that resulted from overcrowding at ports of entry” (OIG, 2018, p. 6).

This arcane institutional practice produced devastating downstream consequences for asylum seekers held administratively captive in Mexican border cities. Metering was formalized with the circulation of an internal memorandum that guided CBP agents at US–Mexico ports of entry to follow a new “prioritization-based queue management” (PBQM) system (OIG, 2020). Under PBQM,

asylum seekers were administratively placed at the back of the line in a new prioritization hierarchy that rendered them as mere distractions preventing the Department of Homeland Security from accomplishing “its primary mission: to protect the American public from dangerous people and materials while enhancing our economic competitiveness” (*Al Otro Lado, Inc. v. Mayorkas*, 2021, p. 6).

With this new hierarchy, the CBP’s definition of **capacity** for the processing of asylum seekers was shifted from “detention capacity” to “operational capacity” to determine when metering should be employed at ports of entry. Prior to the PBQM system, most CBP directors typically determined their unit’s capacity for processing asylum requests by the amount of physical space they had for keeping migrants detained at their port of entry, or their “detention capacity” (OIG, 2020, p. 17). Now they were given permission to turn migrants away if they deemed that their unit was beyond their “operational capacity” to respond to other more important priorities. In reality, the PBQM system merely provided a bureaucratic name and official endorsement for a practice that several ports of entry had already been employing.

This bureaucratic reconceptualization of **capacity** proved eminently useful in allowing CBP to disguise its eschewing of asylum-processing responsibilities as the mere need to redirect their energies from tasks that draw “resources away from CBP’s fundamental responsibilities” (*Al Otro Lado, Inc. v. Mayorkas*, 2021, p. 6). Indeed, as revealed by an analysis of CBP documents during the court proceedings challenging the metering policy, an overwhelming majority of CBP directors at smaller ports of entry turned back and redirected asylum seekers to larger ports of entry despite not having any migrants held in their detention centres at the time

(*Al Otro Lado, Inc. v. Mayorkas*, 2021). By elevating metering to a bureaucratic norm, the memorandum converted the individual actions of port directors into a collective practice. As *Matthew Hull (2012)* suggests, bureaucracies and bureaucratic forms of discourse aim to obscure and remove individual responsibility by generating “corporate authorship and agency” (p. 127). The effects of this arbitrary administrative change, which dramatically altered the temporal experience of requesting asylum, rippled across the border, inadvertently producing new and unexpected forms of disciplinary control for asylum seekers.

THE EMERGENCE OF “LA LISTA”

This morning I joined several other volunteers working with *Al Otro Lado* to observe the management of “la lista [the list]” at Tijuana’s El Chaparral pedestrian point of entry into the United States. AOL is asking observers—mostly lawyers—to arrive at the Chaparral Plaza early every morning. When I arrived around 7:00 a.m., the line for asylum seekers to add their names to the list, maintained with traffic control stanchions and yellow caution tape, was short and orderly. Most of the asylum seekers lining up today were Central American and Mexican. The list managers were both Central American asylum seekers themselves. One was a middle-aged man and the other a teenager. They were seated at a table underneath a blue canopy tent. One diligently scribbled the names of each asylum seeker next to a number in a large tattered brown notebook. The other gave every person listed in the notebook a small piece of paper with their number on it. The line grew progressively longer with every passing minute. A group of people surrounding the tent was also slowly expanding and by 8:00 a.m. an enormous throng of migrants was crowded around. Another young Central American man emerged from the tent with the notebook and pen. He began loudly listing off numbers and a group of people began lining up behind him. These were the fortunate individuals and families who had already been waiting in Tijuana for months to be called. The crowd, clearly eager to have their numbers

called, quickly dissipated once the young man stopped calling numbers. The lawyers I was with immediately sent out a text message to the AOL group chat with the last number that was called from the notebook and the amount of people summoned. Those whose numbers were called—a diverse group from Mexico, Central America, and Cameroon—then proceeded to line up along a wall of large white concrete pillars where they were met by agents from Mexico’s Grupo Beta. Along with their meagre belongings (for some just a backpack), several were also carrying babies and stacks of documents barely being held together in flimsy folders. They appeared neither anxious nor excited. They simply waited, as they had been doing for months, for a Grupo Beta officer to come speak with them so they could be chaperoned across the border to begin their asylum process in the US. (Fieldnote, November 28, 2018)

In the wake of metering’s implementation, waitlists for migrants wanting to request asylum began emerging across Mexican border cities, organized by a varied ensemble of actors including Mexican National Migration Institute (INM) agents, migrant shelters, municipal government officials, and, in some cases, even migrants themselves (*Leutert, 2019*). Waitlists were established to create order amid the complications introduced by metering by giving migrants a means to have their place in line registered while new migrants continued arriving to border cities daily to request asylum. Many of these waitlists quickly developed a massive backlog, forcing migrants to await their turn for weeks and months in border cities unable or unwilling to accommodate them and often marred by cartel violence (*Slack, 2015*). Asylum seekers escaping violent ultimatums, most often from cartels and gangs in Central America and Mexico’s interior, already faced various threatening forces along their journey before encountering this novel border bureaucracy built with ragged notebooks and small pieces of paper referred to simply as “la lista” (*Saldaña-Portillo, 2019; Vogt, 2018*).

Despite having no legal foundation, waitlists were managed with a veneer of governmental officialdom involving daily administrative rituals, the establishment of leadership boards, and constant coordination with both Mexican and US immigration officials. In Tijuana, the waitlist came to be managed by a migrant-led “*junta directiva*” [board of directors] with the involvement of Grupo Beta, a branch of the INM touted as a humanitarian service aimed at aiding migrants. The management of the list, susceptible to manipulation and malfeasance, was a constant source of tension among all parties involved.

As part of their legal effort, AOL had teams of volunteers observe the waitlist’s management every morning, as discussed in the above fieldnote, to document the many irregularities that emerged. During the period that I conducted legal observation of Tijuana’s waitlist, the number of asylum seekers that port directors allowed to cross into the US for processing fluctuated haphazardly every day. Some days, CBP would allow only 60 people to cross, while on other days, several hundred asylum seekers would have their numbers called. As a result, on several occasions, asylum seekers who had not expected to be summoned so early did not present at the port of entry and were skipped over. Though the decisions and metrics guiding such fluctuations may have been arbitrary, their outcomes were deeply felt by asylum seekers who experienced tremendous heartache and anger. And while the waitlists that emerged in response to the backlog produced by metering were fictional bureaucracies, they became sources of real vulnerability and danger across the US–Mexico border.

PREDATORY BUREAUCRACIES: “LA LISTA” AS A NECROPOLITICAL TECHNOLOGY OF EXPLOITATION

On my second day of conducting legal observation of the waitlist in Tijuana, one of the list managers, a young Honduran man named Gabriel, suddenly stormed away from the blue canopy in a fit of rage. Moments before, he had erupted into a tumultuous argument with one of the other list managers. It was unclear what they were arguing about, but Gabriel loudly announced before separating himself from the tent that he was quitting his job as a list manager. I approached Gabriel shortly after, who remained in the plaza talking with other asylum seekers, to ask him what was going on. He replied calmly but firmly, “I quit because there were several irregularities that I wasn’t in agreement with.” Though Gabriel was an asylum seeker, he reported these irregularities to me with the authority of a government official. He explained to me matter-of-factly:

One of the members of the *junta directiva* was abusing his authority. He added names to the list of people who are in Argentina. He’s Peruvian, but he lived in Argentina for 10 years, with the idea of getting them across. And there’s hard evidence that’s been provided by a young woman who denounced him to news media. He said he would help her cross too in exchange for sexual favours The people here [asylum seekers] support me, but I quit because I’ve been threatened. He told me that he would kill me if I said anything. So that’s why I preferred to quit.

Accusations, altercations, and rumours of misconduct and manipulation surrounding the waitlists such as those described by Gabriel were commonplace. Conflicts often materialized among members of the *junta directiva*, between the *junta* and INM officials, between the *junta* and asylum seekers on the list, and among asylum seekers on the list or trying to get on it. In this instance, Gabriel was accusing another list manager

of engaging in practices that were widely reported to have occurred with waitlists all across the border. Allegations against list managers as well as INM officials of engaging in monetary and sexual bribery to place or move people up higher on lists were particularly prevalent. Gabriel was also accusing the other list manager of placing the names of his friends who had not yet arrived at the border on the list so they wouldn't have to wait for weeks or months in Mexico. INM officials were also frequently accused of calling a fewer number of people to cross into the US than the number given to them by CBP port directors and subsequently filling the remaining slots with asylum seekers who would pay them either monetarily or sexually.

The waitlist emerged as an archive and amplifier of the multiple axes of oppression and "differentiation by nationality" (Heyman, 1995) that unevenly burden asylum seekers. In the summer of 2019, for instance, thousands of Cameroonian migrants fleeing from civil war violence arrived in Tijuana (Spagat, 2019). Many Cameroonians found they were being prevented by Grupo Beta officials from crossing to seek asylum even after waiting on the list like others. They also charged that Grupo Beta officials required them to provide more documents than those requested of Mexican and Central American asylum seekers. The governmental documents of transgender asylum seekers were also frequently rejected by Grupo Beta officials as illegitimate because the gender identity listed on the document was deemed incorrect. Unaccompanied children and teenage asylum seekers, mostly from Central America, were told they could not add their names to the list unless they were accompanied by a parent—an impossible request. Instead, many were turned over to Mexico's child protective services agency

and subsequently deported to their home countries, regardless of the threats they faced there (Flores, 2019; Lind, 2018).

Notwithstanding the deeply contingent nature of the list and the ever-shifting rules that guided its management, asylum seekers were forced to abide by and contend with its "indissoluble, brutal materiality" (Cabot, 2012, p. 23). Though US officials had no hand in establishing waitlists, they were imposed and largely accepted as official bureaucratic instruments. For some, the list was an expression of self-organized leadership. List managers, despite often being targeted by accusations of corruption, took pride in their positions and saw themselves as advocates for other asylum seekers. For others, the list became a site of political struggle. In July 2019, over 100 Cameroonians participated in an act of civil disobedience to protest Grupo Beta's unfair list rules by blocking Mexican immigration vans from entering a governmental parking lot (Rivlin-Nadler, 2019). After several hours, Cameroonians and Mexican officials arrived at an agreement, allowing the African asylum seekers to view the list every morning to ensure that they were not being skipped over.

In addition to providing asylum seekers with a convoluted means for requesting asylum, the waitlists also constituted economic infrastructures that facilitated their financial and sexual exploitation. This predatory bureaucracy produced not only pliable clients forced to conform to its rules but also a marketplace of exploitable subjects and newly empowered "petty sovereigns" seeking to benefit from them (Butler, 2004, p. 56). As commodified "technologies of power" (Cohn & Dirks, 1988), the lists were materialized into active agents of bureaucratic dispossession. Precise price scales, determining how high an asylum seeker could advance on the list depending on how much they were willing

to pay, were reportedly set at various times and locations across the border (Green, 2019; Nathan, 2019).

Predatory bureaucrats had to persistently conceal the list's "real" rules behind the "official" rules (Tuckett, 2015) of its mundane and seemingly transparent daily organization to prevent situations like Gabriel's sudden outburst from occurring. Despite such efforts at establishing democratic oversight, waitlists proved to be durable and efficient instruments of bureaucratic violence because of the omnipresent backdrop of physical violence saturating migrant journeys. Fleeing threats of violence in their countries of origin and held in administrative captivity under precarious conditions in border cities, asylum seekers were placed in desperate conditions and rendered easy prey.

The waitlists also required the application of brute force to emerge as the only remaining option for most migrants to access the US asylum system. When metering was first applied at several ports of entry, it was enforced by physically blocking asylum seekers from stepping onto US soil, which would have given them the right to request asylum. This required CBP agents to use their bodies to intercept migrants at the midpoint of pedestrian crossings between the US and Mexico (Amnesty International, 2018; Armus, 2018). Asylum deterrence, though later couched in cold bureaucratic language and managed through externalized waitlists, thus required a spatial and martial incursion by agents of US border enforcement into the liminal "thresholds between sovereign and non-sovereign territory" where "asylum-seekers face legal ambiguities" (Mountz, 2011, p. 385). The constitutive violence at the core of metering's implementation underscores David Graeber's (2015) perceptive insight that "the bureaucratization of daily life means the

imposition of impersonal rules and regulations; impersonal rules and regulations, in turn, can only operate if they are backed up by the threat of force" (p. 32).

While many asylum seekers experienced the list as a predatory bureaucracy, it at least provided them with the possibility of safely traversing this militarized landscape. Yet, by forcing asylum seekers to exist in a perilous space of captive waiting, where they could be kidnapped by cartels or deported by Mexican immigration officials at any moment, the US migration enforcement regime inaugurated a new mode of asylum deterrence. Under this paradigm, time itself has become a menacing weapon wielded against asylum seekers. Through increasing the amount of time that asylum seekers were forced to reside in Mexican border cities, metering required asylum seekers to rely on waitlists, which were transformed into necropolitical technologies for "administering suffering" (Estévez, 2018, p. 2). Time, in this context, became a means to instrumentalize the existence of asylum seekers (Mbembe, 2003). Metering resulted in the creation of necrotemporal bureaucracies in which humans were converted into not only "an application number for case tracking purposes" but also exploitable subjects.

THE IMPACT OF MPP

Following the Trump administration's launch of the Migrant Protection Protocols (MPP) program beginning in January 2019, 71,036 asylum seekers were returned to Mexico to await their court hearings (Kocher, 2021). This proved to be catastrophic for migrants' abilities to adequately make asylum claims by making it more challenging for them to acquire legal representation. Of the total number of individuals who completed cases under MPP (approximately 42,000), only 650 were eventually granted asylum (National Immigration Forum, 2021). In response to the

obstacles created by MPP, advocacy organizations developed new means for providing asylum seekers with legal services at a distance. Several medical school-based asylum clinics supported these efforts by conducting remote forensic medical evaluations using video teleconferencing. Forensic medical evaluations are conducted by trained clinicians to identify, quantify, and document a client's markers of physical and psychological trauma to corroborate their claims of torture and abuse in medical-legal affidavits (Gu et al., 2021). After MPP was implemented, I began assisting clinicians with conducting remote forensic medical evaluations with asylum seekers forced to reside in Tijuana. I was asked to meet with asylum seekers in Tijuana and provide logistical, technical, and language interpretation support when needed to conduct the evaluations.

Through my participation in this effort, I met Teresa, an asylum seeker who travelled from Honduras with her husband, Sergio, and their daughter, Maria. Teresa was from the Brisas del Valle neighbourhood of Tegucigalpa, an area she described as having "gangs on every street." She and her family fled from their home after they were assaulted several times and her uncle was killed by members of a gang affiliated with Mara Salvatrucha (MS-13), a transnational Central American gang first created by young Salvadorans in Los Angeles in the 1970s and 1980s (Zilberg, 2011). Teresa was convinced they were being targeted because her husband was a police officer who had knowledge about the identities of some of the gang members. She explained that they were almost killed twice by gang members—the first time, they were shot at in their car while driving home from dinner, and the second time, armed men shot at them in front of their house. The gang members dispersed when police officers arrived but

threatened that next time the family would not escape.

Teresa and her family travelled by land to Tijuana and requested asylum at the Chaparral port of entry. Like thousands of others, they were declined by CBP officers and told to instead request asylum in Mexico. Shortly after, they were assaulted and robbed in Tijuana, which propelled them to attempt to cross into the US illegally. They were detained by border patrol officers and placed in detention for two days. Maria developed a severe flu—an outcome, Teresa argued, of the frigid temperatures maintained in the detention centre, colloquially referred to by migrants as "la hielera" [the icebox] (Riva, 2017). Teresa pleaded with officers to be provided with the opportunity to seek asylum in the United States. Despite conveying their fears of being in Mexico, they were enrolled in MPP and returned to Tijuana.

During her forensic evaluation, Teresa spoke at length about the visceral impacts these accumulated experiences of violence had on her. She explained that she had difficulty concentrating and was persistently hypervigilant about her surroundings. She told us that Sergio was depressed and developed a skin infection from the stress he was experiencing. They both had tremendous anxiety and struggled to sleep. I was asked to help her with completing two quantitative questionnaires, the PCL-5 and PHQ-9 surveys, used to diagnose and measure the severity of depression and post-traumatic stress disorder symptoms. I felt awkward asking her to attempt to quantify the various forms of stress and trauma she was experiencing, but this was considered essential in helping to build her asylum case. When I asked Teresa, for example, to rate how often she had "thoughts that you would be better off dead, or of hurting yourself," as the survey states, she went into fine-grained detail about her

suicide attempts. She replied, "Well, I have some pills for headaches and stomach aches. I took them all at once. ... That happens sometimes." Nonetheless, for the purposes of her asylum case, I merely needed her to report how many days per week she experiences such thoughts. Unsurprisingly, she scored highly on both surveys.

Three months later, I was notified by one of the asylum clinic's members that Teresa's situation in Tijuana had taken a "significant turn for the worse" and that we needed to conduct a follow-up evaluation. Teresa reported to the advocacy group supporting her case that she had been assaulted by a man living in an apartment next door to her family a few days prior. Her assailant, a member of Sureños 13—a US-based Mexican American gang—had been harassing her for several weeks before finally entering Teresa's apartment and attempting to rape her while her husband was away. Teresa was left with several bruises and injuries following the attack. I was again asked to help quantify the harms that Teresa experienced. I had to meticulously measure the size of her bruises during the video call, as if this could provide a true assessment of the violence she had endured. Teresa told us that she was now unable to sleep for more than an hour at a time and her anxiety had worsened significantly. Though she filed a police report following the incident, Teresa explained that she felt threatened by the police officers, who acted in an intimidating way towards Sergio and asked them both for their immigration documents when they arrived at their apartment.

The assault occurred during Teresa and her family's seemingly interminable state of limbo in Tijuana. By the time she was attacked, the date for their asylum hearing had already been pushed back three times by the San Diego Immigration Court. Teresa was

just one among hundreds of asylum seekers who experienced a violent incident in Mexico while enrolled in MPP. In addition to making it more difficult for asylum seekers to access legal representation, MPP also dramatically magnified their vulnerability to violence. While Teresa and her family lived in a shared rental apartment with other migrants, a significant portion of asylum seekers in MPP were forced to reside in overcrowded humanitarian shelters and open-air encampments. Such living conditions, with few protections provided by police agencies, exposed migrants to victimization, particularly in border cities dominated by cartel organizations.

By the time the Biden administration suspended the MPP program in February 2021, there were at least 1,544 publicly reported cases of murder, torture, rape, kidnapping, and other violent attacks against asylum seekers returned to Mexico (*Human Rights First*, 2021). A study by *Médecins Sans Frontières* (2020) found that nearly 80% of asylum seekers enrolled in MPP had been the victims of violence while waiting out their asylum hearing in Nuevo Laredo. Just as forensic interviews are blunt instruments for capturing the profound imprints of violence, such reports can never fully gauge the degree of brutality experienced by asylum seekers. Under MPP, both the temporality and spatiality of seeking asylum were manipulated to make it more unobtainable and dangerous. MPP proved to be another potent technique of asylum deterrence, employing necrotemporal techniques to dissuade, wear down, and dispose of migrants.

THE VIOLENCE OF WAITING

Scholars of migration have increasingly drawn attention to the experiences of asylum seekers living in conditions of bureaucratized waiting. As this literature suggests, waiting is not merely an inert or "empty experience" for

asylum seekers (Griffiths, 2014, p. 1997). Far from being “paralytic” (Crapanzano, 1985, p. 42), waiting periods are often suffused with significant movement, activity, and meaning in which asylum seekers must manoeuvre and strategize in order to survive (Griffiths, 2014; Kohli & Kaukko, 2018; Rotter, 2016). But the imposition of bureaucratic procedures, including “deadlines and time limits which impact on migrants’ lives and geographies” (Tazzioli, 2018, p. 15), alienate asylum seekers from control over the tempo of their waiting experiences. Bureaucracies act as powerful disciplinary instruments by requiring patient submission on behalf of their clients and offering protracted promises of problem resolution if the required administrative procedures are dutifully followed. As Colin Hoag (2014) suggests, bureaucracies derive a “tenuous kind of power” through their ability to “orient people toward the future” (p. 423). Such state-imposed forms of waiting that hinge on an indeterminate yet hopeful futurity, Javier Auyero (2012) theorizes, are “temporal processes in and through which political subordination is reproduced” (p. 2).

In addition to the politically structured temporality of asylum seeking, a growing area of research is examining the temporalization of border enforcement practices to slow or block the movement of migrants. This scholarship aims to shift analyses from predominant spatial renderings of migration enforcement towards a recognition of “the role of time in techniques of control and regulation in border regimes” (Drangland, 2020, p. 1130). “Temporal bordering,” as Sandro Mezzadra and Brett Neilson (2013, p. 131) refer to it, has become an increasingly important “multifaceted tool and vehicle—even a weapon of sorts” of migration enforcement (Andersson, 2014, p. 796). The lens of border temporality reveals how migration enforce-

ment is pursued not only by assuming control over time but also by engaging in modes of control through time (Tazzioli, 2018). As Ruben Andersson and others have elucidated, border regimes engage in temporal interventions at a variety of cadences. In some cases, these are “speedy intervention[s],” as with the deployment of border patrol units to quickly detain and deport migrants in the “prefrontier” regions before migrants can step foot onto US or European soil (Andersson, 2014, p. 800). In other cases, temporal bordering can be enacted through slowing practices that enforce “various forms of stasis and stuckedness in transit zones” (Iliadou, 2021, p. 199), such as placing migrants in outsourced detention centres or abandoning them in refugee camps. Metering and MPP provide trenchant examples of decelerated border practices.

The condition of waiting produced by the slowing of migrant journeys is not merely a by-product of border enforcement practices, but instead is a fundamental “management technique” (Andersson, 2014, p. 796). This recognition of the purposeful use of time parallels De León’s (2015) insight that death is the intended outcome of the Prevention Through Deterrence strategy that funnels migrants into the “rugged and desolate terrain” of the Sonoran Desert (p. 5). As De León explains, “nature has been conscripted by the Border Patrol to act as an enforcer while simultaneously providing this federal agency with plausible deniability regarding blame for any victims the desert may claim” (pp. 29–30). What occurs in the desert as a result of the natural environment, though seemingly random and uncontrolled by border patrol authorities, forms part of an intentional and deadly strategy of migrant deterrence.

I suggest that just as Prevention Through Deterrence exposes migrants to deadly forces

by altering their movement patterns, policies such as metering and MPP deliberately endanger asylum seekers through forcing them into a condition of temporal and spatial captivity in highly precarious environments. While the Prevention Through Deterrence strategy relies on what [De León \(2015\)](#) refers to as the desert's "hybrid collectif" (p. 38) of human and non-human threats, metering and MPP rely on necrotemporal techniques by placing asylum seekers in environments marked by precarious housing, scarce humanitarian resources, drug war-related violence, and legal impunity ([Slack, 2015](#)). By keeping asylum seekers bureaucratically stuck in this environment, asylum deterrence policies are engaging in a strategy of attrition, causing the number of asylum seekers at the border to slowly decrease over time due to the indirect recruitment and deployment of nonlinear threats. In the warfare context, the strategy of attrition is "designed to erode both an enemy's material capacity as well as their will to continue the struggle over time" ([Kiras, 2012](#), para. 4). Rather than relying on direct coercive force, the strategy of attrition seeks to gradually wear migrants down to dissuade them from seeking asylum by dispersing daily threats to their existence.

SURVIVING IN THE NECROTEMPORAL ASYLUM SYSTEM

For asylum seekers surviving amid metering and MPP, life promotion and death-making are barely discernible logics. Teresa's bruises and her high PCL-5 survey trauma score, outcomes of being forced to wait out her family's asylum hearing in a space with disproportionate threats, were nonetheless ultimately useful for her lawyers in submitting a humanitarian parole request on her behalf. Such parole grants, though extremely rare at the time, became one of the only strategies left at lawyers' disposal to get their

clients into the US. In this context, Teresa's "suffering body" emerged, paradoxically, as her only currency available to secure her "bodily integrity" ([Ticktin, 2006](#), p. 39). Thus, the suffering exacerbated by the necrotemporalization of the US asylum system has also increasingly become a requirement for accessing it.

Forcing asylum seekers to exist in a perilous space of captive waiting, where they might be kidnapped by cartels, deported by Mexican immigration officials with little legal recourse, succumb to an illness while living in an open-air encampment or overcrowded shelter with minimal access to medical care, or even seek to take their own lives, as Teresa did, has come to serve as a powerful new mode of asylum deterrence. Necrotemporality offers a way to conceive of temporal impositions that are employed as forms of targeted attrition to slowly wear out and eliminate those who are deemed to be members of enemy populations.

Necrotemporality forms a core part of what [Ariadna Estévez \(2018\)](#) has referred to as "public necropolicies," such as the regulations undergirding the US asylum system, which engages in the "bureaucratization of social suffering" (p. 9). The asylum system, [Estévez](#) argues, is not so much a bio-political instrument of life promotion for asylum seekers but instead acts as a necropolitical tool aimed at "managing the death of those who fail to insert themselves into 'globalization'" (p. 4) while giving them "the illusion that they are moving towards justice" (p. 9). One of the ways that this management of death is executed, as I have argued, is through the strategic use of time to maximally increase exposure to threatening forces that, while outside of the direct control of those who wield this power, are neither "random nor senseless" ([De León, 2015](#), p. 3). Only in expanding our analyses towards the outcomes

of these temporal techniques can we fully grasp and hopefully confront the novel forms of bureaucratic violence increasingly being levied against asylum seekers.

ETHICS CLEARANCE

This research was approved by the institutional review board of the Committee for Protection of Human Subjects at the University of California, San Francisco.

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