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Indignation and Intelligibility: Contradictions that Place Vulnerable Populations 'Off the Grid'

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Abstract

Our paper draws on our ethnographic work regarding transnational adoption, unauthorized immigration, and deportation in order to examine the grids of intelligibility that produce adoptability and deportability. Adoptable babies, unauthorized migrants, and deportable aliens are, in some sense "off the grid" in that aspects of their pasts took place elsewhere, or are unknown or sealed, thus enabling them to be excluded or removed from particular polities. Such individuals appear to move – between statuses, territories, and states of being. At the same time, the very possibility of such movements, indeed, of alienability, unsettles the very grids of kinship, property, nationality, and belonging on which exclusions and removals are based. Adoption, migration, and deportation are therefore processes that disturb and fascinate, as evidenced by the numerous news articles about adoptees who return to discover their "roots," or the hardships and successes of migrants. These stories are not only about the individuals involved but also the nations and assumptions about national "essences" that make it possible to "locate"

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persons. Our analysis seeks to interrogate these assumptions, while providing alternatives to the grids of deservingness and ideas about a child's "best interest" that underpin immigration policy and adoption law.

Key words

Immigration; adoption; deportation; children; inequality

Resumen

Este artículo muestra el trabajo etnográfico realizado sobre la adopción transnacional, la inmigración no autorizada, y la deportación, para examinar las redes de inteligibilidad que fomentan la adopción y deportación. Bebés adoptables, inmigrantes no autorizados, y extranjeros deportables están, en cierto sentido "fuera de juego", ya que su pasado se desarrolló en otros lugares, es desconocido o inaccesible, lo que favorece que sean excluidos o eliminados de políticas particulares. Parece que estas personas se mueven entre status, territorios y estados del ser. Al mismo tiempo, la posibilidad de tales movimientos, esto es, de extranjería, perturba las redes de parentesco, propiedad, nacionalidad y pertenencia en que se basan las exclusiones. Adopción, inmigración y deportación son por lo tanto, procesos que perturban y a la vez fascinan, como lo demuestran los numerosos artículos de prensa acerca de adoptados que vuelven a descubrir sus "raíces", o las dificultades y los éxitos de los inmigrantes. Estas historias no están relacionadas únicamente con las personas involucradas, sino también con las naciones y las asunciones sobre las "esencias" nacionales que permiten "localizar" personas. Este análisis busca cuestionar estos supuestos, al tiempo que proporciona alternativas a las redes de merecimiento e ideas sobre el "interés superior" del niño en que se basa la política de inmigración y la ley de adopción.

Palabras clave

Inmigración; adopción; deportación; niños; desigualdad

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1. Introduction

Children who move to countries such as the United States or Sweden from countries such as Ethiopia, Haiti, or El Salvador often face questions about their legitimacy and status in their new countries. This article examines how two groups of such vulnerable children—the children of undocumented migrants and children who are adopted transnationally—are framed in law and policy terms, focusing on assumptions about childhood, movement, family, and belonging that facilitate their inclusion in or exclusion from particular polities and families. We discuss the Deferred Action for Childhood Arrivals (DACA) process initiated by the Obama Administration in 2012 for managing the children of undocumented migrants in the United States, and The Hague Convention's Guide to Good Practice (2008) for regulating the movement of children in intercountry adoption to the United States and other nations. We argue that although these two "groups" of children – migrants and deportees -- are considered to be distinct in law and policy, they share problems of legibility and legitimacy that derive from their connection to illicit or marginal birth parents and their movements across national borders. For the children who immigrated to the United States without authorization, the problem is how to secure status there. In the case of transnational adoptees, the problem is to document their erasure/absence from their birth family and country, so they are legible as adoptees who qualify for citizenship benefits in adopting nations. In each case, documentation is required to prove their qualification for belonging, in spite of histories and families that would seemingly delegitimize them.

This required documentation privileges permanence and rootedness by papering over children's lived experiences of mobility. For adoptees, documentation instantiates a legal status with the adoptive parents comparable to that of a "natural legitimate child," as if there had been no origin prior to the adoptive one (and thus no movement from sending to receiving nation). For undocumented child arrivals, documentation of continuous presence since young ages, coupled with educational progress, is considered humanitarian grounds to defer removal. This process focuses DACA consideration on the humanitarian needs of child migrants as if US policies had nothing to do with creating the conditions that led their families to migrate in the first place. By considering child migration and transnational adoption together, we hope to reinsert these excluded histories, which all too often are an effect of socioeconomic conditions such as poverty, stratified reproductive opportunities, violence, and the impact of natural and other disasters. By examining accounts of children who are considered somehow "out of place," our paper attends not only to the assumptions that place them there but also to counternarratives in which their membership in families and nations could be secured. In particular, we highlight the contradictory role of law and public policy as contributing to both the denial of socioeconomic rights for these children, and as suggested remedies to this very denial.

2. Children out of place

Both transnational adoption and the unauthorized immigration of children have been produced through the violence, imperialism, and resource extraction that accompanied the transition from colonialism to postcoloniality. To understand how children become available for adoption or are compelled to migrate, it is worth examining how these processes play out in each case. Beginning with transnational adoption—as the legal transfer of rights to a child from its birth parents in one nation to unrelated adoptive parents in another—we note that this is a relatively recent phenomenon, the origins of which are conventionally traced to the Korean War and the humanitarian rescue of "war orphans" who were the illegitimate children of Korean women and US or UN soldiers. Transnational adoption shares ideological roots with early twentieth century humanitarian projects (Save the Children in England, *Rädda Barnen* in Sweden, both organized during the First World War) for rescuing or "saving" children whose lives were threatened or who

were separated intentionally or unintentionally from their parents by war or "natural" disasters. But unlike earlier child-saving projects in which the transfer of the child to a different set of caretakers was understood as a temporary solution to crisis, with the child (if possible) being returned to its parents or other relatives once the crisis was over, transnational adoption involves a permanent change of the child's status and its familial and national belonging. The radical nature of this dislocation is reflected both in legal efforts to obscure this change (the child's pre-adoptive history is nullified) and in heated debates that have accompanied the practice since the first transnational adoptions in the mid-twentieth century.[1]

Transnational adoption increased steadily in popularity from the mid-1950s to the first years of the 21st century, expanding eventually to include sending countries throughout Asia, Africa, Latin America, and Eastern Europe. In the United States, which quickly emerged as the world's major adopter (France, Canada, Italy, Spain, Norway, and Sweden are others), transnational adoptions rose from an annual average of 7,761 during the 1980s to 15,774 in 1998, peaking at 22,884 in 2004.[2] What began as a "quiet migration" (Weil 1984)—"a phenomenon involving only a small number of children from relatively few countries" in the 1950s and 1960s (Selman 2002, p. 206)—had expanded by the early 2000s into a practice of transnational family-making that involved over 45,000 children a year and more than a hundred countries. In spite—or perhaps because—of its popularity, transnational adoption was controversial from the outset, both because of its association with child trafficking, as prices for "adoption services" to obtain a "priceless child" increased, and because of concerns about the alienation of adopted children from their "roots." The Hague Adoption Convention (*Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*), which was signed by 67 sending and receiving States in 1993 and had been ratified or acceded to by 90 countries twenty years later, was intended to address these and other problems.[3] Yet reports of child trafficking continue, underscoring the difficulties in regulating a process in which the circulation of children is driven by vast disparities in wealth between givers and receivers and by opportunities for profit provided by increasingly complex regulatory measures, as well as by differences in understanding of what "family" and "adoption" consist in (Rotabi and Gibbons 2012, Joyce 2013).

Transnational adoptions declined sharply worldwide after 2004, with a 36% drop between 2004-2010. The drop was particularly significant in the United States, where adoptions in 2012 fell under 9000 for the first time since the 1980s.[4] In tandem with this downward trend, large-scale epidemiological studies published in the early 2000s raised questions about the emotional effects of transnational adoption on the adopted child (Hjern *et al*. 2002, Hjern and Allbeck 2002, Hjern *et al*. 2004), while an increasingly visible community of adult adoptees, many with origins in South Korea, the world's major sending country in the 20th century, began to produce memoirs, films, autoethnographies, and other work that spoke compellingly of their experiences growing up in countries where their *legal* status

[1] For overviews of this history, see Yngvesson (2010) and Briggs and Marre (2009).
[2] Other key adopting nations during this period include Sweden, Canada, France, Italy, and Spain. See Selman (2002) for an overview of trends.
[3] See http://www.hcch.net/index_en.php?act=conventions.status&cid=69 for a list of contracting states and their status as of May 1, 2013. South Korea, the principal sending country during the second half of the 20th century, only signed the Convention in 2013 and has not yet acceded to it. Ethiopia, since the early 2000s an increasingly significant provider of adoptable children to the United States and other adopting nations, is not a party to the Convention.
[4] The decline has been attributed to the emergence of domestic adoption programs in key sending countries such as Korea and China, to a pattern of restriction or cessation of adoptions from Russia to the United States, typically related to political problems involving the two countries, and to the coming into force of the Hague Adoption Convention in most sending and receiving countries, significantly in the United States, which ratified the Convention in 2007 and bought it into force in 2008, with an accompanying halt in some 5000 annual adoptions to this country from Guatemala, which has been widely regarded as a source of trafficked children.

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was secure—unlike the situation of unauthorized child arrivals, as discussed below—but their *belonging* was constantly put in question because of the ways their bodies set them apart (see e.g., Nordin 1996, Trotzig 1996, Aronson 1997, *First Person Plural* 2000, Trenka 2005, Trenka *et al*. 2006, Prébin 2013). At family gatherings, with friends, in encounters with strangers, at national borders, and when they looked in the mirror, adoptees were constantly reminded of their cancelled origins, unknown birth parents, and as one adoptee noted, "that it is not natural that I am here" (Trotzig 1996, p. 62). At the same time, the decline in adoptions over the past decade began to give rise to new forms of humanitarian advocacy, notably among evangelical Christians in the U.S., encouraging transnational adoption as a "natural intervention" in the child's development (van Wichelen 2012, p. 11, Joyce 2013), one that builds on "the human truth that children need families," and that "around the world millions of children are growing up without parental care" (Di Filipo 2013).

Next, turning to unauthorized migration, we note that like in the case of transnational adoptees, the conditions that bring undocumented children to the United States are related to the promise that they will have a better life in that country. But unlike children whose immigration is justified on grounds of their adoptability (their orphan status and need for a family), undocumented children tend to either join or arrive with parents. Their plight, unlike that of transnational adoptees, is created by their experience of growing up in a nation that has *not* adopted them and is making it increasingly difficult for them to legalize. While unauthorized immigration has occurred throughout U.S. history, with immigrant populations having been imported to meet particular labor needs but then deported or excluded as needs shifted and racial animosity grew (Ngai 2004), the past few decades have seen both a rise in global conditions that displace families and a dramatic restriction in the opportunity for undocumented populations to obtain legal status. Neoliberal economic policies in Mexico and Central America, key immigrant-sending countries, have displaced workers from agricultural and industrial positions, even as civil wars (in the case of Central America) and criminal violence (throughout the region) have exacerbated public insecurity. Some of these displaced persons have come to the United States, where many eventually bring or send for their children, often through the services of an alien-smuggler. In fact, in 2014, numbers of Central American children entering the United States without authorization skyrocketed as gang violence and public insecurity worsened in El Salvador, Guatemala and Honduras (Krogstad and González-Barrera 2014).

The most recent sets of immigration reform legislation were set in motion in the 1970s, when President Jimmy Carter appointed a Select Commission on Immigration and Refugee Policy to evaluate the "problem" of undocumented immigration (Fuchs 1980). In 1981, this Commission issued a report recommending an "amnesty" for the undocumented population already in the country, and stiffer enforcement measures to prevent future immigration (Martin 1982). In 1986, the Immigration Control and Reform Act (IRCA) created a legalization program and for the first time imposed sanctions on employers who hired undocumented workers. The legalization program effectively transformed much of the undocumented population into legal residents, but sanctions and stiffer enforcement measures failed to prevent undocumented immigration, as newly legalized workers who might previously have periodically returned home instead settled in the United States and "sent for" family members outside the country (Bean *et al*. 1989). Although post-1986 arrivals generally were not eligible for amnesty (and in fact, to qualify, non-agricultural workers had to have been in the United States by January 1, 1982), those who did legalize were able to petition for family members' legalization, a lengthy process that nonetheless allowed close family members to eventually be reunited legally. In 1996, however, this legal landscape changed. A U.S. recession in the early 1990s coupled with rising concerns over international terrorism (in the wake of the Oklahoma City Bombing, even though this was an instance of domestic

terrorism) led to legal reforms that dramatically restricted the means whereby individuals who were in the United States without authorization could obtain status. The undocumented population therefore continued to rise to its current level of approximately 12 million.

This situation created particular problems for undocumented children, many of whom had lived in the U.S. since young ages, had few if any ties to their countries of origin, and considered themselves U.S. Americans. While in school, these immigrant children participated in civic rituals, such as the pledge of allegiance, that affirmed their membership in the country. Indeed, in the 1982 *Plyler v. Doe* decision, the U.S. Supreme Court ruled that public schools could not deny access to students on the basis of immigration status, thus enabling undocumented children to share the educational opportunities available to their lawful permanent resident and U.S. citizen counterparts (Gonzales 2008). As they approached adulthood, however, undocumented students began to experience the effects of more restrictive legislation (Gonzales 2011). As they found themselves in need of work authorization, driver's licenses, and access to college, undocumented students discovered that they were sharply distinguished from their peers. In 2001, the Development, Relief, and Education for Alien Minors (DREAM) Act, which would have created a path to citizenship for undocumented students who had graduated from U.S. high schools, was introduced in Congress for the first time. Students argued that they were high achievers who had the potential to contribute to society, that it was not their fault that they had immigrated without authorization, and that it was inhumane to deport them to countries where they might have few ties and might not even speak the language (Nicholls 2013). In 2006, students participated actively in record-breaking immigrant rights marches, and were at the forefront of advocacy designed to secure a new comprehensive immigration reform effort (Gonzalez 2009, Betancur and Garcia 2011, Bloemraad *et al*. 2011). Mired in political controversy and stymied by the recession that hit the United States in 2008, a comprehensive reform package has yet to be approved.

Although the DREAM Act has not passed, the Obama Administration responded to the plight of unauthorized students by creating the "Deferred Action for Childhood Arrivals" (DACA) process, a limited remedy that attempted to address the dislocation experienced by undocumented students who found that they did not, in fact, "belong," by providing them with a procedure for documenting their continued presence in the United States. In the next section, we juxtapose key features of this process with provisions of the Hague Adoption Convention regarding the conditions that render a child adoptable in another nation, focusing on what we term "grids of intelligibility": a common set of assumptions about children's needs, rights, and best interests, the role of the state in protecting these rights and interests, and the place of legal documents in securing the child's belonging in one place or another.

3. Legal grids of intelligibility and the conditions of belonging

A central consideration in law and policy related to managing the movement of children from one nation, or one family, to another is the assumption that birth creates both a powerful familial and national origin. This assumption is reflected in the 1989 United Nations Convention on the Rights of the Child (UNCRC), which recognizes the child's "right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by, his or her parents" (Article 7). Article 7 also underscores the importance of legal documentation in securing these rights, specifying that "the child shall be registered immediately after birth" and that "States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field." As well, the UNCRC (citing the 1959 United Nations Declaration of the Rights of the Child) stipulates that "the child, by reason of his [sic] physical and mental immaturity, needs special safeguards and care,

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including appropriate legal protection, before as well as after birth" and that "in all countries of the world, there are children living in exceptionally difficult conditions, and that such conditions need special consideration" (Preamble).

In our discussion below, we explore some of the ways that the DACA process, the Hague Adoption Convention, and the United States Citizenship and Immigration Service (USCIS) seek to accommodate these needs and rights, especially under what might be considered "difficult conditions" that require "special consideration." In particular, we draw attention to the sleight of hand that erases aspects of the lives of child migrants and adoptees: erasure of the conditions of arrival for the undocumented child, erasure of the pre-adoptive history/conditions of departure (from the birth country) for the adopted child.

The Deferred Action for Childhood Arrivals program was created by the Obama Administration in June 2012, in the midst of the presidential campaign, seemingly at least partially as a defense against charges that the president had failed to deliver on his promise to pursue Comprehensive Immigration Reform. DACA allows undocumented individuals who immigrated to the United States before their 16th birthday, were in the country and under the age of 31 on June 15, 2012, lived in the United States continuously since June 15, 2007, either graduated from a U.S. high school, obtained a General Educational Development (GED) certification, are currently in school, or were honorably discharged from military service, and have not committed crimes to request "deferred action," that is, permission to remain in the country with work authorization for two years. As a discretionary suspension of enforcement, DACA epitomizes a form of legal accounting associated with U.S. immigration law, one that renders undocumented populations both legible and opaque at the same time.

Likewise, the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention 1993), an international agreement that governs how sending nations may "export" (Carlson 1994, p. 256-257) legal orphans for placement in adoptive families in other nations, has ambiguous status in law and incorporates a fundamental contradiction regarding the status of children.[5] As noted in the Preamble to the Convention, its purpose is to "ensure that intercountry adoptions are made in the best interests of the child and with respect to his or her fundamental rights as recognized in international law" (Hague Adoption Convention 1993, Preamble). The concept of a child's "best interests" is central to the work of international child welfare professionals, while that of the child's fundamental rights is a reference to the 1989 UN Convention on the Rights of the Child (UNCRC), which recognizes "the right of the child to preserve his or her identity, including nationality, name and family relations" (Article 8), yet also recognizes "that inter-country adoption may be considered as an alternative means of child's care, *if the child cannot be placed in a foster care or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin*" (Article 21, emphasis added). In referencing both the child's best interests and his or her fundamental rights, the Hague Adoption Convention signals the dilemma posed by transnational adoption to the best interests of the child, in its potential to disrupt identity by removing the child from its nation and family of origin, even as the objective in doing so is to promote the development of the child (Hague Adoption Convention 1993, Preamble).

[5] The intercountry adoption section of the website for The Hague Conference on Private International Law describes the Hague Adoption Convention of 1993 in the following terms: "The *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (Hague Adoption Convention 1993) protects children and their families against the risks of illegal, irregular, premature or ill-prepared adoptions abroad. This Convention, which operates through a system of national Central Authorities, reinforces the UN Convention on the Rights of the Child (Art. 21) and seeks to ensure that intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights. It also seeks to prevent the abduction, the sale of, or traffic in children".

Both DACA and the Hague Convention treat applicable children as in need of special consideration or protection. The first sentence of DACA's authorizing memo refers to them as "certain young people who were brought to this country as children and know only this country as home," thus emphasizing the humanitarian concerns to be taken into account in their cases (DHS 2012, p. 1). Furthermore, the memo continues, they were innocent: "As a general matter, these individual lacked the intent to violate the law" (DHS 2012, p. 1), while a later paragraph lists their equities: they have been "productive," they "may not have lived [in] or even speak the language" of their countries of origin" (DHS 2012, p. 2). Added to these humanitarian considerations is the government ideal of using resources efficiently: DACA will "ensure that our enforcement resources are not expended on these low priority cases" (DHS 2012, p. 1). The importance of DACA recipients' status as children is emphasized by the program's title, "Deferred Action for Childhood Arrivals." The conflation of an event ("arrival") with a type of person ("an arrival") is made clear in the instructions that accompany the I-821D form used to solicit DACA. In response to the strangely worded question, "What is a Childhood Arrival for the Purposes of This Form?" (DHS 2012, p. 1), the instructions list characteristics of "an individual," while a later heading in the instructions refers to "Childhood Arrivals Who Have Never Been in Removal Proceedings," clearly flagging a type of person, a "childhood arrival." Much as the conventions and guidelines on intercountry adoption stress the needs of every child (for a family, for an environment that is conducive to "development," for a home), so too does the state's deployment of discretion through DACA turn on DACA requestors' status as *children*, at least at the time of their arrivals.

The state's deployment of discretion in determining what constitutes a "childhood arrival" is matched in intercountry adoption arrival policy by ambiguity surrounding the determination of what constitutes a child's "adoptability," a condition that is inseparable from an equally contentious matter, that of determining the child's "best interest." The complexity of these questions emerged in heated debates among representatives from sending and receiving States at The Hague Adoption Conference in 1993, where it became clear that interpretations of "the child's" best interest were entangled with the diverse *national* interests of senders and receivers, as well as with the differential desirability of certain children as "precious national assets" or as potential adoptable resources. Thus, representatives from sending States advocated regulatory measures that would permit intercountry (or transnational) adoption *only* if there were no "suitable" form of care (including foster care) in the State of origin, while those from adopting nations sought to prioritize a "permanent family," which was widely understood to be more easily available in receiving States. Indeed, representatives from adopting nations viewed the Hague Adoption Conference as "a forum for mutual education about the situation of *children without families* and the virtues of adoption" (Carlson 1994, p. 257, emphasis added). The privileging by the Convention of a permanent family in another nation over a foster or single-parent family in the child's country of origin is a testimony to the success of this "mutual education." At the same time, negotiation of this sensitive issue, which was understood to be crucial to the development of the child but to threaten his or her (natural) essence as a *national* subject of his or her State of origin, led to emphasis in the Convention on stricter regulation of each child's "adoptability," a state of being that is determined by the sending nation, and is contingent on conditions that are related not only to the child's economic status (a key consideration) but also to his or her age, health status, gender, skin color, whether or not the child is part of a sibling pair, and so forth—all variables that could make him or her suitable for adoption in one of a range of receiving nations but (potentially) less desirable for adoption "at home" (see Yngvesson 2010, p. 62-77 for an extended discussion of adoptability). As this suggests, adoptability (and its close ties to a child's best interest) is a state of being that is difficult, if not impossible, to separate from considerations of a child's potential for belonging in his or her country of origin, but this is never a connection

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that is openly engaged in international debates about regulating intercountry adoption practice.

The high stakes surrounding the matter of a child's adoptability are addressed in *The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention: Guide to Good Practice* (2008, p. 31), which notes that "one of the most important measures to protect the child's best interests… is to ensure that a child to be adopted is *genuinely adoptable,*" and adds that determining adoptability "requires different approaches in different countries," where the meaning of "adoptable" or the criteria to determine "adoptability" will be established by the national law of each Contracting State" (*Implementation and Operation…* 2008, p. 31, emphasis added). Complicating the role of the Convention in providing more specific guidance as to what it means for a child to be "genuinely adoptable" is an explanatory note accompanying the phrase "best interests of the child," which points out that "the term [best interests] is not defined in the Convention because the requirements necessary to meet the best interests of the child may vary in each individual case, and the factors to be considered should not, in principle, be limited" (2008, p. 15).[6] Indeed, the *Guide* quotes an Explanatory Report on the Convention, which states that "strict interpretation of the word 'best' might render impossible some good adoptions and to avoid such undesirable result [sic], it should be construed as meaning the 'real' or 'true' interests of the child'" (*Implementation and Operation…* 2008, p. 15, emphasis added).

In the case of DACA, the humanitarian concern that motivated granting temporary status to undocumented youth was the assumption that individuals who had immigrated at young ages and then lived continuously in the United States had essentially experienced a break, of sorts, between their countries of origin and residence. For this reason, eligibility for DACA was limited to individuals who could prove their age at immigration and their continuous presence in the United States. Embedded in the technicalities of filling out the form and assembling the application packet are assumptions about time, measurement, and evidence. Through the recording of dates of arrival in and departure from the United States, and of the dates that requestors lived at their present and previous addresses, various intervals (length of each absence, totality of time absent, period of residence in the country) can be calculated. These intervals are key to the factors through which requestors' eligibility for DACA are to be evaluated. Within these calculations, both the general policy (which creates the form) and the individualized assessment (the particular data recorded in each blank in the form) is accomplished. As well, if the request for deferred action is granted, then the DACA period becomes an interval within another calculation, namely, the "accrual of unlawful presence." As the Frequently Asked Questions (FAQs) advise requestors, "You will continue to accrue unlawful presence while the request for consideration of deferred action for childhood arrivals is pending, unless you are under 18 years of age at the time of the request." (United States Citizenship and Immigration Services 2013a) Though "presence" might normally be thought of as a state of being (a person is present or absent, or perhaps partially present), in immigration contexts (e.g., to qualify for naturalization), presence has a temporal dimension that enables it to "accrue." The reconstruction of an event ("arrival") as a type of person thus is a logical extension of the temporalization of presence.

[6] While the term "best interests of the child" is not defined, the Guide notes that "a number of essential factors are referred to in the Convention and must be included in any consideration of what is in the best interests of a child who is the subject of an intercountry adoption. These factors, taken from the Convention, include, but are not limited to: efforts to maintain or reintegrate the child in his/her birth family; a consideration of national solutions first (implementing the principle of subsidiarity); ensuring the child is adoptable, in particular, by establishing that necessary consents were obtained; preserving information about the child and his/her parents; evaluating thoroughly the prospective adoptive parents; matching the child with a suitable family; imposing additional safeguards where necessary to meet local conditions; providing professional services" (*Implementation and Operation…* 2008, p. 15).

In contrast to DACA, which provides a limited remedy for children who have already experienced a "break" between their countries of origin and residence, transnational adoption practices insist that creating such a break between birth and adoptive families and thus nations of origin and residence is key to an adoption's success (Duncan 1993, Yngvesson 2002). Therefore, to be adoptable in another nation, the child's legal status as "an orphan" must be documented in the country from which he or she originates. This is a critical consideration where immigration to the United States as a "Hague Convention adoptee" or as an "orphan" from countries that have not ratified the Hague Convention is at issue, and is related to the understanding of adoption as establishing a legal relationship between adoptive parent and child that is exclusive and permanent (Articles 26, 27). The implications of this permanent change of parents are addressed in Article 4 of the Convention, which underscores the importance of "duly informing" the persons "whose consent is necessary for adoption" of the effects of their consent, "in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin." Article 4 also mandates that "such persons…have given their consent freely" and that "the consents have not been induced by payment of compensation of any kind."

The centrality of the legal clean break in securing immigration benefits for a child who is brought to the United States as a Hague Convention adoptee or as an "orphan" from countries that have not ratified the Hague Adoption Convention is made clear in a November 6, 2012 Memorandum issued by the USCIS to its field officers. Under the subheading "Validity and essential legal elements of an adoption," the Memorandum explains:

> Though the INA [Immigration and Nationality Act] does not define "adopted" or "adoption," BIA [Board of Immigration Appeals] precedent establishes that an adoption must create "a legal status comparable to that of a natural legitimate child" between the adopted and the adopter…Thus it does not matter what name anyone gives to the claimed adoption. *For immigration purposes, what matters is whether or not the order* ***that is claimed to be an adoption*** *meets these essential legal elements*:
>
> - It is valid under the law of the country or place granting the order; *and*
> - It creates a legal permanent parent-child relationship between a child and someone who is not already the child's legal parent; *and*
> - It terminates the legal parent-child relationship with the prior legal parent(s)"
>
> (United States Citizenship and Immigration Services 2012, p. 7, emphasis added).

While adoption as defined by the Hague Adoption Convention and the USCIS is supposed to be permanent, DACA is *explicitly temporary*. Moreover, unlike adoption, which is a legal status, DACA is not a status, but *an administrative process*. This distinction is important because in creating DACA, the Obama Administration had to delicately navigate several legal tensions so as to avoid placing itself in the position of impinging on the authority of Congress. Thus the June 15, 2012 memo that created DACA opened by stating that it was establishing policy regarding "the exercise of our prosecutorial discretion" (DHS 2012, p. 1). Second, the memo carefully distinguished DACA from a substantive right or law, which can only be created by Congress, in this way reinforcing the notion that the Obama Administration was not overstepping its authority in issuing this directive (DHS 2012, p. 3). Third, the distinction between employing discretion and conferring a substantive right created a tension between *lawful presence* and *lawful status.* As the "Frequently Asked Questions" (FAQs) that were posted after the DACA program was initiated explain:

> For purposes of future inadmissibility based upon **unlawful presence**, an individual whose case has been deferred is not considered to be unlawfully present during the period in which deferred action is in effect…. However deferred action

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> does not confer lawful status upon an individual, nor does it excuse any previous or subsequent periods of unlawful presence (emphasis original).

The FAQs further note that "lawful presence" and "lawful status" are technical terms referenced by other laws, hence the distinction between the two (which may defy common understandings of these terms) has significance for particular legal determinations. In short, some effort was taken to limit DACA to simply "set[ting] forth policy for the exercise of discretion within the framework of the existing law" (DHS 2012, p. 3), not producing new law.

At the same time, by granting DACA-eligible youth two years of lawful presence with work authorization throughout, DACA attempted to allow such youth more security than they had had as undocumented persons. Even so, DACA itself is enveloped in uncertainty. This program was created by the Obama Administration, and could be superseded by legislation, such as the DREAM Act (should it pass in the future) or could be discontinued at a future date. Though DACA recipients were issued work permits for a specified time (two years), the program's own duration was unknown. Thus, the DACA instructions attempt to project to a future phase in which those who receive deferred action might be able to renew it. But these projections fall silent in the face of uncertainty. Thus, an FAQ asks, "If I am currently in school and USCIS defers action in my case, what will I have to demonstrate if I request that USCIS renew the deferral after two years?" The answer to this question advises that renewal applicants will need to show that they completed high school or the equivalent, or that they "have made substantial, measurable progress toward graduating." But this discussion concludes, "Specific details on the renewal process will be made available at a later date." DACA requestors therefore took some risk in exposing themselves to Immigration officials who could ultimately deport them, if the DACA program were not to be extended. But, given the history of extending temporary statuses (e.g., the Temporary Protected Status issued to Salvadorans following the 2001 earthquakes has been continually extended ever since), this risk was likely well taken.

Both DACA and transnational adoption require creating and altering particular kinds of records. "A foreign adoption" is constructed by the Hague Adoption Convention and by the USCIS in such a way that the adoptable child effectively disappears from official registries in one nation, while a completely different child—a child with a new name, a new family, and a new nationality—appears in the national registry of another. While this child might be considered a "childhood arrival" like other children who immigrate such as DACA requestors, his or her official legibility as an "adoptee" (that is, as the "as-if-genealogical" child of the adoptive parents) (Modell 1994) positions him or her *"as if" there had been no "arrival,"* no movement between territories, families, or states of being, and thus "as if" there had never been belongings other than the legal (adoptive) ones. While emphasis on the determination of a child's orphan status was primarily aimed at controlling fraudulent adoptions, and specifically "the abduction, the sale of, or traffic in children" (Hague Adoption Convention 1993, Chapter I, Article 1(b); Chapter II, Article 4(c)), from an immigration standpoint the child's orphan status is arguably a crucial element in controlling the distribution of immigration benefits, specifically benefits that might be claimed by the adopted child's pre-adoptive kin, who might also seek to immigrate as "kin," unless their legal status is nullified. In this sense, the provision that renders an adopted child eligible for immigration benefits *only* if it has "a legal status comparable to that of a natural legitimate child" (United States Citizenship and Immigration Services 2012, p. 7), *requires* the erasure of the "natural legitimate" parents and thus of the adopted child's (pre-adoptive) history.

In contrast, DACA requestors are people who are undocumented (and have already been erased) so what they must certify is *that they have been in the United States continuously* since June 15, 2007. They must make themselves visible. This effort is challenging given that documentation is finite, in that evidence only documents

particular temporal moments, whereas the interval to be documented is continuous. Gaps are therefore inevitable, but must be kept to a minimum, no greater than one year in length. As well, different elements of the request are to be supported by different kinds of evidence: affidavits versus documentary proof, and circumstantial versus direct evidence. For instance, affidavits are acceptable to fill gaps in presence, but not as proof of high school graduation. Circumstantial evidence, such as a document showing presence shortly before and shortly after June 15, 2012, might be accepted as evidence of presence on this date, but not as proof of the applicant's age. Age has to be proven through direct evidence, such as a birth certificate. Underlying these discussions of the quality of evidence is the presumption that if events occurred, they can be documented, even though a key challenge faced by undocumented immigrants is that they may have less access to the documents and records that make transactions official. In contrast, transnational adoption required transforming, and in some countries, "sealing" records", such that events that *have* occurred are altered or erased and thus made to conform to the new origin created by law.

While the indignation about DACA focuses on the seeming impossibility of ever fully "arriving legally" (in the sense of becoming eligible for immigration benefits), in spite of the fact that requestors have been present in the United States for all or most of their lives, indignation about transnational adoption is focused on the production of adoptable children as "legal orphans," in which the trade-off for not having to "arrive" is their "adoptability" and the erasures of history this requires. This sleight-of-hand, in which the naturalization of the adoptee as the child of his or her (adoptive) parents and as belonging in his or her (adoptive) nation is rendered through a legal fiction—"as if" he or she were *not* adopted and had *not* arrived—is the central dilemma of adoptability. Together, these two cases—childhood arrivals who are never fully recognized as here [e.g. in the United States] because their presence is illegible, and adoptees who do not need to arrive because they have been transformed into the "as if" genealogical child of their adoptive parents—illuminate the key place of law in constituting a natural order of things and the forms of forgetting that are required to maintain this "natural" order.

4. Counternarratives of non-arrivals

Having analyzed the "grids of intelligibility" established by both DACA and The Hague Convention, we now turn to four moments in which the experiences of child arrivals – whether adoptees or undocumented immigrants – were narrated in ways that drew on but also counter the assumptions that make up these grids. The first moment occurred when David Zavala (pseudonym), a 29-year-old Salvadoran man presented Susan Coutin with a written account of his own experiences immigrating to the United States from El Salvador as a child. His account differs in key ways from the experiences imagined within DACA. Our second moment is a reflection on the complexities of determining a child's "best interest," written by an adoptive father and published in *The New Yorker* magazine in 2010. In this account, the protagonist, John Seabrook, describes his efforts to adopt "an orphan from Haiti" just after the 2010 Haitian earthquake plunged the child he was hoping to adopt into a legal limbo. His narrative of navigating the hurdles that ensued illuminates the complexities of choice, international inequality, and deservingness that underlie transnational adoption. A third moment focuses on a DACA appointment in which a requestor who we will call "Camila" attempted to create a narrative that filled an evidentiary gap within her history. Our fourth moment examines adoption counternarratives produced by both adoptees and adoption scholars. Together, these moments simultaneously expose and set in question the assumptions about kin, national belonging, and movement that underlie both adoption and immigration law.

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4.1. Moment #1, "My immigration story"

On January 11, 2008, Susan Coutin met David Zavala in the food court of a mall near his Southern California home. David had recently gone to the offices of a Los Angeles based nonprofit organization to once again renew the Temporary Protected Status (TPS) that he had received in 2001 as a result of the devastating earthquakes that struck El Salvador that year. With his consent, the nonprofit had given Susan his contact information so that he could participate in an interview, and so this meeting had been arranged. David seemed to be genuinely interested in talking about his experiences and, in fact, had typed up a four-page summary entitled, "My Immigration Story," which he had brought to the interview. Perhaps this was because, as he explained during the interview, he liked writing and hoped to one day earn a degree in journalism or English. The narrative ended, "I went through with a part of my experience with you. I hope this helps in someway. This is a good subject to research. Good luck with your research."

Although DACA had not yet been created, David's written account anticipated the rationales articulated in DACA's authorizing memo.[7] The narrative began, 'I came here when I was 7 years of age" (DHS 2012, p. 1), thus emphasizing his youth at the time of entering the United States. His second paragraph began, "Back where I was born in El Salvador I remember very little," and the third paragraph opened with, "My journey here I remember in a haze." Likewise, the DACA authorizing memo's first sentence characterizes DACA recipients as "young people who were brought to this country as children and know only this country as home" (DHS 2012, p. 1). David's narrative also emphasizes his school experiences. He comments that after arriving, "I started going to school. I was placed in second grade." He compares the U.S. school system favorably to El Salvador's school system, where, in front of the rest of the class, he was repeatedly hit with a ruler for failing to correctly pronounce the letter "y" in the work "yeso," or chalk. The narrative also describes David's progress in school:

> Within a year I learned, a good deal of vocabulary…. In addition I was given ESL classes. I believe those English as a Second Language classes helped me a lot. It felt like coming to another world. ESL classes gave me comfort and ease in my way to another culture…. I remember getting good grades throughout elementary school…. In the sixth grade in my school I was placed in a gifted class. In that time we even went to a televised competition with another school…. I have gone to college and right now I am close to completing my A.A. degree. I have two jobs.

These elements of his narrative, appearing in skeletal form, sound like the narrative of deservingness that attorneys would want to document to prove the elements of a DACA claim – number of years in the country, school attendance, and degree completion. David sounds like one of the "productive young people" (DHS 2012, p. 2) that officials had in mind when crafting DACA.

At the same time, in its entirety, David's four-page written narrative is much more complex and recounts experiences that, if introduced in a DACA claim, would likely lead officials to deny the request. While he was still in elementary school, David's mother formed a relationship with a man who was a drug dealer. David recalled, "I remember sometimes helping him prepare marijuana to be sold. I also recall him cooking crack in our apartments [sic]." By junior high, David himself began to use drugs, and to hang out with friends who were in gangs. He was exposed to considerable violence. A teenage cousin was stabbed multiple times but survived, while another cousin was shot and died. David says that he "barely made it through middle school and high school." David was never arrested and therefore has no criminal record, but if he were to reveal involvement in drugs and association with gang members, his abilities to gain permanent status in the United States would be jeopardized.

[7] These rationales were also articulated publicly by DREAMERs, students who were working for passage of the DREAM Act, and who were very active during this period.

Importantly, though, David's "immigration story" ties many of these negative experiences to exclusions created by immigration law itself. For example, when his mother, who was already in the US, sent for him at the age of seven, he was told that his father was going to come to the United States as well. But his father never did. David wrote, "In the first few months and years I missed my father a lot and often times whished [sic] I never came here. With time I learned to forget my father and my early childhood." The cutoff from kin and country that David *experienced was not unlike the "clean-break" that adoption law imposes on transnational adoptees.* David attributes his drug use to his legal situation: "One thing that depressed me was not having papers. I did not like being illegal here. I sometimes thought that I had no good future here. I knew that once I got out of high school it would be hard for me and it was." Although David eventually was able to attend a community college, his educational efforts were delayed for years because, until California passed Assembly Bill 540, which allowed undocumented students who had graduated from California high schools to pay in-state tuition, he could not afford the fees. Even with AB-540 and after qualifying for Temporary Protected Status, David still did not have a Green Card (lawful permanent residency) and therefore could not qualify for a school loan. David was frustrated by the incomprehension of peers who seemingly blamed him for being "slow" in getting permanent status: "It's funny sometimes when American people ask me 'when are you going to be a citizen or get a green card'. It's not that easy I have to explain. I go and explain to them how to get a green card, and they look at me funny like they thought it was easier." Significantly, David's use of the term "American people," implies that he himself is not included in this category. David's narrative described the various options through which he might acquire status – waiting for his younger brother to turn 21 and petition for him, becoming a millionaire and securing an entrepreneur visa, or getting a masters degree and qualifying as a skilled worker. Each of these options, he noted, was difficult and according to his calculation, would take 10-21 years. Wistfully, he wrote, "Maybe this year a new president will be elected and might write a law that could get me on the way to a green card."

By reflecting on the broader legal context that shapes and constrains what might otherwise be perceived as aspects of character (pursuing education) or choice (immigrating), David's narrative provides a complex account of immigration, one that articulates a broader understanding of deservingness than merely examining whether particular individuals are productive. People do not merely immigrate, rather they suffer in the process: "Just in my family one aunt got rapped [raped] on her way here. Another ant [aunt] and husband came here and left 3 children in El Salvador. The oldest who was 15 committed suicide." David challenges distinctions between national myths of immigration, such as the story of the Pilgrims, and the experiences of his own family and others like him. Moreover, he stresses that nations and persons are *interdependent*: "I believe that in essence we are all one. Whatever happens to one person affects others maybe if not in direct way in indirect ways."

David Zavala was not eligible for DACA because at the time of our interview (2008), it did not exist, and by the time DACA was created (2012) he was over the maximum age (30) to qualify and therefore was not eligible. We have analyzed this moment here because doing so demonstrates two things: (1) law's arbitrariness: despite the fact that David's narrative in many ways resembles that anticipated by the DACA authorizing memo, he does not qualify, and (2) David's account of his own life is much more complex than that envisioned through the terms of this program. His history includes drug use and family conflict, and he narrates the circumstances that led his family to emigrate, circumstances that are generally erased in debates over DACA and other immigration policies. We turn now to our second moment, which will demonstrate that interdependency, and socioeconomic

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inequalities between families and nations underlie debates over transnational adoption as well.

4.2. Moment #2, "A fair trade"

In the narrative that follows, John Seabrook, a staff writer for *The New Yorker* magazine, explores some of the nuances of determining a child's "best interest" and the complex ethical dilemmas raised by transnational adoption, against the backdrop of his adoption of "an orphan from Haiti" (Seabrook 2010, p. 52) just after the earthquake in 2010. Seabrook and his wife, Lisa, had begun the adoption process in 2009 through Holt International Children's Services, anticipating a lengthy procedure required to comply with legal requirements in Haiti (which has not yet ratified the Hague Adoption Convention) and the United States. The child in question, 15-month old Rose Mirlande, had been legally relinquished by her mother and was living at Fontana Village, a Holt-run children's home outside Port-au Prince. The mother, who was 34 at the time she relinquished the child, had five other children, no education, and no income. The father no longer lived with the family. Seabrook writes: "When asked by the judge why she was giving up her child, the woman responded that she couldn't feed her, and couldn't bear to hear her cry from hunger. She added that she wanted a better life for her daughter" (Seabrook 2010, p. 47). The adoption plan, set up by Holt, included arrangements for an eventual meeting with the mother of the child, who lived a considerable distance from Port-au-Prince, "in order to be absolutely certain that this was what she wanted." Until that time, Seabrook noted, "Rose's mother could change her mind" (Seabrook 2010, p. 47). Up to this point, Seabrook's narrative of adopting Rose Mirlande conforms with procedures mandated by the Hague Convention and the USCIS for establishing a child's "adoptability," specifically key matters such as the child's "orphan status" and birth parent(s)' informed consent to the adoption.

In the event, the devastating earthquake that struck Haiti on January 12, 2010 interrupted the adoption plan set up by Holt and became the rationale for a hastily organized rescue operation that would bring Rose Mirlande, along with some 150 other children whose adoptions were in process, but had not been finalized by Haitian authorities prior to the earthquake, to the United States three weeks later. Janet Napolitano, Secretary of the Department of Homeland Security at the time, arranged for the children to enter the United States under the provisions of what was termed "humanitarian parole": the children would enter the country without passports and the (prospective) adoptive parents would become their legal guardians until the adoption process was completed (Seabrook 2010, p. 49). Seabrook's narrative moves between a personal account of his family's adoption of Rose Mirlande and a somewhat more distanced portrayal of the transformation of international adoption from a "humanitarian rescue mission" in the 1950s and 60s into a thriving industry by the last decades of the 20th century. He depicts his family's pre-adoption plan for Rose Mirlande as neither rescue nor commerce, however, but as "a fair trade….We wanted a child, and Rose needed a family" (Seabrook 2010, p. 49). What could possibly be objectionable about that? But the earthquake changed things, and the article illuminates the ease with which a "fair trade" can, almost magically, morph "back" into the rescue mission (from poverty? from a single parent?) which it always already was all along, while positioning Seabrook as swept along by circumstances he cannot control, circumstances that required taking shortcuts to secure the adoption.

The article is instructive in a number of ways that illuminate the impossibility of a "fair trade" when one of the parties is "off the grid," while the other is very much in the center of it. In particular, Seabrook's narrative underscores the moral complexities of a situation that seems to present a solution for the child, even as it hints at the ways this "solution" is inevitably compromised, not simply by the shortcuts that were rationalized by the earthquake, but by the condition that made the adoption possible in the first place: the poverty of Rose Mirlande's birthmother.

Referring to debates among child welfare professionals about the requirement in Article 4 of the Hague Adoption Convention that a birthmother's "consent" to the relinquishment of a child whom she may lack the resources to feed, be "free" (see discussion of this issue in previous section), Seabrook argues that even though "one can argue that no decision made in the straits of crushing poverty can ever be truly free…shouldn't a woman, regardless of her circumstances, have *the right to choose what she thinks is best for herself and her family?*" (Seabrook 2010, p. 48, emphasis added). He implicitly challenges the position of Susan Bissell, the director of Child Protection at UNICEF, that "We need to step up programs in these [sending] countries, so that families can bring up their own children, which everyone agrees is the best option," asking (rhetorically): "Is a mother who cannot afford to feed her child forced into relinquishment by poverty? If so, aren't all international adoptions of social orphans morally reprehensible?" (Seabrook 2010, p. 48). Here the potential connection of the child who is abandoned so she or he can have "a better life" in an adoptive family and the child whose parent immigrates to another country to make "a better life" for her child and then "sends for him" (as in David's immigration story above) is made visible, revealing the limitations of "choice" available to poor women in countries like Haiti and El Salvador that are in a "sending" relationship with wealthy countries like the United States.

Seabrook concludes by recounting the final rush to get Rose Mirlande on the "last babylift" arranged by the American government for children whose adoptions had been approved before the earthquake struck, lamenting the fact that there was no possibility to make the promised visit to Rose's birth mother, and voicing concern, based on his reading of the memoirs of adult adoptees, that when Rose grows up, she might "come to blame us for adopting her" (Seabrook 2010, p. 52). At the same time, he expresses his relief that "the buffer of distance, language, culture, and class" (Seabrook 2010, p. 52) that exists between birth and adoptive parents in the typical international adoption protects his family—his daughter—from this possibility.

While Seabrook limits his exploration of alternatives to conventional adoption practice, providing only a quick reprise of different versions of the adoption narrative as recounted by adult transnational adoptees—bittersweet or "just bitter" reunions, and his "acutely painful" experience in reading them—he acknowledges that his own focus at the time of Rose's adoption was primarily on "my own interests" (Seabrook 2010, p. 52). This, however, fails to consider that there may be a connection between Rose's interests as she is growing up, Seabrook's interests (and those of his wife and son), and Rose's (birth) mother's interest (an expansion of "best interest" that would be in keeping with the discussion of this complex issue in the Hague Adoption Convention's *Guide to Good Practice*, as presented in the previous section). Indeed, alternatives to the conventional adoptive family and the "clean break" that establishes it are explored in a number of recent publications, all of which move away from the exclusions and essences that adoptive kinship (as discourse and as policy) seeks to preserve and that Seabrook implicitly and sometimes explicitly endorses in his essay. We explore some of these alternatives in Moment #4, below.

4.3. Moment #3, "Camila's DACA appointment"

In March 2013, Susan Coutin was able to observe as Camila – an 11th grader living in Los Angeles – visited a nonprofit agency to prepare her request for deferred action. Camila had originally immigrated to the United States from Mexico when she was in the 2nd grade. She had attended school continually ever since, and appeared to meet the requirements for DACA. She had copies of her birth certificate, her school I.D. cards, a letter verifying her current enrollment, and her transcripts from the schools that she had attended, all of which documented her age at time of entry, her residence in the United States, her enrollment in U.S. schools, and her

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presence in the United States on and since the day that the DACA authorizing memo was issued.

The legal worker who was assisting her in preparing her application nonetheless identified a problem with the evidentiary record that she had assembled. Sometime during the fourth grade year, Camila had moved from one school district to another. Her record from the first school district ended in March, but the new record did not resume until September, resulting in a six-month gap. Unfortunately for Camila, this gap happened to include the very date – June 15, 2007 – on which DACA requestors had to have been in the United States to qualify. This gap might not prove fatal to her application, but she would need additional evidence. The legal worker explained that she would need to fill in this gap either with additional documentation such as medical records, or with sworn statements from individuals who could provide detailed accounts of her having attended birthday parties, played a sport, or participated in an organized activity. Camila might need a higher level of legal assistance in order to prepare such documentation, the legal worker suggested.

Though Camila may well have been able to obtain this evidence and qualify for Deferred Action, this example reveals the ways that undocumented children's lives, much like the lives of children who are made available for transnational adoption, defy assumptions underlying legal procedures. Law forces Camila to attempt to retrieve records of her past and to assemble these records in a way that makes sense for requirements that were not in existence at the time that the records were first produced. It is not clear why her school records contain this gap. It could be that there is an error in her records, or perhaps the calendars of the two school districts were not compatible, or maybe Camila was out of school longer than she remembers. Regardless, this evidentiary gap creates suspicion that she may not be a "Childhood Arrival" at all, that in fact, she might have returned to Mexico and therefore have been outside of the country on June 15, 2007, a date that neither she nor her family members could have known would turn out to be important for her immigration options.

4.4. Moment #4, Counternarratives of transnational adoption

The following accounts by transnational adoptees and adoption scholars suggest some of the ways transnationally adopted persons unsettle the grids of intelligibility that underpin adoption policy. The first counternarrative is based on interviews conducted by Barbara Yngvesson with Jaclyn Campbell Aronson in 1995 and 2001, and on an audiotape of a workshop on "search and reunion" that Aronson organized together with her adoptive mother, Barbara Rall, for an adoption conference held in New York in 2005.[8] Aronson, who was adopted from South Korea by American parents in 1983, was reunited with her birthmother twelve years later, at the end of her sophomore year in college. In an interview a few months after the reunion, she described her desire to return to Korea as part of an effort to "place" the eight-year-old Korean child who was dropped off by her mother at the Angel Babies Home orphanage in Pusan "within myself," noting that

> I often see Hyo Jin as the little girl who never got the chance to grow up past eight and a half years. I don't know if her growth was stunted when I became Jaclyn Campbell Aronson or when she stopped being Kim Mi Young's child. Or in the orphanage when she was no one's child. But my memories of life in Korea are vivid.

At the 2005 workshop on search and reunion, Aronson described her meeting with her birthmother when she returned to South Korea for the first time, focusing on the terrible inequities that had left her birthmother "frozen in time," while "I had been adopted to a much better and happier life":

[8] The quotations below are taken from interviews reported in Yngvesson (2010, p. 157-159, 161) and from Aronson's 2005 audiotape.

> What was upsetting for me at that point was literally, I realized, *literally*, everything had kind of frozen because she was still, again, sick with tuberculosis, she could only kind of afford medicine up to a certain stage, and so then she would have bouts of tuberculosis every two or three years. She was still incredibly poor. And when I was growing up with her I knew that we were poor. But twelve years later, for her to be in basically the *same* place, and I had been adopted to a much better and happier life. So I felt terribly guilty, and leaving her at the bus stop and realizing *nothing had changed for her*—she was still illiterate, she was still poor, she was still drinking heavily, and sick, and I just—got very angry….I almost felt a kind of rage at Korea: why they couldn't make room in their society for our family, why, when the country was developing and kind of getting better, why they couldn't take her along, and why she had to kind of remain in a place, to me, was just so awful.
>
> I came back from Korea and I was just obsessed with working….I just wanted to work, so I could support her. *I can't live with this*. It was too much for me to try to process that. I was so angry with her for buying me things when she was so poor. I remember one of the adoptive parents [on the tour] saying, "it makes her feel better. She's your mother. She wants to do things for you." But I just couldn't make the connection back then (emphasis in original).

Aronson completed college in 1997, and applied for a Fulbright fellowship, which allowed her to spend a year and a half in Korea studying Korean and reacquainting herself with her birthmother. During this time her adoptive mother visited for ten days and also was able to meet Aronson's birthmother. Subsequently, Aronson returned several times to Korea, and sends regular remittances to help support her birthmother. As she explains, "'She's by herself and the whole thing in Korea is, your family is everything, they take care of you, and they make sacrifices. *She doesn't have any family over there—we're the end of the line* (emphasis added).'"

In these passages, Aronson, whose reconnection with her Korean birthmother was fully supported by her adoptive parents, explicitly challenges South Korea's transnational adoption policies in the second half of the 20th century, and particularly policies that remained in place "when the country was developing and kind of getting better," but that did not "make room in their society for our family." She also implicitly rejects a central feature of the legal grid that justifies transnational adoptions: that "a family" must be "complete" in order to be responsive to the best interests of the child. Indeed, as is true in the counternarratives below, Aronson, with the support of her adoptive parents, has developed an ongoing relationship with her birthmother that "completes" her family in ways that challenges the conventional adoption narrative and the erasures that constitute it.

In another creative variation on adoption practice, Chuchu Schindele, one of the interlocutors in research Barbara conducted in Sweden among a group of adoptees born in Ethiopia, substitutes the concept of "a constellation of mothers" for an adoption which, in her experience, "no longer exists for me" (Yngvesson 2010, p. 170-171). The constellation of mothers has become the basis of Schindele's embeddedness in an extensive network of kin in Sweden and Ethiopia that includes her own children, her parents and nine siblings in Ethiopia, and her mother in Sweden.

Likewise, in her auto-ethnography, *Meeting Once More* (Prébin 2013), Elise Prébin, who was adopted from South Korea by a French family when she was four years old, describes the emotionally complex and decade-long process through which she was "adopted back" by her birth kin in South Korea, after her return there in 1999 as a participant in the Holt International Summer School for a three-week program, when she was twenty-one. The process of being "adopted back" involved multiple visits to South Korea, and led Prébin to a new understanding of the grounds of her relationship with each of her families. As she explains,

> Whereas in the past I could only compare my adoptive relationships with biological relationships, I can now put them in relief to the relationships I have created with

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> my birth relatives after adoption and meeting. On the one hand, the choice of engagement in a relationship with my birth family taught me that blood alone does not create a relationship. It involved time and effort, and still does. On the other hand, the knowledge of my birth family's history and my own preadoption history paradoxically legitimized my adoptive parents' decision to adopt me, whereas before their choice looked arbitrary. So, in the end, my experience over time challenged the idea that biological birth produces noncontingent or necessary ties and that adoption produces contingent or free ones (Prébin 2013, p. 181).

In examples such as these, counternarratives to the story of adoption as a "clean break" from the past and of family as a matter of exclusive belongings take shape in the lived experience of adoptees, of birth parents, and of adoptive parents, unsettling the grids of kinship, property, nationality, and belonging on which exclusions, removals, and adoptions are premised.

On a different scale, anthropologist Eleana Kim (2010) documents a reconfiguration of family, nation, and belonging by Korean transnational adoptees into what she describes as "adopted territory," in her ethnographic study of this emerging transnational community. "Adopted territory" is both deterritorialized (it is constituted through new media technologies enabling adoptees in different global locations to imagine their community as a network) *and* it materializes in specific locations, such as in international gatherings, in national associations of adopted Koreans, and in alternative spaces of belonging for the expatriate adoptee community in South Korea. In this way, *Adopted Territory* (the title of Kim's ethnography) poses a challenge to national belongings on which the exclusions and incorporations of adoption are premised, even as the concept of "adoptee kinship" as "shared substance" (Kim 2010, p. 97) challenges the concept of national essences as the basis on which persons can be "located" on conventional grids of belonging.

5. Conclusion: rethinking what is essential

Each of the moments that we have discussed here raises questions about the legal grids that govern transnational adoption or unauthorized child migration. David's immigration story, Seabrook's narrative, Camila's appointment, and counternarratives of adoption suggest alternatives to the grid of deservingness established by DACA and to assumptions about belonging and the child's best interest that underpin adoption law. David's immigration story expands the familiar narrative of progress and productivity to include a more complex account of survival in the face of challenging odds, while Seabrook struggles with the moral complexity of an understanding of the child's "best interest" in a situation in which the birth mother's "choice" to do what is best for her child might be interpreted as "forced relinquishment." Camila's appointment suggests that, rather than being grounds for suspicion, missing records may simply reflect the complexity of family relationships. Finally, the alternative models of adoption that we discuss underscore the power imbalances and poverty that compel parents to abandon their children, providing a back story to more conventional accounts, even as they point to new understandings of relatedness and belonging that take shape through practices of transnational adoption.

These alternatives propel us to the heart of issues that provoke indignation among immigrant youth and adoptees. Child arrivals have expressed indignation about the limitations of dominant accounts, while immigrant activists have challenged strategies that single out subsections of the undocumented population while leaving out others. The "legalization for all" movement has called for "an Executive Order to expand Deferred Action for ALL 11 MILLION undocumented immigrants NOW…we need #DACA for all now!" (see http://legalizationforall.wordpress.com/tag/daca-for-all/). For transnational adoptees, indignation may contribute ultimately to the emergence of policies that provide more protection for women and children (in the form of a different kind of "buffer" than the one alluded to by Seabrook that

protects his family from the birth mother).[9] Indignation might also open the way to more serious engagement with what Seabrook describes as "a thought that I didn't even want to articulate—that we were benefitting from this tragedy" (2010, p. 51), an engagement that might allow for the consideration of other options than the finality implied by an adoption in which "the buffer of distance" becomes an insuperable barrier, the bridging of which might seem to threaten the adoptee with yet one more irrevocable loss.

Clearly, there are significant differences between the two categories of children that we have discussed in this paper. At least until recently, when increasing concern about what an orphan consists of has been a topic of heated debate among transnational adoption advocates and opponents, "orphans" were considered objects of pity and desire, amenable to salvation (both physically and spiritually) by the parents and nations that adopted them (see especially Kim 2010, p. 255-256). As a consequence, transnational adoption bestows a quality of humanitarian virtue on the adopting parents and nation. There is an extensive debate in the literature on adoption (whether domestic or transnational) about what counts as "a family" for purposes of adoption, since it is "a family" that is the ostensible need that adoption fulfills for the orphan. By contrast, undocumented child arrivals are more suspect, since they lack legal status from the outset. Yet, the status of "childhood arrivals who have never been in removal proceedings" (the arrivals who qualify for DACA status) is morally complex. They were "brought here" by others, and in this sense, like adoptable orphans, are not deemed culpable for their actions. Like adoptable orphans, they might be regarded as transformable into productive citizens. Moreover, both adoptable "orphans" and "childhood arrivals" are portrayed in the literature on transnational adoption and in DREAM Act debates as innocent (at least at the point of arrival in case of DACA) and thus as in need of special consideration (government's benevolence?) Finally, both adopted (or adoptable) orphans and immigrant child arrivals have been produced by similar geopolitical forces and desires. These forces make the abandonment or relinquishment of children in "sending nations" compelling so that they can become "free" for legal adoption in wealthier nations. These forces also pull immigrants who are not adoptable towards "a better life" in these same nations, even at the risk of persecution and deportation.

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[9] For an insightful engagement with the issue of forced relinquishment by South African birthmothers who placed their children in transnational adoptions see Högbacka (2010).

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