

Received: 7 January 2025 Accepted: 27 March 2025

DOI: 10.33182/ajjls.v4i1.2871

A Feminist Account of Migrant Justice: An Overview

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Abstract

How ought we respond to the multitude of injustices migrants experience every day? I suggest that the answer to this question is to apply a feminist approach to migration justice. In general, such an approach maintains that migration justice is fundamentally about identifying and resisting oppression against migrants, asylum seekers, refugees, displaced persons, and others affected by such policies. As such, evaluating the extent to which policies, practices, and norms related to migration are just requires asking how they do (or do not) create, perpetuate and/or reflect oppression. In other words, any time a migration policy, practice, or norm—including border policies and practices and norms involved in the enforcement—is oppressive, it is unjust. This article will elaborate and explain this proposal.

Keywords: Migration, Feminism, Latin America, Justice, Oppression.

Rita Mendes, a 39-year-old Angolan woman, crossed the Darién as part of a group along with her husband José, 49, and their daughter Ana, 12. They said they were robbed twice after leaving Colombia. Two days before they reached Armila, on the Panamanian side, a group of eight or nine men ambushed them, made them kneel at gunpoint and stole their belongings. José said that “Before asking us for money, they divided us by nationality.” Then, two days after the migrants passed Armila, another group of armed men ambushed them and held them for around six hours. This time, the assailants separated the women and beat José when he tried to stop

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them. Then, two men held a machete to Rita's neck, hit her with a rifle butt, knocked her to the ground, and raped her. Afterwards, they held the machete against Ana and raped her. Rita said that the Panamanian SENAFRONT officers to whom she and Ana tried to report the rapes the next day "showed no empathy." But humanitarian organizations did provide them with medical care.²

U.S. Customs and Border Patrol (CBP) agents took a 5-year-old girl's epilepsy medications away from her mother. When the little girl, whom we are calling Rosa, experienced convulsions, she was taken to the hospital. When she was discharged from the hospital and returned to CBP custody with new medications and special dietary supplements, CBP agents confiscated those. Not until the family was released to a shelter in Las Cruces, New Mexico, did Rosa receive the medical care she needed.³

Priscilla, a trans woman sex worker who has lived in Cúcuta for five years, reports: "They kill you and no one knows about it and no one heard about it." In these cases, there is no option to file a report due to fear of the authorities or simply the fact that dealing with bureaucracy means using time they don't have, and they distrust authorities, especially the police, since trans women especially face different forms of violence. And, although Priscilla tries to ignore it, she admits that "it does affect you mentally a little bit."⁴

"They were with a group of other migrants resting along a train line in Calipatria — a city about 35 miles north of Calexico — on Feb. 14 when Border Patrol agents found them. Lucy said she went to wake up her 18-year-old son Anner as the other migrants fled. A Border Patrol agent caught her and began beating her. "The truth is I thought he was going to kill me because he had hit me so much." Her children

² Human Rights Watch, "“This Hell Was My Only Option:” Abuses Against Migrants and Asylum Seekers Pushed to Cross the Darién Gap," November 9, 2023, <https://www.hrw.org/report/2023/11/09/hell-was-my-only-option/abuses-against-migrants-and-asylum-seekers-pushed-cross>.

³ Noah Schramm, "Border patrol's Abusive Practice of Taking Migrants' Property Needs to End," *American Civil Liberties Union*, February 13, 2014, <https://www.aclu.org/news/immigrants-rights/border-patrols-abusive-practice-of-taking-migrants-property-needs-to-end>.

⁴ Laura Vásquez Roa, "Between invisibility and discrimination: Venezuelan LGBTIQ+ refugees in Colombia and Peru," *Amnesty International*, June 14, 2022, <https://www.amnesty.org/en/latest/news/2022/06/venezuelan-lgbtqi-refugees-colombia-peru/>.

reported watching in horror and begged another agent to get him to stop, but the other agent said that he couldn't because of who the agent attacking her was. Lucy, who is less than 5 feet tall, attempted to free herself from the agent and Anner threw a couple of rocks near the agent to try to get him to stop. The agent did eventually stop, and Lucy escaped to where the other agent was standing with her children. They were taken to a Border Patrol station, and though Lucy was bleeding from the head and lip and already quite bruised, she did not receive medical attention. She recalled the agents bullying her and laughing at her. While originally placed in a holding area with her daughter, agents soon came to take Lucy away. It would be more than a month before she even had an idea of where her daughter ended up. "They didn't even give me a chance to say goodbye," Lucy said. "They took me out and handcuffed me." She was taken to a federal facility in Arizona to wait because she was being charged with assaulting and intimidating the agent that she says attacked her, which would be a felony. Anner was charged with a misdemeanor and held in another facility. The FBI agent who investigated the incident noted in a court filing that Anner told him that the Border Patrol agent was punching his mother. In May, the U.S. Attorney's Office asked the judge to dismiss the charges and the case was dropped.⁵

How ought we respond to these incidents and to the multitude of other injustices migrants like Rita, Ana, José, Rosa, Priscilla, and Lucy experience every day? The responses to this question differ. In legal circles, migration justice is fundamentally seen as being about human rights protection, meaning we should respond to injustice by implementing laws and programs enshrining and protecting migrants' rights. Within mainstream Western philosophy, migration justice is primarily concerned with a nation's border and admissions policies. From this angle, we should respond to injustices against migrants, like those that begin this essay, by creating border policies that make it easier—or more difficult—for

⁵ Adam Isaacson and Zoe Martens, "Border Patrol: Two accountability pathways – Abuses at the U.S.-Mexico Border: How to Address Failures and Protect Rights," *Washington Office on Latin America (WOLA)*, August 2, 2023, <https://www.wola.org/analysis/section-i-accountability-for-abuses-at-the-u-s-mexico-border-how-to-address-failures-and-protect-rights/>.



migrants to enter the receiving nation. Then, those who enter can be regularized and access formal protections and other opportunities, such as employment in the formal economy.

While these traditional approaches have much to offer, in this article, I suggest that a feminist approach to migration justice is better suited to identify, resist, and rectify injustices experienced by migrants. Such an approach maintains that migration justice is fundamentally about identifying *and* resisting oppression against migrants, asylum seekers, refugees, displaced persons, and others affected by such policies. Evaluating the extent to which policies, practices, and norms related to migration are just requires asking how they do—or do not—create, perpetuate, and/or reflect oppression.⁶ Any time a migration policy, practice, or norm—including border policy, practice, and norm involved in enforcement—is oppressive, it is unjust. I will present an overview of what a feminist approach to migration justice entails, and how it can be applied by outlining a methodology of oppression. I will conclude by offering some reasons in favor of its adoption.

What is a Feminist Approach to Migration Justice?

A first step to developing a feminist approach to migration justice is to utilize feminist political theory.⁷ Amy Reed-Sandoval, for example, uses Elizabeth Anderson's work, "What's the Point of Equality?" along with Iris Marion Young's political thought to argue that migration justice should

⁶ Allison B. Wolf, *Just Immigration in the Americas: A Feminist Account* (Rowman & Littlefield, 2020); Allison B. Wolf, "Dying in Detention as an Example of Oppression," *Hispanic/Latino Issues in Philosophy Newsletter of the American Philosophical Association* 19, no. 1, (Fall 2019): 2-8; Allison B. Wolf, "Immigration Injustice in Colombia: Beyond the Question of Borders," *Border Criminologies Blog*, April 2021, <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2021/04/immigration>.

⁷ Here I say a "first step" because there are various ways to understand what a feminist approach to migration justice would entail. For example, I could utilize a liberal feminist framework that centers rights and liberties or a radical feminist framework that emphasizes recreating social systems and institutions. In this essay, I suggest using Iris Marion Young's feminist political theory as a foundational stepping stone.

be determined according to the degree to which the treatment of migrants and those perceived to be immigrants—regardless of whether they are or not—meets the criteria of relational egalitarianism, whose core principles are:

1. Respect for universal moral equality.
2. Require states and societies to cultivate a society of equals and dismantle oppression in the pursuit of democratic equality.⁸

On this approach, achieving migration justice requires that the core ideals of relational egalitarianism are upheld.

Despite agreeing with Reed-Sandoval that cohering with the ideas of relational equality is an important component of migration justice, I maintain that feminist activism, ethics, and ideals require doing more. I think it is fruitful to begin with the definition of feminism itself, rather than limit ourselves to specific thinkers in feminist political thought.

Feminism, at its most basic and general level, maintains that the following three things are true:

1. Gender oppression is real and exists; it neither only exists in the minds of its victims, nor has it been overcome or eliminated.
2. Gender oppression is not natural; there is nothing in human biology or the natural world that explains or justifies the existence of gender oppression.
3. We can resist gender oppression in various ways and, eventually, eliminate it.

Based on this definition, for an account of migration justice to be feminist it must be focused on identifying and resisting oppression in *all* forms related to migration. As gender oppression is inherently connected to other forms of oppression, such as racism, homophobia, antisemitism,

⁸ Amy Reed-Sandoval, *Socially Undocumented: Identity and Immigration Justice* (Oxford University Press, 2020).



islamophobia, colonialism, classism, etc., we fight against *all* forms of oppression to eliminate it.

I want to be clear that this is not some sort of abstract or utopian goal. Feminism explicitly requires that we take action in the here and now to concretely improve the lives of those who are oppressed. I have developed an approach to feminist migration justice based on these ideas, which I will now outline.

Feminist Migration Justice: A Proposal

Taking my cue from feminist political theorists, I begin my theoretical work from the bottom up. In other words, I do not construct my ideas about the nature of migration justice by starting with an abstract ideal of what constitutes justice and then develop a theory of how a nation can meet that ideal in its approach to migration. Instead, I construct my account of migration justice by listening to testimonies, narratives, and anecdotes from migrants and their loved ones, as well as professionals working in migration (such as lawyers, government officials, staff of non-governmental and humanitarian organizations, etc.), about what they experience and perceive as unjust and requiring a response. Then, I try to capture those sentiments and experiences in an approach that will address the problems these parties identify. When I do so, it becomes clear that these groups and individuals experience, report, and denounce migration-related oppression, calling for an approach to migration justice that improves upon these conditions. In other words, while they do not use the specific name or language, they call for a feminist approach to migration justice. I take this to mean that they want an approach to migration (in)justice that is fundamentally about identifying and resisting

oppression in ways that improve the experiences and daily lives of migrants and those perceived as migrants.⁹

This central element of migration justice entails other elements. First, following Young's account of social justice elaborated in *Justice and the Politics of Difference*, migration justice is neither synonymous with, nor reducible to, distributive justice; migration justice is also fundamentally concerned with achieving social justice,¹⁰ or the degree to which society contains and supports the institutional conditions necessary for the realization of values needed to live a good life. Migration justice will then require, for example, that the receiving society support the institutional conditions necessary for migrants to have a good life, such as protecting migrants from violence, ensuring that migrants can make decisions about their lives, and providing language and other forms of assistance so that migrants can access services, exercise their rights, and have opportunities to succeed in the receiving nation. While the scope of migration justice includes distributive issues, it is fundamentally about achieving social justice. Achieving social justice ultimately requires creating a society that does not support oppression or domination. In this way we have come full circle.

However, migration justice goes beyond seeking social justice in a specific society; it also requires just treatment in relation to migrants' private and intimate lives. Many migration injustices cause oppression and hardship in migrant's intimate lives, such as migrants' familial relationships, their sexual and reproductive lives, and in relation to their health, more broadly speaking. Because some of the oppression migrants experience (especially female migrants and LGBTQ+ migrants) originates in and has

⁹ I have also come to realize that this definition should also include those perceived to be migrants, even if they are not. In other words, migration justice is also about helping those who are socially undocumented. In her 2020 book, *Socially Undocumented*, Reed-Sandoval defines someone as "socially undocumented" who has regularized status but is perceived as if they do not. Many Latin Americans in the United States fall into this category, for example, as they are treated as if they are in the country without permission simply for being Latinas y Latinos.

¹⁰ Iris Marion Young, *Justice and the Politics of Difference* (Princeton University Press, 1990), 34.



consequences for migrants' intimate lives, and because we are defining migration justice as being fundamentally about identifying and resisting oppression, migration justice cannot be limited to issues occurring in the public sphere. Migration justice must also be applied to what Shatema Threadcraft calls the "intimate" sphere.¹¹

In her book *Intimate Justice*, Threadcraft demonstrates through the experiences of Black women throughout U.S. history that justice must also include ensuring "that no one's intimate capacities be unduly constrained and that all live within contexts that support and enable equally the exercise of their intimate capacities, social contexts that provide equal opportunity to develop and exercise those capacities."¹² Justice, then, requires removing constraints from someone's intimate capacities—being able to maintain reproductive freedom and health, being able to choose whether or with whom to engage in sexual relationships, and being able to make decisions about one's family life—as well as taking action that make it possible for people to access and exercise these capacities.

Imagining and implementing a feminist approach to migration justice in ways that protect migrants' intimate lives is paramount, as intimate sphere violations against migrants are common. In the context of border policy, for example, Reed-Sandoval demonstrates how many migration policies constitute privacy violations. Her most recent book, *Intimate Borders*, utilizes the concrete experiences of numerous women who traveled to Albuquerque, New Mexico to receive abortion care to demonstrate how border-crossings entailed by such experiences constitute "intimacy violations."¹³ Based on her account of what constitutes privacy and intimacy violations, Reed-Sandoval shows that migrants are vulnerable to various forms of such violations, including:

¹¹ Shatema Threadcraft, *Intimate Justice: The Black Female Body and the Body Politic* (Oxford University Press, 2018).

¹² Threadcraft, *Intimate Justice*, 33.

¹³ Amy Reed-Sandoval, *Intimate Borders: Feminism at the Margins of the State* (Oxford University Press, Forthcoming), 48.

1. real or anticipated losses of intimate information (i.e., information about one's intention to seek prenatal or abortion care);
2. loss of bodily intimacy (i.e., miscarrying as a direct result of one's border-crossing, being physically harmed by immigration agents, being physically separated from one's family); and
3. loss of decisional privacy (i.e., being able to pursue family planning objectives and childrearing on one's own terms).¹⁴

Beyond this, she concludes that,

“borders fail to respect *persons*—particularly vulnerable people like women, pregnant people, and children—as autonomous loving, caring, and liking beings. They frequently deny people the opportunity to experience intimacy, understood in terms of defining, living, and comprehending crucial personal matters in terms of one's own love, liking, and care.”¹⁵

Reed-Sandoval's work, along with Threadcraft's theory of intimate justice, demonstrate why migration justice must also encompass the intimate sphere and not be restricted to assessing public migration policies and practices.

We have established that migration justice is fundamentally about identifying and resisting oppression. Since oppression toward migrants manifests itself in both distributive and non-distributive spheres, migration justice goes beyond distributive justice for migrants; it also requires creating a society with less oppression. As such, migration justice is fundamentally about creating social justice. Moreover, since a great deal of oppression migrants experience is in their intimate spheres,

¹⁴ Reed-Sandoval, *Intimate Borders*, 53.

¹⁵ Reed-Sandoval, *Intimate Borders*, 55.



migration justice includes identifying and fighting such oppression in broader scope.

My approach is not merely offering an abstract, philosophical principle that immigration systems, policies, practices, norms, and laws should strive to achieve, simply, to not perpetuate oppression. To the contrary, migration justice begins from the clear knowledge that the way migration is handled in many parts of the world is deeply unjust and, as a result, it requires identifying and resisting current injustices against migrants or in the migration system; migration justice begins from the clear knowledge that the way migration is handled in many parts of the world is deeply unjust. We must act. In this way, my account of migration justice is an example of what Naomi Zack refers to as “applicative justice.”

Zack defines “applicative justice” as a type of “injustice correction theory or injustice theory;”¹⁶ applicative justice is about correcting injustices currently experienced by specific members of society compared with other members (rather than defining what constitutes justice).¹⁷ It is both a descriptive and normative approach that describes what is just and unjust in current law and societies, then offers suggestions for correcting those problems. The goal of applicative justice is to create a “better” society than we currently have,¹⁸ not a perfect one. Applicative justice is about improving current unjust systems. It is taking a next step.

The feminist account of migration justice that I offer is likewise a type of “injustice correction theory,” particularly one that focuses on correcting injustices in immigration systems, policies, practices, laws, and norms currently experienced by migrants and other affected social groups. The feminist approach to migration justice I offer takes it as a given that oppression against migrants exists throughout migration systems around the world, aims at identifying where such oppression exists, explains how

¹⁶ Naomi Zack, *Applicative Justice: A Pragmatic Empirical Approach to Racial Injustice* (Rowman & Littlefield, 2016) 3.

¹⁷ Zack, *Applicative Justice*, 3.

¹⁸ Zack, *Applicative Justice*, 23.

it operates, and offers suggestions for how to change things to improve migrants' lives and experiences (which will, often, also imply enhancing the lives of non-migrants). A feminist model of migration justice entails that it is a type of theory of non-ideal applicative justice, rather than an ideal, abstract account.

The Nature of Oppression and Global Oppression

The feminist approach to migration justice I propose centers oppression, therefore, we must define the nature of oppression in more detail. As Marilyn Frye notes, the root of the word "oppression" (in English) is "to press." She explains: "Something pressed is something caught between or among forces and barriers which are so related to each other that jointly they restrain, restrict, or prevent the thing's motion or mobility."¹⁹ This "pressing," however, is neither random, accidental, occasional, or avoidable, nor is it the result of bad luck or the actions of a few bad apples. It results from a systematic network of forces and barriers "that work *together* to reduce, immobilize, and mold the oppressed"²⁰ by placing them in double binds, or situations where their "options are reduced to a very few and all of them expose one to penalty, censure, or deprivation."²¹ As such, oppression is structural, and, in this way, Frye suggests that it can be metaphorically understood as being akin to a bird cage that traps social groups and their members inside of it simply because they are members of those groups.

We have multiple social group memberships and allegiances. This not only means that individuals or social groups may sometimes be the

¹⁹ Marilyn Frye, *The Politics of Reality* (The Crossing Press, 1983) 2.

²⁰ Frye, *The Politics of Reality*, 2.

²¹ Frye, *The Politics of Reality*, 3.



perpetrators of oppression and, at other times, be its victims,²² but also that oppression is perpetuated and experienced in various ways. Young refers to these different manifestations of oppression as the “five faces of oppression”—exploitation, marginalization, powerlessness, cultural imperialism, and violence. According to Young, exploitation refers to the systemic transfer of labor from one social group to benefit another,²³ while marginalization refers to systemic forces that marginalize entire groups of people. In essence, marginalization occurs when society and its institutions cannot or will not use certain groups such that a “whole category of people is expelled from useful participation in social life.”²⁴ By contrast, exploitation occurs when entire groups are used almost exclusively for the benefit of others.

Exploitation and marginalization often lead to the third face of oppression, powerlessness. Generally, those who are powerless systemically, institutionally, and culturally lack power over various aspects of their lives.²⁵ As Young puts it, they must take orders but rarely, if ever, can give them. The powerless have little autonomy in their work, often face disrespect, and are not taken seriously in public spaces. Young argues that we can best explain powerlessness negatively: “the powerless lack the authority, status, and sense of self in at least three ways.”²⁶ First, they lack the ability to develop their capacities to improve their position. Second, they lack autonomy over their work life. Third, they do not command respect in the larger society and, consequently, are either denied or fail to command authority. Understood in these ways, Young says:

²² Upper-class, cis-gendered, heterosexual white women, for example, are often victims of gender oppression. However, this same group of women may also be perpetrators of oppression against men and women of color. Similarly, men of color may be victims of racist police violence as well as perpetrators of gender oppression.

²³ Iris Marion Young, *Justice and the Politics of Difference* (Princeton University Press, 1990).

²⁴ Marion Young, *Justice*, 53.

²⁵ Marion Young, *Justice*, 57.

²⁶ Marion Young, *Justice*, 57.

“exploitation, marginalization, and powerlessness all refer to relations of power and oppression that occur by virtue of the social division of labor—who works for whom, who does not work, and how the content of the work defines one institutional position relative to others.”²⁷

The fourth and fifth faces, cultural imperialism and violence, respectively, cause different types of harm. According to Young, “cultural imperialism involves the universalization of a dominant group’s experience and culture and its establishment as the norm.”²⁸ In situations of cultural imperialism, one culture’s experience is dominant by being equated with what is considered “normal;” all others are weird, odd deviations. In framing the dominant culture as normal, non-dominant groups are made invisible or demoralized merely by differing from “the norm.” The final face of oppression is systematic violence. This face occurs when “members of some groups live with the knowledge that they must fear random, unprovoked attacks on their persons or property, which have no motive but to damage, humiliate, or destroy the person.”²⁹ The reason for such violence, again, is one’s membership in a particular social group. Young explains that: “What makes violence a face of oppression is less the particular acts themselves, though these are often utterly horrible, than the social context surrounding them, which makes them possible and even acceptable.”³⁰ This systemic violence is not simply about the violence itself but also the shared knowledge of this potential violence between members of targeted groups.

²⁷ Michael Grabell, “Exploitation at the Chicken Plant,” *New Yorker*, May 8, 2017, <https://www.newyorker.com/magazine/2017/05/08/exploitation-and-abuse-at-the-chicken-plant>.

²⁸ Marion Young, *Justice*, 58-9.

²⁹ Marion Young, *Justice*, 61.

³⁰ Marion Young, *Justice*, 61-2.



Analyzing migrant experiences also demonstrates that oppression may also manifest in another way that Young does not discuss: derivativization.³¹ Ann Cahill explains that to derivativize someone is to fail to recognize them as a distinct being, instead, apprehending them as a mere extension of another. She states:

“To derivativize something is to portray, render, understand, or approach a being solely or primarily as the reflection, projection, or expression of another being’s identity, desires, fears, etc. The derivativized subject becomes reducible in all relevant ways to the derivativizing subject’s existence.”³²

The derivativized subject is one seen or treated as a being who is reducible to another. She is not a subject who matters in her own right, she is simply a projection of another’s will, desires, identity, and fears. The problem with derivativization is failing to recognize the subjectivity of the other apart from oneself; it is failing to recognize someone as a distinct ontological subject rather than as an ontological extension of another. They are not recognized as having their own interests, traditions, identities, or goals; they are merely projections of the derivativizer’s will, desires, and fears.

Investigating oppression within contexts of migration reveals more than the existence of a new face of oppression, however. Since migration is inherently a *global* phenomenon that involves multiple state and non-state actors, when we try to identify and eliminate oppression related to migration, we will also be trying to identify and resist what I call “global oppression” (and not simply oppression that occurs within a nation). While global oppression shares many characteristics with “domestic oppression”—it is structural and systemic, requires macroscopic analysis

³¹ I want to be clear that I am not suggesting that derivativization may not constitute a sixth face of oppression more generally. Indeed, I think it does, but my focus is on expanding our understanding of global oppression so I focus on that here.

³² Ann J. Cahill, *Overcoming Objectification: A Carnal Ethic* (Routledge, 2012), 32.

to uncover and identify, can be perpetuated intentionally or unintentionally, and does not target individuals as such—there are also some key distinctions that define something as *global* oppression. First, the structures and systems that come together to place targets in a double bind are specifically global in nature; they are international structures, norms, and policies that create them. Second, the targets and agents of global oppression are nations, national governments, societies, international organizations and/or transnational communities. As such, one faces and perpetuates global oppression as nations, societies, transnational communities, and international organizations or members of one of these bodies. Third, a nation, national government, society, transnational community or collective, and international organization can be both victims and perpetrators of global oppression, depending on context. For example, sometimes Colombia or Colombians may be the victims of global oppression from the United States and Europe (for example via U.S. foreign policy or the remnants of European colonial policies), while at other times it may be the oppressor (for example of migrants from Haiti or Venezuela). While global oppression overlaps with oppression in a domestic context, it is not synonymous with it.

Despite overlapping in many ways, oppression and global oppression are neither reducible to each other nor are they indistinguishable from each other. In fact, an implication of my account is that not all oppression that crosses national or territorial boundaries constitutes *global* oppression. To be *global* oppression, the oppression must be directed at nations, territories, and transnational communities and their members. If it is directed at social groups and their members without regard to the global order, laws, nationality, territory, and so forth, then it is oppression traditionally conceived. Gender oppression is a prime example of oppression that crosses national and territorial boundaries and yet does not constitute global oppression. The reason that women and gender non-conforming people face oppression is because of their gender identities, not because of anything specifically related to national membership; it is



oppression that crosses national boundaries, but it is not global oppression. Because the two concepts remain distinct, it is possible for someone to be a victim or perpetrator of both oppression and global oppression, depending on the context. For example, a migrant could be the victim of racism in the United States as a Latino as well as simultaneously being a victim of global oppression as a Guatemalan or Salvadoran immigrant who had to flee in the first place in part due to U.S. foreign policy in Central America. Oppression and global oppression are not mutually exclusive but can be mutually constitutive.

To summarize: Frye and other feminists define oppression as fundamentally being about how society's formal and informal policies, laws, institutions, practices, and systems trap social groups and their members in double binds simply because of their membership in those groups. This occurs in ways that are neither random, accidental, occasional, or avoidable, nor the result of bad luck or the actions of a few bad apples. Since we have multiple social group memberships, oppression is perpetuated and experienced in various ways, which Young refers to as the five *faces* of oppression: exploitation, marginalization, powerlessness, cultural imperialism, and systemic violence. When one or more of these phenomena are present, so is oppression. While global oppression shares the core elements of oppression as conceived of by Frye, Young, and other feminists, there are key distinctions that identify something as expressly *global* oppression; the reason one faces and perpetuates global oppression is because of their nationality or membership in certain societies, transnational communities, and international organizations.

With these concepts clarified, we can now better understand what it means to promote and adhere to a feminist approach to migration justice. Migration justice requires us to explore oppression's presence and effects in both public and intimate spheres, and to offer concrete suggestions and take tangible actions that help improve migrants' lives. I close by

returning to the cases that begin this essay to demonstrate how such an account of migration justice differs from more traditional methodologies.

Applying Feminist Migration Justice

To clarify what constitutes a feminist approach to migration justice and how it is distinct from others, we return to the cases that began this article. Whereas more traditional approaches to migration justice would note and decry countless human rights violations experienced by migrants, the feminist model would immediately start by identifying (and condemning) the presence of multiple systems of oppression affecting the experiences of migrants.

José, Rita, and Ana Mendes experienced global oppression related to their nationality (“Before asking us for money, they divided us by nationality”)³³ as well as class oppression related to their economic or class position (had they had more money, they would not be in a position of having to cross the Darién Gap in the first place). Beyond this, sexism manifesting itself as systemic violence underlies both the sexual violence they endured and the fact that their assailants saw Rita and Ana as violable in a way that they did not perceive José.

We also observe multiple forms of gender and xenophobic oppression in Priscilla’s experiences as a trans woman, such as systemic violence (in the form of different kinds of physical attacks), powerlessness (because they cannot report the crimes for fear of retaliation from authorities), and marginalization (in terms of the employment opportunities available to them and the social consequences of that work).

Finally, we see numerous kinds of oppression in the attitudes of border agents and the ways they mistreat migrants simply because of their country of origin, whether it be taking children’s medication or denying

³³ Human Rights Watch, “This Hell Was My Only Option.”



medical care, beating migrants with impunity, or simply “*showing no empathy*” to migrants who have been victimized. Beyond their particular cases, more generally, we note the existence and pervasive nature of oppression due to the financial poverty of these migrants.³⁴ However, a more thorough account would be to acknowledge the reason that these migrants are caught in the cage (e.g., are vulnerable to such treatment in the first place) is for multiple reasons: their national origins, gender expression, and economic position.

These are not simply theoretical points. Changing approaches to migration justice shifts the focus of our attention in important ways. A feminist model of migration justice highlights:

1. The nature of the root cause of migrant mistreatment (e.g., it is not due to “a few bad apples” but rather deeply entrenched systems and structures;
2. Why certain programs and approaches are insufficient for addressing migrant needs (because they aim to change individual human behavior rather than the processes and systems that led to that behavior in the first place); and
3. Where we must direct our efforts to create more effective approaches to migration injustice that improve migrant lives.

For example, we cannot change the behavior of border patrol agents by simply firing a few officers who abuse migrants (though that should also be an appropriate aspect of the response). Instead, we must change the culture of border patrol at its core: how migrants are viewed, the description of their job, the legal protections they enjoy, and the power structures that operate within the agency. This is clear when we explore the cases presented at this essay’s outset. Lucy’s case includes other agents unwilling to stop the agent who was beating her “*because of who the agent attacking her was,*” while they themselves also bully Lucy and refuse

³⁴ Adela Cortina, *Aporofobia, el rechazo al pobre: Un desafío para la democracia* (Ediciones Paidós, 2017).

to get her medical care. Worse, rather than reprimanding the officers involved, they took Lucy away in handcuffs and accused *her* of attacking the officer. Changing this injustice requires a more accurate picture of what is occurring; the feminist approach to migration justice does just that. This is also true for the other cases. In each instance, what these migrants experienced—violence, lack of empathy, ridicule, and abuse from agents charged with assisting them, powerlessness, denial of basic services, humiliation, etc.—cannot be chalked up to individual misconduct that caused individual human rights violations. These abuses are the predictable results of systems undergirded with gender oppression, xenophobia, racism, colonialism, and classism. We cannot improve migrants' lives, let alone deliver them justice, if we do not take up a feminist approach that centers these issues.

Concluding Remarks

I began this article by asking how we ought to respond to the injustices faced by Rita, José, Ana, Priscilla, Lucy, and so many other migrants in the Americas, and suggested that we should utilize a feminist model of migration justice to determine the answer to this question. While there could be many ways to define such an approach, I have put forth a feminist approach to migration justice that requires us to identify and resist oppression of migrants that is created by, reflected in, or perpetuated through a nation's policies, practices, and norms related to migration. The goal is not to achieve an abstract ideal but to improve people's lives in palpable ways. I hope such a model assists us tangibly help Rita, José, Ana, Rosa, Priscilla, Lucy, and so many more, have just migration experiences while leading us to show empathy for their plight and do our part.

