U.S. Asylum Lawyering and Temporal Violence

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Abstract: Research on the temporal dimensions of international migration focuses on how migrants experience time. This study instead turns attention to lawyers—whose work plays a crucial role in ensuring favorable legal outcomes for immigrants—to consider time's salience within the U.S. asylum context. Based on thirteen months of ethnographic fieldwork with Los Angeles-based asylum attorneys, this paper argues that lawyers confront both *weaponized efficiency* and *weaponized inefficiency* in the course of representing asylum seekers: advocates must on the one hand rush to keep pace as the state accelerates asylum processes, and on the other find ways to advance clients' interests even as the state selectively slows procedures to a standstill. These findings affirm that temporal contradictions define the U.S. asylum system. Further, they demonstrate that lawyers experience these contradictions not as natural phenomena, but rather as *temporal violence*: the state willfully manipulates time in the service of migration control.

Introduction

Access to effective legal counsel is a crucial lifeline for asylum seekers. Legal experts matter for refugee rights both because obscure laws constitute the sole path to protection and because state actors routinely manipulate law and policy to restrict migration. Government reforms revise not only who counts as a refugee but also how, where, and when individuals may request asylum. To approximate a full picture of how law governs the lives of millions of refugees, researchers must endeavor to understand how attorneys adapt to the tumult that migration control measures perpetuate. Based on ethnographic data collected during thirteen months of fieldwork at a non-profit legal aid and policy advocacy organization, this study examines the dynamic work of asylum lawyering in Los Angeles, a global hub of asylum procedure. More specifically, it explores how asylum lawyers contend with the manipulation of time as a tool of migration control.

The programmatic work of Defend Asylum (DA)[1], the organization where I conducted my fieldwork, entails legal representation of individual asylum seekers as well as systemic reform efforts targeting U.S. asylum policy through litigation and legislative advocacy. DA therefore afforded a vantage point from which to consider how state policies structure the work of asylum lawyers at various levels of their practice. I sought to address two fundamental questions. First, how do state migration control tactics manifest in the daily work of asylum lawyers? And second, how do lawyers reconfigure their practices to adapt to shifting government policies?

My observations reveal time to be the central organizing principle of the U.S. asylum system. In practice, the system renders time a more salient matter throughout the duration of an asylum case than even the seemingly paramount issues of vulnerability, well-being, or perceived

[1] Defend Asylum (DA) and all personal names are pseudonyms.

deservingness. The U.S. asylum system formally comprises two separate routes to protection—an affirmative track for people not in removal proceedings and a defensive track for those who are—that both cling to prim temporal benchmarks even as they fail chronically to achieve timely adjudications. On the affirmative side, an individual who wishes to apply for asylum must do so through an Asylum Office of U.S. Citizenship and Immigration Services (USCIS) within one year of arrival in the country. They must then navigate the temporal implications of the enormous backlog of affirmative cases that has plagued USCIS since 2014—a backlog that as of December 2020 surpassed 350,000 cases (USCIS 2020). This may mean waiting years for a decision, but who must wait and for how long depends on USCIS' flip-flopping logics of prioritization.[2]

Meanwhile, defensive asylum seekers in removal proceedings must promptly vocalize their asylum claim to evade immediate removal from the United States. They then await notice from the Executive Office of Immigration Review (EOIR) of an initial, group hearing before an Immigration Judge, in which they must assert asylum as a defense to removal. The court will next schedule a subsequent hearing, and possibly additional hearings thereafter, until the applicant eventually receives an individual hearing date at which they finally obtain a determination. The timeframe for each of these court hearings depends largely on the EOIR backlog, which under the Trump Administration ballooned from 542,411 cases in 2017 to a staggering 1,290,766 cases as of December 2020 (TRAC 2020).

[2] From 1995 to 2014, USCIS adjudicated cases on a "last-in, first-out" basis. In 2014, when the backlog amassed as a result of USCIS reallocating resources to manage the arrival of Central American asylum seekers, USCIS switched to a "first-in, first out" basis, creating lengthy delays for new arrivals. In 2018, USCIS reverted to a "last-in, first-out" basis, creating swifter processing times for new arrivals (purportedly in an effort to deter fraudulent applications) but leaving to languish those asylum seekers who had already waited for months or years. *See* https://cliniclegal.org/resources/humanitarian-relief/asylum-and-refugee-law/asylum-office-updates-scheduling-procedures

This cursory summary of the U.S. asylum system fails to highlight the myriad ways that temporal rules enable the state to manage asylum seekers as they await a determination—in the form of legal submission deadlines, work authorization eligibility clocks, and detention bond hearing countdowns, to name a few. When we account for all of these points of temporal significance, what emerges is a seemingly inconsistent system that insists on timeliness as a day-to-day norm even as, when viewed at scale, the system as a whole appears largely immobilized. My ethnographic observations brought this duality vividly to life. Crucially, viewing it from the perspective of lawyers also exposed its dangerous utility for the state's migration control agenda.

This paper responds to scholars' urges to scrutinize the temporal dimensions of international migration. Strategically speeding up, slowing down, compressing, and expanding time is pivotal to power struggles in lawmaking (Halliday 2017). Although time appears natural or neutral, it in fact operates as a political good that the state often values unevenly, thereby generating temporal injustices—but also creating opportunities for non-state actors to reclaim power (Cohen 2018). In the context of immigration enforcement, what at first present as neutral temporal logics obscure the state's weaponization of time as a tool of migration control. Specifically, looking closely at how lawyers adapt to the procedural challenges of the asylum law framework makes it clear that the state weaponizes efficiency *and* inefficiency to make it difficult for migrants—and those advocating on their behalf—to leverage the state's humanitarian obligations. My research affirms depictions of the U.S. asylum regime as a machine. The U.S. government selectively speeds up and slows down the gears of that machine to hamstring lawyering work and entrench outsized state power.

In what follows, I first review relevant insights from existing research on the temporality of international migration. Next, I outline my approach to ethnographic data collection and

analysis. I then delve into the substance of my data to illustrate the temporal inconsistencies of the U.S. asylum system, showing how U.S. asylum lawyers contend with instances of both weaponized efficiency and weaponized inefficiency on the part of the state.

The Tempos of International Migration

Over the past two decades, migration scholars have fomented increased interest in the temporal aspects of international migration, including the nationalization of temporalities, synchronicity and belonging, migrant life-course and journeys, time's resonance within the 'mobilities' framework, imagined futures, and how the tempo of legal processes impacts immigrants (Griffiths, Rogers, and Anderson 2013; *see also* Anderson 2020). This last topic of interest forms the point of departure for this paper: I extend past research on migrants' experiences by instead exploring how the pace of legal processes shapes immigration lawyers' work.

We know that "time is a central variable and tool used by immigration law, policy and control" (Cwerner 2001). State bureaucracies, in particular, exert enormous control over immigrants' time (Anderson 2020). Because immigration law enacts itself over time, migrants' embodied experiences of illegality (as well as their anticipation of becoming 'illegal' in the future) fluctuate over time (Garza 2018); enduring experiences of legal gray areas accumulate to produce a sense of "liminal legality" (Menjívar 2006; *see also* Mountz et al. 2002).

Within the study of time and international migration, research into asylum systems is particularly compelling because of the unique temporal conditions that asylum processing tends to produce. Previous research attends in particular to asylum seekers' experiences of waiting. Impossibly lengthy backlogs often define asylum regimes, requiring asylum seekers to wait months or years for the adjudication of their application. While they wait for the state to deem them either worthy of citizenship or fated to removal, asylum seekers occupy an "ambiguous dual

positionality" that produces a sense of "existential limbo" (Haas 2017). Asylum seekers waiting for a decision inhabit a precarious temporality that disrupts their ability to plan for the future (O'Kerry 2018). In making them wait, the state exerts temporal power (Bourdieu 2000) to shape its subjects—as in other bureaucratic contexts, the state instrumentalizes waiting to teach marginalized people that "they have to remain temporarily neglected, unattended to, or postponed" (Auyero 2010; *see also* Andersson 2014). At the same time, asylum seekers do not experience waiting as purely passive subjects; temporal zones of waiting also potentially create the conditions for networking, organizing, and resistance amongst asylum seekers (Mountz 2011).

The emphasis on waiting gives rise to a picture of asylum systems as typically slow, bloated, and stagnant. Yet this does not tell the full story. Asylum procedures also show themselves capable of willful, if selective, speed and efficiency (Cwerner 2004). Melanie B.E. Griffiths' scrutiny of asylum in the United Kingdom reveals that "the British asylum system is both too slow and too fast" (Griffiths et al. 2013; Griffiths 2014). Griffiths offers a typology of four temporalities experienced by asylum seekers in the United Kingdom: "sticky time" (the slow time of waiting for procedures to move forward), "suspended time" (the utter standstill often experienced by long-term immigrant detainees, for example), "frenzied time" (a swift, out-of-control time, exemplified by expedited procedures), and "temporal ruptures" (which abruptly dislocate asylum seekers expectations for the future—as when a person suddenly finds themselves deported) (Griffiths 2014). The varied, conflicting temporal misalignments that asylum seekers experience "reflect[] both a disjuncture between people (for example, refused asylum seekers feeling outside the 'normal' time of mainstream society) and … a contradiction felt by individuals between different aspects of their lives (e.g., immigration detainees simultaneously contending with imminent change and endless waiting)" (Griffiths 2014, p. 1992).

My deep dive into the world of asylum lawyers in Los Angeles suggests that the U.S. asylum regime possesses internally contradictory, too fast yet too slow qualities akin to those Griffiths unveils in the U.K. system. This paper builds upon Griffiths' insight that speed and delay move hand-in-hand in the asylum context to more accurately chart the reality of asylum in the United States. Yet in leveraging Griffiths' analysis, it also departs from her focus on how immigrants experience the effects of this reality, instead probing these conflicting temporalities from the vantage point of lawyers working self-consciously within an imperfect protection regime. By centering advocates' daily work, this paper captures with high granularity the state processes that actively produce temporally contradictory asylum systems. It thus undertakes a critical assessment of the temporal duality of the U.S. asylum regime, showing how advocates must resist willful government manipulations of temporal discord to represent clients effectively.

Data and Methods

This paper arose out of thirteen months of ethnographic fieldwork at the Los Angeles office of a non-profit organization focused on protecting the rights of asylum seekers. After informally interviewing lawyers in Los Angeles during the fall of 2019, I determined that Defend Asylum (DA) would serve as the ideal home for my research. First, where most immigration-focused legal aid organizations take on a variety of immigration cases (assisting immigrants with, for example, Special Immigrant Juvenile Status (SIJS) applications, U-Visa applications for victims of U.S.-based crime, or cancellation of removal), DA focuses exclusively on asylum. The uniformity of DA's caseload ensured that my ethnographic observations rendered robust data specific to asylum law practice. At the same time, DA's Los Angeles office works with a wide range of asylum-seeking clients, including asylum seekers in immigrant detention, asylum seekers still waiting in

Mexico under MPP, and paroled asylum seekers and asylees currently living in the Los Angeles area. DA assists a nationally diverse client base, seeking protection for people fleeing a range of persecutory harms from all over the world. DA's programmatic work thus uniquely attends to the multiple distinct contexts of U.S. asylum that have emerged as the U.S. government enhances its efforts to deny asylum seekers access to the national territory. Third, although DA places many cases with *pro bono* law firm volunteers, in-house attorneys also handle a large portfolio of direct representation cases. This meant that my observations at the field site reflected all dimensions of the underlying casework and all stages of the asylum process, from screening potential clients to assisting successful clients with community integration. Finally, since DA's Los Angeles office is one of several nationwide, my position within the Los Angeles office afforded a view into how asylum lawyering operates across regions. DA's Los Angeles staff join weekly calls and actively collaborate with their counterparts in other cities to strategize about advocacy at the national level. As a nationwide leader in the policy advocacy space, DA afforded insights into how asylum lawyers across the country synchronize their responses to shifting challenges at the federal as well as state and local levels.

I relied on my own background as a law graduate as well as prior experience in refugee and asylum advocacy to gain entrée to DA's work. I initially took a position as a legal intern at DA in early February 2020, prior to the stay-at-home orders enacted in response to the COVID-19 pandemic. When lockdowns began weeks later, I continued my internship remotely, adapting to working from home alongside DA's staff. I subsequently extended my time there as a legal volunteer and researcher through the end of 2020, remaining remote throughout that time as long as the organization as a whole maintained its work-from-home policy.

By volunteering my legal skills in exchange for the opportunity to conduct research, I forged relationships of trust and reciprocity with my participants. My legal training enabled me to make behind-the-scenes observations of asylum law practice by supporting the substantive work of my research participants. I contributed at my field site in two core areas. First, I assisted with attorneys' casework: I conducted intake interviews with prospective clients, produced write-ups of client narratives, drafted case documents, and conducted research on legal issues and human rights conditions in clients' home countries. Second, I helped the advocacy team conduct research on how government policy changes impact due process and access to counsel. This involves interviewing attorneys and documenting their clients' experiences as well as monitoring relevant policy changes. Fortunately, participating remotely did not majorly interfere with this work.

My work with DA brought me into contact with many attorneys both in and outside of the organization, which in some sense blurred the boundaries of my field site. Because I could not feasibly obtain informed consent from everyone I interacted with in my capacity as a legal volunteer, the observations that form the basis of this study focus on the six permanent attorneys and legal support staff in DA's Los Angeles office. To preserve confidentiality and protect individual privacy, this study treats all DA clients and any other attorneys or community members only abstractly.

I took a grounded theory approach to my fieldwork, striving especially in the initial weeks of fieldwork to keep an open mind and to record as much as possible about all aspects of the social world I had entered. I used a notebook or my laptop to record "jottings" reflecting conversations, other interactions, and general observations about my interactions and other organizational activity (Emerson et al. 1995). When sitting in on meetings or calls I sought to capture as much of the dialogue as possible, including verbatim quotes where the precise choice of words seemed either

weighted for the speaker or resonant to other participants. When participating in other lawyering work, I periodically took brief breaks to jot down key highlights from the day.

Once I finished gathering data, I processed all of my fieldnotes using an iterative process of coding my notes in ATLAS.ti and drafting analytic memos. My analysis proceeded inductively. I initially began with "open coding", closely rereading all of my fieldnotes and identifying emergent themes as I went along that I then referenced with short phrases (Emerson et al. 1995). As I reviewed my data for recurrent issues, I trained my attention on the daily practical concerns of my research participants, how participants perceived and experienced events, and how processes unfolded rather than what caused them (Emerson et al. 1995). Early in the analytic process, I drafted "initial memos" that elaborated on the theoretical import of particularly rich incidents from the field to help elicit connections between themes (Emerson et al. 1995). I ultimately homed in on a set of core themes by prioritizing the issues that seemed most salient to my research participants—the issues in which they invested the most time and energy.

Weaponizing Time: The Curated Double Standards of the U.S. Asylum Regime

I draw upon my ethnographic fieldwork to illustrate two seemingly opposite yet coexistent dimensions of the U.S. asylum system. Observing the day-to-day work of asylum lawyers reveals that advocates must routinely withstand, on the one hand, the pressure of intensely swift or abrupt procedural timelines and, on the other, the rights-smothering—and life-threatening, in many cases—slow pace of state actors, including immigration judges, the Executive Office for Immigration Review (EOIR), U.S. Immigration and Customs Enforcement (ICE), and others. The temporal contradictions of lawyers' work reflects a double standard within the asylum field, in which the state may simultaneously demand both speed and patience from asylum advocates. The

U.S. government alternately weaponizes efficiency and inefficiency as tools of control, enacting a kind of 'temporal violence' that harms immigrants as well as their advocates.

Thus, although my analysis aligns theoretically with Griffiths' study of "*dual* temporal uncertainty" in the U.K. asylum system (Griffiths 2014, emphasis in original), it extends Griffiths' insights by getting under the hood of temporal uncertainty to expose method behind the madness. In describing the system's temporal duality as the product of temporal violence, this paper highlights an instance of what Pierre Bourdieu dubs broadly "symbolic violence": the processes through which power hierarchies become entrenched and taken for granted (Bourdieu 2001). More narrowly, temporal violence constitutes a form of "legal violence" executed by the state—that is, the state here leverages the law's temporal order to do damage that is "not directly physically harmful and that [is] not usually counted and tabulated" and that arises from "otherwise 'normal' or 'regular' effects of the law" (Menjívar and Abrego 2012). U.S. asylum lawyers do not take temporal chaos for granted; rather, they make sense of the temporal contradictions they endure by pointing to the state's self-interest—indeed, at times, its malice. Their experiences attest to the ways that governments "tilt the balance of the politics of time in [their] favour" (Cwerner 2004).

I embarked on my fieldwork weeks before the descent of the COVID-19 pandemic, which not only engendered new risks to migrants and transformed how lawyers worked, but also created cover for the Trump Administration to push ahead with draconian new immigration policies disguised thinly as public health protections. COVID-19's reverberations through the U.S. asylum regime inevitably showed up starkly in my ethnographic observations, and I make space for that reality in the analysis below. Importantly, however, the conditions of the pandemic amplified long-established temporal dynamics rather than producing new paradigms.

Weaponized Efficiency

In April 2020, I attended a virtual panel discussion spotlighting the COVID-19 pandemic's impact on the U.S. immigration landscape. One of the discussants, recounting the efforts of judges who pushed for immigration courts to adopt new COVID-safe precautions, described the U.S. government's reluctance to adjust its standard procedures to account for public health. The speaker reported immigration judges' incredulity at the government's insistence on business as usual. Only after significant public pressure and coordinated efforts amongst judges, prosecutors, and defense attorneys alike did U.S. officials finally move to postpone hearings and pursue additional safety measures. In the meantime, legal actors within the U.S. immigration system found themselves in an untenable position, pushed to continue to appear in court despite the risks, all—as this panelist put it—"for the sole purpose of keeping the machine going."

This drive to sustain—at virtually any cost—the machine of U.S. immigration law did not spontaneously emerge during the pandemic. To the contrary, the panelist's account emblematized a deeper, enduring dimension of immigration law practice. Asylum lawyers routinely operate with a sense of urgency and pay hypervigilant attention to deadlines, time horizons, and the compounding implications of intersecting procedural timelines. Their habits surely reflect the degree to which schedules and "clock-time"—as kept by judges—dominate throughout the broader U.S. legal profession (Bloom 2015). However, the way that asylum lawyers discuss timelines and strategically manage their own activity with reference to them also exposes these attorneys' heightened wariness of the state's brutal, manipulative single-mindedness in the asylum context. For asylum lawyers, time is an acutely adversarial dimension of the law. They must manage "frenzied time" (Griffiths 2014) proactively to avoid the state's violent capitalizations on the asylum machine's momentum—what Cwerner calls the institutional appropriation of speed

(Cwerner 2004). If lawyers fail to take outsized care, the state at best proceeds full steam ahead regardless of the human costs and at worst—though not uncommonly—willfully uses its capacity for acceleration and temporal rigidity to eliminate opportunities for due process.

Advocates navigate a spectrum of potential harms arising from the state's power to insist on punctual progress. On one end of the spectrum sit logistical hurdles: moments when the state's machine-like carelessness or lack of consideration places uncomfortable pressure on immigrants and their lawyers to hustle through tight turnarounds. A case in point: in April, as my participants initially adjusted to the court closures that arose from the pandemic, they already anticipated that things would "start suddenly rolling again in a few months" in such a way as to make them abruptly accountable for a backlog of postponed cases. At the other end of the spectrum sit the graver harms that befall attorneys' clients when the state chooses to exert ruthless control over them by prioritizing timeliness over migrants' well-being. I uncovered a stark example of this when reviewing *pro bono* lawyers' notes from an immigration hearing. The trial attorney representing the Department of Homeland Security (DHS) in the case reportedly insisted that the court require a pregnant asylum seeker to appear in person for her next hearing despite its being scheduled for the day after she expected to give birth to twins (or face an *in absentia* denial). The attorneys' written notes on the hearing commented on the irrational inhumanity of DHS' position.

To minimize the potentially devastating effects of the state's power to enforce efficiency, lawyers habitually engage in three core practices: they continually visualize timelines, proactively operate ahead of deadlines, and buy themselves time to insulate their clients from bad outcomes.

Visualizing Timelines

The routine recurrence of the first of these three practices over the course of each day at my field site underscored its importance. In every meeting I joined, my participants devoted space to temporal mapping exercises, whether by recapitulating the calendar of upcoming litigation milestones, reviewing each team member's urgent priorities, or analyzing the dynamic pipeline of immigration policies to "game out" immediate, medium-term, and long-term advocacy objectives. My participants not only continually visualized timelines, but also waded into weedy, self-reflexive discussions about how to visualize timelines more effectively. In July 2020, a series of these discussions within the LA office helped refine a detailed, formal protocol for tracking time horizons. Anyone conducting initial screenings with prospective clients bore responsibility for tracking one-year filing deadlines, visa expiry dates, and hearing dates across shared spreadsheets and legal databases. They bore responsibility for flagging the attention of the managing attorney if she failed to swiftly review client documents. If the prospective client proceeded to the intake stage and underwent an additional interview, that interviewer assumed responsibility for deadline management and remained responsible until the case's subsequent assignment to a lawyer.

The stories my participants told about their work revealed that they paid meticulous attention to case timelines not out of a self-imposed perfectionism, nor out of reverence for the law's rituals, but rather out of an awareness that their failure to do so would cede power to the state and position it to enact temporal violence on their clients. A staff attorney, Layla, exposed why lawyers' proactive attention to timelines matters when she recounted the story of a family that crossed the southern border into Texas without visas, intending to seek asylum. In October 2019, the family presented themselves to U.S. immigration officials, who paroled them into the country because the family included a pregnant mother and young children. But DHS mysteriously never filed the family's Notices to Appear (NTAs)—the legal document through which the state formally

initiates the removal process in which defensive applicants assert their asylum claim. Layla, thinking that perhaps this apparent oversight meant she could file the family's asylum applications affirmatively with the Asylum Office (and thus spare them the more adversarial removal defense process), waited until the family's one-year asylum filing deadline approached to see whether DHS would file the NTAs. At that point, still with no action from DHS, she began to prepare the family's affirmative asylum applications for timely submission. Suddenly, as if on cue—and this, Layla said with gusto, is how she knows the government taps into her devices—DHS filed the NTAs. Most importantly, the officer scheduled the hearing to occur *after* the family's one-year filing period. Layla identified this as a common trick to get applicants to miss their cutoff: anyone who—reasonably—assumed the initial hearing to be the appropriate time to raise their fear of return would automatically disqualify themselves for asylum by missing the one-year filing deadline.

At the time, not wanting to mistake cynicism for certainty, I gently pushed Layla on whether she earnestly believed the government maneuvered strategically timed court dates to make time work against applicants. She affirmed emphatically that the tactic is one routinely observed by lawyers. Later that day, by coincidence yet completely in alignment with Layla's comments, a listserv notice appeared in my volunteer email inbox providing details of a successful class action lawsuit filed in June 2016, *Mendez Rojas v. Wolf*, which claimed the U.S. government "did not provide sufficient notice that asylum seekers generally must file their asylum applications within one year of arrival in the United States and that the Government did not provide them with an adequate mechanism to comply with that deadline" (*Mendez Rojas* 2020). A legal practice advisory addressing the *Mendez Rojas* settlement affirmed that "many asylum seekers spent months—and in some cases, years—interacting with DHS officers as part of reporting requirements, believing that they were complying with all necessary steps to pursue their cases,

while never receiving any notice from DHS of the one-year deadline" (National Immigrant Justice Center 2021). *Mendez Rojas* made clear why asylum attorneys zealously visualize timelines: if they fail to do so, the state will take advantage of the opportunity to work time against unknowing applicants. Advocates therefore adopt a defensively anticipatory stance, orienting themselves vigilantly toward the future.

As a legal volunteer, I soon assimilated my participants' wariness of the state and myself began to dwell in the future. It manifested in small ways: for example, for weeks I routinely entered a new client's A-number (their unique noncitizen identification number) into the Automated Case Information web page of the Executive Office for Immigration Review (EOIR) in the event that EOIR posted the client's next hearing date there. For some time, no updates manifested, until one day: "… I think to check Mr. L's A-number … in case there's been an update and in fact there has: he now has [a master calendar hearing] scheduled for June 18, 2021 at 1pm…." My satisfaction in that moment arose from having proactively elicited from EOIR crucial information that the agency may itself have failed to timely—or ever—convey to Mr. L, placing him at risk of a missed court appointment. Prior to the date's appearance, I'd felt considerable anxiety knowing that if I forgot to continually check the EOIR page for updates, we might miss a crucial procedural event if the state failed to give Mr. L notice of the hearing. Indeed, lack of notice is a common reason that asylum seekers fail to appear for court hearings, leading them to receive *in absentia* removal orders (Asylum Seeker Advocacy Project and Catholic Legal Immigration Network, Inc. 2018).

Notably, Griffiths' typology of temporalities overlooks this distinct temporal orientation because she attends primarily to how *asylum seekers* experience time—and attorneys relate to the future in this way precisely to insulate asylum seekers who would not otherwise know to anticipate legally significant time horizons. Lawyers' tendency to visualize timelines affirms Griffiths'

framework in that the habit protects against the temporal violence of 'frenzied time' and 'temporal ruptures'—either or both of which a miscalculated timeline could catalyze. But the habit also demonstrates that these two temporalities—though abrupt in their effect—do not emerge spontaneously. Rather, they have a creeping prehistory: a preceding period of time that appears insignificant but during which the government covertly lays the groundwork for surprise. Even during stretches of apparent stillness, the state organizes itself to weaponize efficiency against asylum seekers down the line.

Getting Ahead of Deadlines

My participants' awareness of the looming threat of temporal violence makes itself apparent in their second core practice: their tendency to proactively operate ahead of deadlines. Supervising attorneys' guidance to *pro bono* teams embraced this approach as they urged volunteer lawyers to file clients' documents well in advance of the implementation date of new draconian asylum regulations. In one staff meeting, the LA team discussed an impending new Employment Authorization Document (EAD) policy that severely curtailed asylum seekers' ability to work legally; Liz, the managing attorney, articulated her rationale for proactively filing EAD applications for every eligible client well ahead of the policy's implementation on August 25th, 2020:

> Liz says it sounds like everyone is on top of EADs…. She asks those mentoring cases to please reach out to *pro bono* attorneys about this. Ideally by the end of this week. Technically things need to be postmarked before the 25th, but *per the new guidance things can be outright rejected if there's an issue—rather than the government simply replying with a request for further evidence*. She says she knows that for *pro bono* attorneys it's a pain to do things immediately, but this is a huge priority. She asks the team to keep her posted as things come in, or if we have any issues. "Again, part of *my nightmares are not that we won't get [the EAD applications] in [on time] but that USCIS will do what it does and reject lots of them* en masse*…. Please get them in early.* Please use FedEx overnight."

Liz's explanation indicates that strict temporal rules operating alongside finnicky procedural requirements give the government latitude to apply harsh substantive policies to more people. Liz urged staff to submit the EAD applications well before the deadline because she anticipated that the state would categorically reject even timely filed EAD applications on the basis of minor issues that under better political conditions may simply have warranted a request for additional evidence. These rejections in turn may not have permitted applicants enough time to correct their applications and refile before the deadline, thus leveraging temporal rigidity to translate minor clerical glitches into opportunities to subject more people to a less humane policy regime.[3] Liz's fear of that nightmare scenario compelled her to file the EAD applications with enough time to allow for swift modifications and resubmission following an outright—and impliedly unfair—dismissal by the state on the first attempt.

In another context, as we prepared to bring a case before the Board of Immigration Appeals (BIA), my supervisor, Carrie, anticipated the distress we would experience if we failed to account for the Immigration Court's (that is, the court responsible for the original denial) narrow timeline:

> Carrie advises me on how she would go about this. ... Read Mr. M's Immigration Court brief. Then draft the appeal starting with the facts, since you can pull from the earlier brief for that. She says I should set it up so that we can easily see where we need to drop in citations to the [Immigration] Court transcript or the [Immigration] Judge's decision. The reason for that is that the Court won't send the transcript until they send the briefing schedule for the BIA appeal, at which point we only have 21 days to file the BIA brief so we'll be in a time crunch…. She's really trying to get everything ready to go ahead of time.

[3] Unsurprisingly, the new substantive policies themselves also directly weaponized efficiency against immigrants: they made asylum seekers who missed their one-year filing deadline permanently ineligible for work authorization, regardless of whether they ultimately qualified for an exception for their missed deadline. They also empowered the state to deny EAD applications purely because an applicant missed an asylum interview or biometrics appointment. *See* *https://www.ilcm.org/latest-news/new-rules-for-asylum-applicants-filing-for-an-ead-frequently-asked-questions/*

Court transcripts often comprise a hundred pages or more, and the arguments within BIA briefs must orient themselves exclusively to what appears within those pages. Accordingly, without proactive planning on our part, the courts made it difficult for us to comply with their own rules.

As when they visualize timelines, lawyers anticipate Griffiths' 'frenzied time' when they get ahead of deadlines, seeking to evade it; however, it is more accurate to say that they internalize it, hurriedly rushing themselves along to outpace the state's direct pressure. In this way, if all goes well, advocates insulate their clients from those instances of temporal violence with substantive repercussions—missed deadlines triggering disqualifications, hastily-prepared appeals leading to BIA denials, and so on. Yet attorneys themselves still endure a frenzy, albeit self-enforced. Griffiths describes 'frenzied time' as "a fast, frenetic sense of time in which little can be anticipated or planned for" (Griffiths et al. 2013); resisting this characterization, attorneys in practice lean in aggressively to the space they do have for anticipation. This is not to say that lawyers overcome 'frenzied time'; to the contrary, that their only way to preempt it is to internally reproduce its urgency demonstrates the extent to which the state exerts control through temporal violence—indeed, here, through the mere specter of temporal violence. Moreover, lawyers are acutely aware of the state's outsized control in this domain. Their verbalized preoccupations about deadlines explicitly attest to time as "a major dimension and resource upon which some agents and agencies deem appropriate to exert power" (Cwerner 2004).

Slowing the Machine

Asylum lawyers' proclivity to act proactively feeds into a third habit. Asylum lawyers' efforts to buy themselves more time foregrounds most starkly the way that they reconfigure their own behavior to defend against the aggression of the state's forward drive. The cascade of major

new restrictive asylum regulations that pummeled lawyers over the summer of 2020 set the backdrop for numerous examples of this as lawyers scrambled to delay—if not prevent—the enforcement of new policies against their clients. For example, asylum advocates collectively mobilized to challenge a Notice of Proposed Rulemaking (NPRM), issued on June 15th, 2020, that sought to eviscerate the U.S. asylum protection regime by heightening the standards for asylum eligibility, eliminating eligibility for those fleeing gender- and gang-based violence, weakening due process rights, and empowering asylum adjudicators to more swiftly deny asylum applications, among other things. In response to the proposed reform, asylum lawyers defensively leveraged a window of opportunity created by the Administrative Procedure Act (APA), which ensures a 30-day public comment period during which members of the public can submit responses to any NPRM. At the close of the 30-day public comment period, the government bears a legal obligation to review every comment submitted. Thus, as the state attempted in one swift, fell swoop to obliterate a well-established infrastructure of protections, the advocacy community poured its resources into slowing the whole thing down by flooding the government with an overwhelming wave of public comments—in effect, crowdsourcing to jam the gears of the machine.

Liz emphasized to her team that everyone—staff, interns, volunteers, *pro bono* attorneys, and anyone else we could recruit—should individually submit a comment. Liz explained that comments delay regulations because the government must read through each and every one before finalizing and implementing the new laws, giving advocates more time to develop a countervailing litigation strategy. She encouraged her staff to make comment submission a required assignment for interns because "the more we get the better."

"No excuses; we all have to do this," asserted one advocate at a virtual training on how to submit public comments protesting the NPRM. The leaders of the training implored their

colleagues to infuse their comments with as much detail as possible from their own professional experiences, since more unique comments would defy the algorithms the state uses to batch similar comments together and accelerate the review period. If officials successfully collapsed too many similar comments together, the speakers warned, it would undermine our efforts because "the whole point is to slow them down."

Although the temporal rules of the policymaking process give the impression of a neutral procedural superstructure refereeing how government policymakers and advocates interact, the sweeping content of these reforms as well as lawyers' constrained response to them here revealed an imbalance of power. The government's proposed reforms threatened to roll back, within a matter of months, protective legal precedents developed over decades of persistent advocacy. And under these conditions, temporary delay frequently constituted advocates' only immediate hope for resistance to substantive restrictions. In other words, while the government enjoyed the power to act with abrupt decisiveness against long-established standards, asylum advocates could not effectively defend against such change without first innovating to buy themselves more time. This example most neatly maps on to Griffiths' 'frenzied time,' in that here advocates had virtually no way to anticipate the proposed changes and could only react under pressure after the fact. Notably, since this example describes a system-wide administrative process rather than that of a single person's case, it shows that the temporal tensions of the asylum system operate at multiple levels, structuring policy advocacy as well as individual casework.

Whether striving to slow down the gears of the machine or to anticipate and outrun its unforgiving pace, asylum lawyers must adapt their practices to respond to the state's brutal efficiency. Speed enables the state to exert control over legal advocates—both indirectly, as when it threatens their clients' interests (e.g., interfering with their due process rights or circumscribing

their eligibility for rights) and directly, as when it defines policy backslides that threaten the underlying protection principles of the asylum system.

Lawyers consciously experience efficiency as a mechanism of state control, and name it as such. In weekly meetings and in external presentations, lawyers lamented new policies that condoned the quick pretermission of asylum claims without a hearing and that required asylum seekers to make their full case during a single brief initial screening interview. During the NPRM training, one speaker critiqued sharply the government's insistence that its policy reforms emerged from a desire to make the asylum process more efficient. As the speaker pointed out, the government made seemingly no effort to balance efficiency with due process concerns. Moreover, the very complexity and the sheer extent of the proposed rules' impact created so much confusion around previously settled legal issues that procedure under the new regime could not possibly proceed swiftly without sacrificing the quality and stability of protection. Given these practical implications of the proposed regulations, the speaker concluded, the government clearly wanted simply to *deny* as many claims as possible as early as possible—"*this*," she asserted, "is what it meant by 'efficiency'."

Weaponized Inefficiency

As much as the state exerts power through efficiency, it also wields inefficiency as a weapon. The circumstances produced by the COVID-19 pandemic starkly brought into relief the challenges lawyers confront when the government drags its feet. Over the course of the pandemic—and particularly during the early, critical weeks of the crisis' escalation in the United States—the government took no action to protect migrants, their legal representatives, or anyone else operating within the asylum infrastructure from the risks of contagion. The COVID-19 context

made it apparent that state efficiency and state inefficiency in a sense comprise two sides of the same coin: the government's fixation with "keeping the machine going" looked from another angle like complete obstinacy, as the window of opportunity to take health precautions disappeared. One panelist at the event about COVID-19's impact on the immigration field lamented that U.S. Immigrations and Customs Enforcement (ICE) had simply "stuck its head in the sand," refusing to accept the necessity of six feet of distance and instead "describing it as an ideal that doesn't have to be held—at a time when *everyone* is doing this." Lawyers across the country vocally criticized the government's slowness to take precautions to protect people in detention. Litigation on behalf of detained asylum seekers led to some individual releases, but no systemic release. By mid-April, advocates expressed dismay as the COVID-19 outbreaks that experts warned would come indeed broke out in the Batavia and Otay Mesa detention facilities. To bolster their public advocacy, staff at my field site even produced a timeline illustrating the progression from the first warnings of possible COVID-19 outbreaks in detention facilities, to concerned letters from NGOs, to whistleblower reports to Congress, and finally to the initial reports of COVID-19 infections amongst detainees, followed by rising numbers. The core message: Look at all the missed opportunities, when the government had time to act yet willfully delayed.

Lawyers frequently also highlighted instances of willful ineptitude on the part of state actors that unnecessarily exacerbated harms originally caused by delays. One advocate recounted reports that migrants deported by ICE had tested positive for COVID-19 upon arrival in Guatemala, suggesting that ICE had failed to test the migrants in their custody. This affirmed suspicions that the existence of COVID-19 in U.S. detention facilities might be more pronounced than officially reported not only because the state hesitated to release people, but also because officials failed to adopt any basic interim protocols whatsoever that might mitigate the harms of

their inaction. In another instance of underperformance, when the state finally did take preventative action to protect people operating within immigration courts, it did so with the bare minimum of communication: in April, many lawyers and judges first learned via a tweet that EOIR would tentatively postpone non-detained hearings.

Research that centers asylum seekers' experiences of detention, procedural snags, and deferred decision-making understandably foregrounds the ultimate effects of these delays; in contrast, lawyers' perspectives expose the *who* and *how* driving weaponized inefficiency. Without this elucidation, the author(s) of the "directionless stasis" that some asylum seekers experience (Griffiths 2014) enjoy anonymity and more easily shirk accountability. Asylum lawyers' characterizations of obstructions within the legal system help concretize the widely accepted notion that making people wait comprises a technique of state power, narrating how seemingly small or passive decisions on the part of state actors accumulate to produce unnecessary cruelties.

Again, patterns of sluggishness and halfhearted effort on the part of the government did not register as specific to the pandemic era; rather, the crisis amplified a tendency with which my participants were deeply familiar—and exasperated. Here, they enjoyed fewer opportunities to curtail the state's use of temporal violence. Whereas adjusting their own professional activities could to a degree ward off weaponized efficiency, advocates had few means in their day-to-day practice to directly reduce state actors' routine incapacitations of the protection system. Instead, lawyers adapted by working around these obstructions to the extent possible. This labor of adaptation occurred continuously. And it produced both reaffirmations and reconfigurations of what it means to be an asylum lawyer. Attorneys' responses to weaponized inefficiency thus expose how the infusion of state migration control tactics into lawyers' work impacts their professional identity, goals, inclination towards certain toolkits or habits of practice, and

relationship to both the state and their marginalized clients. In the following subsections, I address three particular responses to weaponized inefficiency: rejecting state underperformance, pushing beyond ineffective state communication, and working around standstills.

Rejecting State Underperformance

Asylum lawyers' experiences during immigration court hearings reliably included examples of what they interpreted as seemingly willful—or at least, senseless—delays or obstructions on the part of government actors. Although the pandemic precluded me from attending court hearings myself, my participants routinely recounted their court experiences in detail during staff meetings or in personal exchanges. Staff attorneys often delivered news of asylum victories in colorful, narrative form, highlighting the government incompetence they overcame along the way to success. These success stories often hinged on a clear binary structure, with the state—most typically personified in the DHS attorney or the judge, or both—framed as a villain and the attorney presented as its heroic foil. In this way, the ritual of sharing out legal victories—*especially* those in which the state created obstacles to protection—became an opportunity to affirm shared understandings of the asylum advocate ethos. Lawyers affirmed their identity, values, and habits by setting them in direct contrast to those of the state.

One asylum win involved an applicant held in detention for almost five months, who finally obtained release after his lawyer overcame the state's needless extensions of his detention. A member of the legal team uplifted her colleague's victory to the entire staff, describing how the latter traveled all the way across state lines donned "in her PPE" only to find that "the judge, appearing in person, did not wear a mask." "Worse yet," the DHS attorney had somehow not received the evidence that the lawyer had hand served. Due to this fumble, the judge postponed

the hearing by three weeks, during which time the state required the asylum seeker to remain detained. Fortunately, his lawyer "had of course, put together an irrefutable case" such that the client ultimately won asylum at the rescheduled hearing (underscoring the senselessness of those three additional weeks of detention). This victory tale presented the staff attorney's professional prowess (her reliable compilation of an airtight argument) against the unexcused and concretely harmful disorganization of DHS; it further implicitly elevated her moral status by contrasting her undeterred dedication to thorough COVID-19 protective measures against the judge's refusal to even wear a mask.

Layla invoked similar juxtapositions when she recounted a frustrating experience at an August 2020 court hearing at Adelanto Detention Facility. Layla appeared for the hearing in person while the DHS attorney tuned in remotely. Layla made it all the way through the direct examination of her client only for the DHS attorney to state that her computer wouldn't load properly and that she could not therefore conduct cross-examination "without prejudicing her 'client'" (that 'client' being the state, Layla pointedly clarified). "No mention of how this would prejudice our client, a real person, who had to remain locked in a jail during a pandemic for three extra weeks," Liz subsequently wrote when announcing to the team Layla's eventual victory at the rescheduled hearing in mid-September. The client, who had spent over seven months in detention, finally won release the day before Adelanto cancelled all hearings due to a COVID-19 outbreak at the facility. Over a minor—and presumably preventable—technological issue, government actors had not only denied the client's liberty but also placed him at an acute risk of contracting the virus. Here, Layla's preparation and performance at trial set her apart from the floundering DHS attorney. And in deriding the DHS lawyer's reference to her "client," the team sharply underscored the inhumanity

of their adversary, utterly illegible as an entity warranting legal protection—*especially* as compared to their own very human, very vulnerable client.

When an assignment at my field site required me to read through hundreds of pages of *pro bono* lawyers' notes from court, they corroborated this picture of stark government ineptitude precipitating friction and stalling proceedings. The notes attested to DHS attorneys appearing wholly unprepared for cases, not having read the case documents. They described DHS attorneys preoccupied mid-hearing with their phones or email. They captured DHS attorneys making legal and factual errors—for example, misstating the client's nationality and having to get hints from the judge before finally landing on the correct nationality. The chronic carelessness of government actors stood in sharp contrast to the hours of preparation and meticulous attention to detail that I witnessed in the habits of asylum lawyers preparing for trial.

Not only DHS attorneys but also judges could show a lack of regard for how their negligence would harmfully impact asylum seekers. A poignant example of this occurred in the context of two parallel lawsuits pursuing the release of detained migrant families, one of which focused on the release of migrant children and the other of which encompassed the families in full. The judge in the first case ruled in favor of the litigants, ordering the children to be released by July 17th, 2020; however, despite knowing this timeframe, the judge in the second case declined to hear the case until the following week. This placed detained parents in the position of making a choice on July 17th between either releasing their young children alone or keeping their families together in detention. The predicament created intense discomfort for attorneys, who struggled to identify alternatives to this inhumane, binary choice. As counsel for the detained asylum seekers worked with parents to navigate the decision, advocates at my field site decried the fact that the conflict arose simply because a judge refused to hold a hearing more quickly. Even these passing

condemnations of other legal actors served to affirm commitment to advocate values and professional habits by way of marking out impliedly bad behavior.

The state's moments of underperformance occurred not only in the midst of hearings but also throughout the wider hum of activity taking place around hearings. For example, poor coordination on the part of the state further delayed asylum seekers' release from detention following victories in court. One client won release on bond from Adelanto but did not actually depart the facility until two weeks later in part because ICE had closed half of its Enforcement and Removal Operations Field Offices due to COVID, hamstringing attorneys' zealous attempts to actually pay the client's bond. In the context of a case that the BIA dismissed, my participants came up against a lack of urgency shown by the BIA as they tried to prepare an appeal to the 9th Circuit. The BIA notified Liz that it had dismissed the case but took its time in sharing the judges' written decision, upon which Liz would base the 9th Circuit appeal. When Liz proactively called the BIA to inquire, the clerk said they could not provide any information over the phone and that Liz would have to wait until the decision arrived by mail. Liz asked them to fax the decision, but they refused. Liz bridled, "I'm like, lady, I need the document for my deadline for the 9th Circuit!" Liz's frustration notwithstanding, the state's exercise of temporal control squeezed her from both sides, blocking her progress even as it held her under pressure to meet the next court deadline.

Pushing Beyond Ineffective State Communication

Another dimension of the state's selective inefficiency reared its head in the chronic failure to communicate key information to stakeholders in an effective or timely fashion. The state's consistent failure to communicate around procedural issues compromised any hope for streamlining the asylum process. As much as asylum lawyers stretched themselves to keep up with

the state's unrelenting pace, they also regularly contended with delayed, last-minute, or nonexistent announcements about significant operational shifts on the government's side. Again, here it became apparent that the state's insistence on efficiency often went hand in hand with its selective inefficiency: lawyers must uphold a high standard of timeliness precisely as the state reciprocates with sluggishness.

This dynamic showed powerfully within the context of immigration courts. Tweets from "Fake EOIR," a Twitter account parodying the Executive Office for Immigration Review (EOIR) popular amongst immigration attorneys, capture the patterns of communication that lawyers cynically expect from the courts: "Surprise! All individual hearings are now rescheduled for tomorrow. Hearing notices are in the mail," read one Fake EOIR tweet from July 2020. Another widely retweeted Fake EOIR quip: "As previously announced, some courts have resumed hearings, some never stopped hearings, some will be opened and closed and opened again on an arbitrary basis, and if anything gets lost in the shuffle while this is happening, it's the respondent's fault." The reality of asylum lawyering is tragically not far off from the sinister world conjured by the Fake EOIR account. The real EOIR continued to list certain hearings on its calendar even when it had postponed those hearings. As court dates approached, my participants prepared for their hearings while simultaneously devising fallback plans in case of a last-minute cancellation.

Notably, delinquency on the part of the state pushed lawyers to sleuth out critical information on their own when possible—in effect, externalizing the costs of information-sharing to advocates (Longazel 2018). The need for this additional labor expands the asylum lawyer's role as investigator. It also thickens both domestic and cross-border networks of advocates, who must increasingly share local insights to inductively piece together the thrust of emergent but unannounced state policies. Throughout the arc of the COVID-19 pandemic, my participants

largely relied on unofficial rumors about when courts may or may not close or reopen. In one meeting towards the start of stay-at-home orders, an attorney reported that court clerks had said the courts might close and that someone had seen a closure sign posted at the courthouse, but that they still lacked certainty because the court offered no formal announcement. In mid-May 2020, Liz heard on a call that DHS attorneys had received directions to prepare for imminent re-openings, prompting our team to proactively make plans for the resumption of hearings—but of course in the end, most courts did not restart hearings until late September 2020.

Detention centers similarly failed to communicate about their shifting court protocols and left it up to advocates to make educated guesses as to what rules would govern. To account for the pandemic, Adelanto Detention Facility developed new criteria around who would be allowed to enter the facility but did not share these new criteria with lawyers. In advance of one detained docket hearing, Carrie tried in vain to get answers about the new protocol; the most she could decipher was that the facility *may* turn away anyone who had recently traveled overseas. Since Carrie had recently returned from a work trip to Mexico to advance MPP-related advocacy, this meant she might be blocked from attending the hearing. Unable to confirm this, however, Carrie resigned herself to "driving six hours into the desert at 6am tomorrow only to maybe not be let in." If the Adelanto detention officers did not let her in, her remaining option would be to beg them to let her participate in the hearing by phone.

My participants saw in courts' poor communication the potential for heightened confusion and stress amongst their clients; accordingly, they felt obligated to make up for this deficit and disseminate reliable information themselves. Particularly towards the start of the pandemic, lawyers feared that the government's failure to deliver timely and unequivocal updates on court closures would leave asylum seekers doubtful about whether or not to appear for hearings. One

lawyer pointed out that people likely wouldn't feel safe not showing up to court simply because a friend of a friend who happened to be a lawyer told them about the closure. Another pointed out that asylum seekers may show up to a court only to find it closed, leaving them unsure what to do next. Since the state had failed to resolve this confusion amongst migrants, lawyers took up the additional work of devising ways to get accurate information out to immigrant communities swiftly via social media, community education, and other channels.

Working Around Standstills

Finally, my fieldwork revealed the extent to which lawyers contend with the government's selective leveraging of systemic standstills. Backlogs notoriously delay the U.S. asylum system, frequently leaving applicants to wait years before receiving a decision on an asylum claim—enduring what feels like an "irrational, meaningless and endless time" (Griffiths 2014). People lobbying in support of more restrictive asylum policies often frame these procedural standstills as a worrisome loophole that gives fraudulent applicants the ability to legally remain in the United States for long periods. Yet it is the state—not migrants—that manipulates these backlogs for its own purposes. The government utilizes these standstills to foreclose access to asylum. In viewing these instances of "suspended time" (Griffiths 2014) from the perspective of asylum lawyers, standstills suddenly began to seem tactical rather than coincidental.

Procedural suspensions pushed asylum lawyers to place whole areas of their professional portfolio on hold while they waited for the government to once again enable forward movement. Most notably, in the context of the Remain in Mexico program (officially labeled inaptly as the Migrant Protection Protocols, or "MPP")—a program that required asylum seekers seeking entry to the United States via the southern border to wait indefinitely in Mexico to present their U.S.

asylum claim—lawyers waited and waited some more for the government to announce the recommencement of MPP hearings. But eventually, even as hearings in U.S. courts restarted, it became clear that the Trump Administration had no plan to restart MPP hearings anytime soon. The whole initial premise for MPP itself stood on the idea that the U.S. asylum system could not handle more incoming applicants. The migrant camps that developed on the Mexico side of the border tangibly made visible the extent of underlying procedural delays. But in the view of many lawyers, under cover of COVID-19, the government delayed the resumption of MPP hearings beyond any reasonable timeframe, in this way further exacerbating backlogs. Moreover, the program's paralysis left lawyers utterly unable to provide meaningful legal support to would-be asylum seekers waiting in MPP. Ultimately, they elected to work around this—they adapted their priorities to attend instead to adjacent populations they *could* realistically assist immediately:

> Liz says the other concern that keeps her up at night is that MPP cases are not moving forward. She confirms there are no future hearing dates, and that most people think that there will not be a hearing until after the [presidential] election at least…. She expresses empathy: ultimately, it's pretty heartbreaking for those people who are stuck in Mexico with no end in sight. She says *we're thinking about shifting and maybe doing more MPP appellate work for the people who have already done the first stage.*

Here, advocates adjusted by shifting their short-term attention to a new client base while still drawing upon their legal toolkit—in this case, appellate representation.

The government's long-term suspension of processing could also push lawyers to reconfigure their purpose within the context of a blocked case. Where standstills made meaningful legal progress virtually impossible, attorneys necessarily related to their clients in new ways: the day-to-day work of those cases became more about *witnessing* or *accompanying* clients than about actively advancing their individual interests. Lawyers intimately witnessed the stress produced in their clients by seemingly unending delays. In an effort to help clients cope, they sometimes

undertook legal work at clients' direction, even knowing that a particular avenue would unlikely lead to a change in circumstances. As they went through the motions of certain dead-end processes, lawyers' efforts amounted more to an emotional labor of affirming hope and resistance than to a legal labor that could actually change the client's material circumstances. For example, I once helped Layla prepare humanitarian parole and non-refoulement interview (NRI) applications for a client stranded in MPP—two Hail Mary-type mechanisms for winning entry into the United States that at the time had a practically nonexistent success rate with adjudicators. Layla emphasized to me multiple times—I suspect because she wanted to manage *my* expectations—that she had little to no hope that these petitions would actually get the client across the border. But she wanted to do *something* for him, because he contacted her desperately every day, reiterating that he didn't feel safe in Tijuana. Layla explained that he regularly called her to say that he was getting in line to enter the United States, and every time she replied the same: "I don't think that's going to work out for you, but do let me know if you make it in." Rather than leave her client alone to habitually practice this likely futile—but completely understandable—insistence on justice, Layla affirmed him by embracing an ethos of persisting against all odds over the more conservative rationale of her technical legal training (*Cf.* Longazel 2018).

Conclusions

This paper has responded to calls to focus attention on the temporal aspects of international migration. Time is a deeply salient issue for people operating within the U.S. asylum system. Like domestic asylum systems elsewhere in the world, the U.S. asylum system operates paradoxically with both too much and too little momentum. But this apparent disarray conveniently serves the interests of the state. By spotlighting the day-to-day experiences of asylum lawyers in Los Angeles,

this paper affirms that the seemingly neutral temporal rules of U.S. asylum procedure are not neutral at all; rather, they constitute a highly effective vehicle of state control within the immigration context. The state intermittently weaponizes time in two directions, mobilizing aggressive efficiency when this strengthens state power and generating dramatic inefficiency when doing so will undermine advocates' efforts and refugees' rights.

Asylum advocates witness at ground level the everyday mechanics through which the state routinely enacts this temporal violence. Lawyers are uniquely positioned to resist temporal violence within the asylum regime, though the state generally maintains the upper hand and subjects lawyers to unfair double standards with regard to timeliness. When possible, advocates anticipate and get out ahead of weaponized efficiency; alternatively, they collaboratively delay its enactment to buy themselves more time. When lawyers confront weaponized inefficiency, they often expand or redefine the scope of their work to persist around the state's obstructions. When asylum attorneys cannot meaningfully preempt temporal violence, they at least perceive and call out the concrete ways that state actors' interference with time undermines the right to asylum. Lawyers' experiences of the U.S. asylum system's temporal contradictions thus help make sense of how precisely states leverage time to exert control over migration.

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