UNIVERSITY OF CALIFORNIA SAN DIEGO

(Un)Authorized Love:
US Immigration Law and the Effects of Institutional (Dis)Approval on Mixed-Citizenship Families

A dissertation submitted in partial satisfaction of the
requirements for the degree of Doctor of Philosophy

in

Sociology

by

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2018

The Dissertation of Jane Lilly López is approved, and it is acceptable in quality and form for publication on microfilm and electronically:

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DEDICATION

For all who have dared to love across borders

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ABSTRACT OF THE DISSERTATION

(Un)Authorized Love:
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Jane Lilly López

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Professor David FitzGerald, Co-chair
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This dissertation examines how the law creates social categories that exacerbate social inequality through the context of mixed-citizenship American families. It has two main research questions: first, how do US immigration laws categorize individuals and families and determine whether or not families qualify for official membership in the US? Second, how do mixed-citizenship families navigate the US immigration system and its outcomes? My project draws on extended in-depth interviews with over fifty mixed-citizenship couples living within and outside the US, supplemented with extended ethnographic observation of a subset of families and legal

analysis of the US immigration laws associated with spousal reunification.

My research reveals that the current family reunification system in the US promotes a system of socioeconomic class preferences—regarding the class status of both the citizen and immigrant spouses—rather than family reunification between US citizens and their non-citizen partners. Recent legal changes specifically penalize lower class immigrants and citizens and limit their ability to access what is purportedly a universal citizenship right. I also find that bias in these laws as written is exacerbated in practice, as families' varied approaches to engaging with the law also affect their family reunification outcomes. Families with more social, educational, economic, and legal capital are often able to navigate—and even manipulate—the law in ways to secure a positive immigration outcome, even when they do not technically meet the legal requirements for qualification. Families without these resources, who disproportionately face the class-based barriers to family reunification mentioned above, are even less likely to secure a positive legal result, leading to a long-term and potentially permanent bar to legal status in the US. Families' opportunities and outcomes shift dramatically depending on whether they can secure legal immigrant status or not. Those that do experience increased incorporation by both partners into American society and maintain stronger ties in the immigrant partners' country of origin. Those that do not undergo dissimilation from the US and alienation in both the US and abroad. I also find that transnational actors also bear a burden of alienation and dislocation, even as their regular movement across borders builds relationships and connections between individuals and communities that would otherwise remain disconnected.

Chapter 1—Introduction: Love and the Law

For Angelica and Ramses, the saying that "love is blind" seemed to fit their story well. Their mutual physical and emotional attraction was not blind, rather their love for each other blinded them to the less-attractive details of each other's lives. As Angelica described:

> We found each other and—rather, we fell in love without knowing each other and our situations really well. And I thought, "Oh, he doesn't have papers. He voluntarily deported. We can fix that." It [falling in love] was all really easy. We didn't think, "It's going to take many years. It's going to be very expensive. We're going to have to—I'm going to have to live in Mexico as long as he can't cross." We didn't think about any of that. We didn't think, "When we have children, I will have to give birth to them alone. He won't be there with me." […] There was simply a connection between us, and our problems have come little by little. When they have come, that's when [we say], "Ok, and what will we do about this?" But the connection was about falling in love, regardless of whether or not it was convenient.

Angelica's eyes only slowly began to see the significance of her husband's deportee status long after they fell in love. For many mixed-citizenship couples living within and outside the US, this is their story: love came first. But what happens when your choice to love challenges a state's power over its sovereignty and its ability to determine who does and does not belong?

A great contradiction in US immigration law is that it prioritizes love-based mixed-citizenship marriages between US citizens and non-citizens above nearly all other citizen-noncitizen relationships—including other family relationships and employer-employee relationships—*yet* it excludes many couples in these love-based marriages from accessing legal immigration status in the US. While the US Congress has used legislation related to mixed-citizenship marriage as an opportunity to privilege love-based relationships, it has also

increasingly imposed punishments on immigrants in spite of their intimate relationships to US citizens. This contradiction emerges because of the inherent challenge that mixed-citizenship couples pose to state authority. Citizens who choose to marry non-citizens wrest control from the nation-state in deciding who belongs and who does not, challenging the state to either declare the entire family unit a welcome member of society (even if the non-citizen might not otherwise qualify for membership as an individual) or dismiss the family altogether, including citizen family members who have always "belonged."[1] Mixed-citizenship families create unreadable family bodies, "challeng[ing] the ability of states to identify persons of 'their own' from others" (Muriá and Chávez 2011:361).

In an increasingly globalized and interconnected world, states' ability to identify their members and distinguish them from others has grown more essential to ensure their long-term stability and viability. Citizenship—an "abstract, formal construct," a legal fiction—is designed to aid states in determining who "legitimately" belongs within their borders (Brubaker 1992:30). For those individuals granted citizenship, it becomes a type of contract with the state, implying a certain level of loyalty and service rendered by the citizen in exchange for a "bundle of rights" granted to the citizen by the state (Herzog 2011:79; Marshall 1949). Citizenship functions as "both an instrument and object of closure," creating a legally and ideologically established distinction between citizens and foreigners. Though public discourse on citizenship tends to focus on the rights and benefits associated with it, citizenship is principally designed to meet the needs of the state rather than those of its members (Herzog 2011). Mixed-citizenship couples, composed of one citizen and one non-citizen, pose a direct threat to the citizenship regime as

[1] This is especially the case when the non-citizen spouse has not been officially authorized to enter or remain in the country where the couple meets.

states must consider whether or not a whole *family* belongs, rather than determining membership on an individual basis. This can lead states to either accept as members those who would not otherwise qualify for membership or reject its legitimate members based on their relationships to non-citizens. Both of these options pose potential risks to states and represent a threat to their sovereignty.

In the United States, lawmakers have historically prioritized family reunification—including granting legal immigration status and providing a path to citizenship—for the spouses of US citizens. Today, an average of 285,000 US citizens access family reunification for their non citizen spouses every year (Baugh 2017). But the US also denies those same opportunities to many other mixed-citizenship American families. The law's disparate treatment of mixed-citizenship families produces very different outcomes regarding these families' daily access to opportunity, as well as their incorporation in society and their orientation toward the state and its laws. Small but key clauses in US immigration laws differentiate between mixed-citizenship couples based on class, national origin, and previous immigration status (among others) leading to the formal acceptance of some families and the rejection of others (Colon-Navarro 2007; López 2008; Salcido and Menjívar 2012). Couples receiving positive outcomes—legal permanent residency and eventual citizenship for the non-citizen spouse—can experience both spouses' enhanced sense of belonging to the US and pride in their citizenship. Conversely, those families barred from living together legally within the US generally feel alienated from and rejected by the state (López 2017b).

The unique nature of mixed-citizenship couples as a crossroads between immigrant and citizen makes them an ideal site for the study of the intersections between immigration,

citizenship, and family law on the books and in action. Through interviews with mixed-citizenship couples, supplemented with analyses of recent policies directed toward mixed-citizenship families, this project seeks to answer the following questions:

What is the reach of citizenship (and non-citizenship) beyond individuals to their family members? How is citizenship experienced by families with mixed-citizenship status? To what extent is family unity enabled and protected (or not) under US law?

Why do different mixed-citizenship couples experience divergent outcomes in immigration law? What individual and familial traits contribute to these disparate outcomes? How do notions of worthiness embedded in the law shape outcomes? Are families able to shape family reunification outcomes and, if so, how? How do these outcomes affect immigrant and citizen integration in society?

How do assimilation processes unfold within the context of the family? Do family-level conditions shape individual assimilation processes and outcomes? If so, how?

How do laws shape binationality and transnationality? Which kinds of mixed-citizenship families engage binationally and transnationally? How? And why?

In my effort to answer these questions, I also probe larger questions regarding who gets to belong in the United States (and who decides), as well as the impacts of the resulting inclusions and exclusions on individuals, families, and society as a whole.

Family and Citizenship

A focus on family-level citizenship challenges liberalist claims over the nature of the relationship between citizens and the state. Liberals assert that society is composed of atomized individuals, "unencumbered selves," whose interactions with the state and society occur on a purely individual level, unburdened by other social relationships and networks (Rawls 1971; 1985). Unencumbered by the weight of their identities and social responsibilities, individuals living under these conditions can be the authors of their own futures and define what is good and right on their own terms. The role of the government in this liberal vision is to remain as neutral as possible in order to free individuals to define themselves and their purpose on their own, without a predefined preference for some priorities or outcomes over others (Schuck 2002). But communitarians challenge both the ability of individuals to make decisions detached from their social relationships and obligations *and* for the government to maintain neutrality rather than promote policies that prioritize the common good over individual right. Communitarians argue that some "of our roles are partly constitutive of the persons we are" and therefore it is impossible for us to completely detach our goals and notions of good from those roles and relationships that compose a portion of our identities (Sandel 1988:62). As such, our understanding of what is good and just centers on common goals and needs, rather than a purely individualistic interpretation.

At the heart of the debate between liberal and communitarian citizenship is the prioritization of preserving and facilitating individual rights in the former and the prioritization of the common good in the latter, as summarized by Sandel (1988:61):

> Rights-based liberalism begins with the claim that we are separate, individual persons, each with our own aims, interests, and conceptions of the good, and seeks a framework of rights that will enable us to realize our capacity as free moral agents, consistent with similar liberty for others. […] Communitarian critics of modern liberalism question the claim for the priority of the right over the good, and the picture of the freely choosing individual it embodies. […] They argue that we cannot justify political arrangements without reference to common purposes and ends, and that we cannot conceive our personhood without reference to our role as citizens, and as participants in a common life.

Sandel (1984:82) allies himself with communitarian critics of rights-based liberalism, asserting that "the claim for the priority of the right over the good ultimately fails." He also notes that, despite the "philosophical failure" of liberal citizenship, it is the primary framework "most thoroughly embodied in the practices and institutions most central to our public life" (82). This is true in American immigration and citizenship law, as modern citizenship policy shows a persistent effort to move away from viewing citizenship as a family matter toward a more individualized conception (Chacón 2007a; Colon-Navarro 2007; Fix and Zimmerman 2001; López 2008). This rhetorical separation of immigrants from citizens has enabled American lawmakers to increasingly criminalize immigrants and lower the standard of their treatment under the law. Over the past thirty years, many policies directed toward immigration and immigrants have been deemed by the US Supreme Court to be "unacceptable if applied to citizens" but have not been overturned, reinforcing the notion that immigrants do not deserve the same protection of rights that is granted to citizens (Abrams 2007; Kanstroom 2007; Ngai 2004:12).

Historically, citizenship and family have been inseparably linked in US law (Aleinikoff 1986; Bredbenner 1998; Cott 1998; Volpp 2006). Between 1855 and 1922, noncitizen women who married US citizen men were automatically granted US citizenship; similarly, from 1907 until 1922, US citizen women who married foreign men lost their citizenship upon marriage, as the demands of familial fidelity were presumed to be greater than those of national allegiance (Bredbenner 1998; Cott 1998). While these laws have changed significantly over the past century, family reunification policies—founded on the notion that marriage and family are natural human rights that should not be impeded upon by nationality laws (see In re *Chung Toy Ho and Wong Choy Sin* 1890:398)—remain an important focus of US immigration policy, enabling men and women to sponsor their spouses for permanent residency in the United States (Abrams 2013; Colon-Navarro 2007). Historically and under current immigration laws, family continues to be a "firmly entrenched, privileged category in American immigration policy" (Lee 2013:101).

But the privileging of family and familial relationships in immigration policy is not equally accessible to all families. Federal lawmakers have used immigration policies to define ideal family types and favor those families over others, helping to both literally and figuratively shape a national identity (Abrams 2007; Lee 2013). Family definitions imposed in reunification laws have been used to exclude same-sex couples and racial minorities, among others (Lee 2013). Family reunification laws have become a larger part of a national process of "*family ideation*—a conceptualization of what family means, constitutes, and features in terms of its idealized characteristics, such as gender or sexual norms, class ideals, and racial or ethnic attributes" (Lee 2013:6). This process has included the identification of some families as

"legitimate and meritorious" of family reunification and others as unworthy, producing diverse effects both within and between families. Within families, variations in individual family-member status "challenge and recreate divisions of power" (Dreby 2015:59). Distinctions between the families deemed by the law to "belong" and those who do not shape both opportunities and outcomes for individual families and the broader national understanding of what it means to be American (Abrego 2008; Lee 2013). While previous scholarship has focused on immigrants' access to family reunification, this project adds to this canon by studying the ways immigration laws shape *citizens'* (potential) families, not just the (potential) families of immigrants.

As the definitions of family have changed over time, they have also revealed the instability of identity categories, such as race and gender, and exposed the plasticity of both the law and the subjective categories it purports to uphold as real, fixed, and unchanging (Calavita 2006). In the case of mixed-citizenship families, the law itself generates the contradictions that lead to the dissimilation of citizens married to immigrants and result in some families becoming "impossible" by legally privileging certain interpersonal relationships—such as marriage—while simultaneously limiting status and rights to the individual (López 2015). As a result, only the rights and benefits extended to the least entitled family member (the noncitizen, legal or undocumented) are applicable to the family as a whole.

Grounded in the experience of mixed-citizenship couples, I also argue in support of the communitarian understanding of citizenship as a social role "rooted in community," a category, role, tie, and identity that shapes and is shaped by our relationships with others (Delanty 2002:160; Tilly 1995). Mixed-citizenship families' experiences demonstrate the continued

relevance of social institutions such as the family in an increasingly individuated modern world. Though "family and community influences have been weakened" with the rise of the "individualization of behavior," those influences have not been removed altogether (Thomas 1923:70, quoted in Levine 2005:151). The vast majority of individuals in society are still organized into families, and family relationships continue to shape the lives of those individuals in ways both mundane and profound. Though the law is based on categories and separations of groups and individuals, our social order inherently defies almost all of those categories, making it impossible for laws to be exclusively applied to one group without having spillover effects in the lives of others who associate with them. The trend of individuation precipitated by rights-based liberalism—specifically as it has been incorporated into the law—has overlooked the enduring importance of social relationships, particularly the legally formalized relationships of the family.

Mixed-Citizenship Couples

Because of the incongruence between their individual- and familial-level citizenship status, mixed-citizenship couples embody the convergence of immigration and citizenship law and provide a unique example of how these laws interact and conflict in everyday practice. Different kinds of mixed-citizenship couples experience these laws in different ways, as social class, legal status, and country of residence can affect access to family reunification benefits. This study includes families along the full spectrum of immigration statuses, including those with or without legal authorization living within and outside of the US. Mixed-citizenship

families inherently belong to more than one country, and this study acknowledges that fact by examining the experiences of families living within and outside the US.[2]

Mixed-citizenship families represent a significant and growing proportion of contemporary immigrant families and the broader US population. 2011 American Communities Survey data suggest that 7.8 percent of all married couple households in the US—approximately 4.1 million households—are "mixed-nativity" couple households (one US-born spouse, one foreign-born spouse [Larsen and Walters 2013]). This includes couples with different immigration statuses; foreign-born spouses could have legal permanent residency, temporary legal immigration status, undocumented status, or US citizenship through naturalization. Millions more mixed citizenship families live outside of the US. This study includes families falling under three different US immigration statuses:

> **"Legal" families:** Hundreds of thousands of US citizens' spouses receive permanent residency each year (Baugh 2017). Many of these individuals are spouses or fiancés of US citizens living outside of the United States. For those spouses already residing within the US, if the immigrant spouse entered the US with a visa—even if the visa has since expired—the US citizen spouse can sponsor him or her for legal permanent residency and an adjustment of status from within the US.

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[2] It is for this same reason, among others, that I choose to refer to these families as "mixed-citizenship," rather than "mixed-status." First, the term "mixed-status" is too vague, as couples could have mixed socio-economic, employment, and/or educational status, among others. Second, even if it is clear that the mixed-status refers to a mix of legal immigration statuses within the family, the emphasis on a state-controlled status limits the term to discussion of couples and families living within the US. Emphasizing the mixed citizenship of these couples not only helps to clarify the types of couples studied here, but also highlights the fact that both partners in each couple possess *a citizenship*, even if not from the United States. In fact, it is the non-American's possession of citizenship in another country that enables their deportation and other punishments that often force mixed-citizenship couples out of the United States. Finally, studying "mixed-citizenship" couples rather than "mixed-status" couples facilitates cross-cultural and cross-national study and comparison, as there are mixed-citizenship couples living across the globe, though not all of them are necessarily mixed-status.

"Unauthorized" families: At least nine million people living in the United States are part of a mixed-citizenship status family, with at least one undocumented immigrant adult and at least one citizen family member (Taylor et al. 2011). Estimates of the number of "undocumented" mixed-citizenship couples living in the US—with one US citizen spouse and one undocumented spouse—range from about 375,000 (Passel 2006) to 1,107,000 (Fix and Zimmerman 2001; Suarez-Orozco et al. 2011).[3] Because of requirements put forth in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, it is very difficult for undocumented immigrant spouses of US citizens residing within the US to adjust to legal immigrant status without leaving the United States for an extended period of time (Gomberg-Muñoz 2015; see Chapter 2). Thus undocumented family status is usually long-term, rather than a temporary condition (Dreby 2015).

"Extraterritorial" families: Other mixed-citizenship families live outside of the United States, often as a result of strict immigration laws that prohibit one or more family members from living lawfully within the United States. Recent data from the Migrant Border Crossing Study show that about one-half of Mexican deportees have a US citizen family member, such as a spouse, child, and or/sibling (Slack et al. 2015). There are many motivations for mixed-citizenship couples to live outside the US beyond deportation or voluntary removal. Some mixed-citizenship couples live outside the US as a result of personal preference; others do so because they are unable to afford the fees associated with family reunification. While these mixed-citizenship couples are often overlooked in the literature, they comprise an important cohort whose divergent

[3] Due to the invisibility of mixed-citizenship status, these estimates are likely to be conservative.

experiences with the law and decisions to live outside of the US reveal important truths about citizenship and immigration law and the durability of family relationships.

By including mixed-citizenship families with the full range of statuses vis-a-vis the US government, this project yields a much clearer picture of the full spectrum of legal outcomes that mixed-citizenship families can experience and how those outcomes shape (and are shaped by) identity, sense of belonging, and legal interactions.

Little research has been conducted regarding mixed-citizenship families, but the existing research has revealed important trends (Bhabha 2004; Dreby 2012; Fix and Zimmerman 2001; Schueths 2009, 2012; Suarez-Orozco et al. 2011; Thronson 2006; Trucios-Haynes 1998; Yoshikawa 2011). Research on citizen children with noncitizen parents (Bhabha 2004; Dreby 2012; Leiter, McDonald, and Jacobson 2006; Suarez-Orozco et al. 2011; Thronson 2006; Yoshikawa 2011) and adult citizens with non-citizen spouses (Schueths 2009, 2012, 2015) has demonstrated the interference of immigrant family members' status with citizens' ability to access rights, relegating these citizens in mixed-status families to a "second-class citizenship" (Gomberg-Muñoz 2016; Schueths 2012:97; Thronson 2006). Dreby's (2015:180) study of families with varied immigrant statuses, including some mixed-status families, revealed that legal status is "not just an administrative category, but a departure point for social differentiation," stratifying citizens and non-citizens both socially and legally, even within the context of their nuclear family unit.

In a preliminary project on US citizens in mixed-citizenship marriages, I found that, despite being an individual-level status, citizenship has family-level effects. While it seems natural to want to talk about diminished rights in the context of mixed-citizenship families, my

preliminary research revealed that the individualistic framework of citizenship and the rhetoric of rights ignore the effects of citizenship and rights (or lack thereof) that extend beyond the individual to the family. For citizen spouses of immigrants, a focus on rights actually reveals that none of the citizens' rights are technically violated or removed as a result of consequences their spouses face in relation to immigration law. Yet these citizens do face limitations in their ability to enjoy those rights alongside their spouses and children. Only the rights and benefits extended to the least entitled family member (the noncitizen, legal or unauthorized) are applicable to the family as a whole. While family reunification policies extending the benefits of citizenship beyond the citizen to her immediate family demonstrate the family-level reach of citizenship, noncitizen status also reaches beyond individuals to affect their family members both physically and emotionally (López 2015, 2017b). In this project, I build on my preliminary findings, as well as the work of other scholars, to examine the role of legal and institutional factors in shaping social experience within and beyond the family.

Contributions

This project contributes to theoretical understandings of citizenship, immigration, assimilation, transnationalism, and legal consciousness as they relate to law and the family. My analysis of institutional factors—legal definitions of citizen, immigrant, and family—reveals the extent to which legal and social structures shape experiences and outcomes for citizens, immigrants, and their families. A major theoretical contribution of this project is the finding that citizenship and immigration laws (and the identities associated with them) are experienced at the familial level. Despite increased individuation in immigration and citizenship laws, these laws'

effects extend beyond the individuals they target to those individuals' immediate family members. Shifting the unit of analysis from the citizen or immigrant experience to that of the mixed-citizenship family reveals the centrality of family in shaping individual experiences and opportunities. And, for most mixed-citizenship families, family preservation outranks national fidelity as an individual and family-level priority. This is reflected in the ways families respond to the impacts of family reunification outcomes (both positive and negative), as well as the ways in which families choose to approach the law in the first place. Many families engage the law (and disengage from it) strategically in order to secure the best possible *family-level* legal outcome, even if that approach brings with it sub-optimal outcomes (either temporary or long-term) for individual family members. These findings also affirm and reinforce communitarian understandings of citizenship.

My examination of the individual and familial characteristics that lead to different legal outcomes also reveals the extent to which identity and status categories—and the laws that uphold them—are both constructed and consequential. Though citizenship is merely a legal fiction, an invisible and wholly constructed identity, possessing it can significantly impact one's access to opportunities, not only for themselves, but for their family members as well. Similarly, gender, race, ethnicity, and social class intersect with citizenship status in ways that further enhance or impede access to opportunity. Mixed-citizenship couples embody both the fiction and reality of citizenship and illegality, and their experiences suggest a number of ways in which laws and policies could easily be adapted to prioritize legal and literal facts, such as family relationships, over these legal fictions.

Finally, this project provides an important contribution to the literature as the first to ever study the full effects of US immigration law by systematically including families living within and outside the US. By overlooking mixed-citizenship families that live outside the US, existing scholarship has not yet fully explained the opportunities and constraints mixed-citizenship families face, as the option of living together in the non-US citizen spouse's country of origin is often provided as a justification for denying that spouse's visa application, enforcing a deportation order, or otherwise limiting a family's ability to obtain legal immigration status within the US (e.g., *Kerry v. Din* 2015). This project contemplates living outside the US as an option families can consider due to personal preference or in response to deportation or the inability to access family reunification. Including these families' experiences expands our understanding of the law on the books *and* the law in practice and further clarifies the family-level reach of (non)citizen status.

Research Design and Methods

In order to assess the intersection of immigration, citizenship, and family law, I interviewed fifty-five mixed-citizenship couples[4] living within and outside the United States. I also conducted a policy analysis of the two most significant policies impacting mixed-citizenship couples.

[4] The interview portion of the study included a total 108 participants. One participant was recently widowed; a second participant was divorced, and I was unable to interview her former husband.

Policy Analysis

Mixed-citizenship couples' experiences with the law are shaped by immigration and citizenship laws themselves, as well as their interpretation and implementation by legal authorities. To understand how the details of these policies are established and their effects once implemented, I conducted a policy analysis of the two primary laws governing US family reunification for mixed-citizenship couples: the 1986 International Marriage Fraud Amendments (IMFA) and the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). While preserving family unity and facilitating the reunification of families have been central tenets of US immigration legislation for over a century, recent laws have made family reunification between certain kinds of mixed-citizenship couples more difficult. The IMFA introduced new standards to clarify which marital relationships qualify as "legitimate" marriages for the purposes of family reunification. The IIRIRA introduced new income thresholds for citizen sponsors and penalties for unauthorized non-citizen spouses that limited access to family reunification for many mixed-citizenship families. In my analysis, I examine congressional hearing transcripts and the policies themselves to probe the stated motives behind the laws and how Congress translated those priorities into law. I also use data from my interviewees to analyze how those policies function in practice.

Interviews with Mixed-Citizenship Couples

Of the fifty-five couples I interviewed, 31 were living within the US and 24 were living outside the US (23 in Mexico and one in Guatemala). Families living within the US included those who were currently unauthorized (8), formerly unauthorized (8), or who had maintained

continuous legal immigration status within the US (15). Those living outside the the US included families in which the non-US citizen spouse had experienced deportation or removal from the US (9), those with authorized or "pre-authorized" status to enter and/or live in the US[5] (9), and those with no legal relationship to the US (6).

Participant couples were limited to those with one US citizen spouse (of any gender and ethnicity) married to an individual born in Mexico, Guatemala, El Salvador, or Honduras. Because current US immigration law treats visa overstayers differently from those who crossed the border without inspection, limiting the study to individuals from countries from which visa overstaying *and* entry without inspection (primarily due to geographic proximity) are viable options was necessary to enable the most informative exploration of the varying treatments of mixed-citizenship families under US immigration law. As the top source of both legal permanent residents and undocumented immigrants, Mexico was the most appropriate source country to study, and mixed-citizenship couples with a Mexican spouse composed a majority (48 of the 55 families) of those included in this study. A smaller cohort of couples with roots in El Salvador (five families) and Guatemala (two families) was also included in the study to help expand our understanding of the mixed-citizenship experience beyond the US-Mexico context while still enabling comparisons between legal, unauthorized, and extraterritorial families.

To the extent possible, I also sought to ensure participant variation in other important individual and familial characteristics, including gender, class, age, ethnicity, sexual orientation, and parental status (Abrego 2008, 2011; Colon-Navarro 2007; Dreby 2012, 2015; Jiménez 2010;

[5] The term "authorized" refers to (originally) non-US citizen spouses who had acquired lawful permanent residency status and/or US citizenship following marriage to their US citizen partner. The term "pre-authorized" refers to non-US citizen spouses who already possessed a valid non-immigrant visa (such as a tourist visa) but who had not applied for permanent residency or any other immigrant visa to the US.

Kymlicka 1995; Menjívar and Abrego 2012; Menjívar and Bejarano 2004; Salcido and Menjívar 2012; Vasquez 2015; Waters 1999).[6] Of the 55 couples, 20 included a male US citizen partner and a female non-citizen partner. Thirty-four were composed of a female US citizen partner and a male non-citizen partner. One included a female US citizen partner and a female non-citizen partner. The class and educational background of both the US citizen partner and the non-citizen partner varied across the couples (and, often, within couples), with the following distribution: working class (14), mixed working-middle class (19), middle class (12), mixed middle-upper class (5), upper class (4), mixed working-upper class (1). Of the non-citizen participants, 14 did not finish high school, 18 had graduated from high school, four had some college experience, 12 had a bachelor's degree, and seven had a master's, professional, or doctorate degree. Of the citizen participants, one did not finish high school, nine had graduated from high school, 10 had some college experience, 26 had a bachelor's degree, and nine had a master's, professional, or doctorate degree. Participants' ages ranged from early twenties to mid-sixties, with most participants between the ages of thirty and forty-five. Most of the couples had similarly-aged partners, although one couple had partners with an age difference of over twenty years. Of the US citizen partners, 24 were Latinx and 31 were non-Latinx White. Most couples had been married between 5 and ten years at the time of the study, though the length of their marriages ranged from being newlyweds of just one week to having been married for more than thirty years. Additionally, one couple was engaged to be married and applying for a fiancée visa. At the time of the interview, 46 couples had children and one couple was expecting their first child.

[6] Given that federal immigration law does not recognize unmarried cohabiting couples for family reunification purposes, members of these types of mixed-status couples did not qualify for inclusion in this study. Married mixed-citizenship couples, engaged couples applying for a fiancé(e) visa, and divorced individuals formerly in a mixed-citizenship marriage were included in the project.

Due to the sensitivities related to immigrant status in the US context, most mixed-status families are not readily identifiable. In order to identify qualifying couples, I employed a purposive snowball strategy through the use of my personal and professional networks. About one-quarter of the couples I interviewed were families in which I personally knew one or both spouses prior to this research project. I was linked to about half of the couples through my direct networks and through the recommendations of other study participants. I made contact with the remaining study participants (just over one-quarter) through professional and social media networks, including private Facebook groups designed around cross-border or binational living whose membership included individuals in mixed-citizenship families.

I conducted open-ended, semi-structured interviews with each couple. In all but four cases, the couples were interviewed together.[7, 8] The goals of the interviews were to understand how the couples' interactions with the law have shaped their relationships within their families, their communities, and their countries. I asked questions to learn more about how the couples met, what their initial notions of family and citizenship were, and if (and how) those notions have changed as a result of their experiences navigating the legal processes of family reunification. I also asked questions to explore how previous orientation toward and experiences with the law shaped each spouse's interpretation of their family reunification process and their

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[7] In two instances, the spouses were interviewed separately because they were unable to find a time in which they were both available to interview together.

[8] While I acknowledge that individuals' responses were potentially affected by the presence of their spouse in the interview, I felt that this arrangement would be most conducive for the study. An assessment of interviews I conducted for my preliminary research, some of which were with both spouses and others with the US citizen spouse only, revealed that respondents often gave richer and more complete descriptions of their experiences when interviewed together. To ensure that both spouses had the opportunity to express themselves, I designed the interview schedule in a way to enable both spouses to share their own opinions and give each other the opportunity to discuss their personal experiences. In instances in which both spouses were asked for their individual responses to the same question, I began with the non-citizen spouse, whose experience was likely to be most different from my own.

current orientation toward the law. In order to better understand couples' sense of belonging, I also asked them to describe their families and how they perceive themselves in relation to US society and the non-US citizen spouse's home country. The duration of interviews spanned from one to three-and-a-half hours; most interviews lasted between one-and-a-half and two hours.

Whenever possible, interviews were held in person (39 of 55 interviews). In these cases, I conducted most interviews in the couples' homes, but I conducted a small number of interviews in cafes, parks, and other public areas, as well as three interviews in my own home. The geographic location of some participants (particularly those recruited online) made some face-to-face interviews impossible; in these instances, interviews were conducted by Skype, Facetime, or phone (16 of 55 interviews). I recorded all interviews with the participants' permission. I conducted interviews in both English and Spanish, depending on the interviewees' preference. Once completed, all interviews were transcribed and coded. To protect their identities, I use pseudonyms for all participants; in some cases, I also needed to change some other potentially identifiable information about study participants, such as their place of employment, to protect confidentiality.

In addition to the in-depth, semi-structured interviews, I also conducted extended ethnographic analysis of six families participating in the study. I chose these families based on their theoretical relevance to my research questions. I followed some of the families as they navigated the US immigration and family reunification system: one (outside the US) as it applied for a fiancée visa, one (inside the US) as it applied for the Emergency Hardship Waiver and legal permanent residency, and one (inside the US) as it dealt with ICE detention and a deportation order. I followed two additional families living outside the US and dealing with the aftermath of

deportation, one well into its decade-long bar to reentry and one shortly after deportation. The final family was living in the US with current legal status as one partner applied for US citizenship. I was able to spend multiple days following many of these families through their day-to-day routines; with all of the families, I checked in regularly to learn about changes in their legal situations, as well as general family updates. I also bring to this project my own experience as a US citizen in a mixed-citizenship marriage living outside of the US and traveling regularly between countries.[9]

Following the work of migration scholars such as Dreby (2015), Gonzales (2015), and Menjívar and Abrego (2012) and legal consciousness scholars such as Ewick and Silbey (1998), I employed an inductive analytical strategy to look for trends and recurrent themes across interviews. I used the online qualitative data management program, Dedoose, to manage my data analysis. After the interviews were transcribed, I read through each interview individually and coded them for themes. Once I coded all interviews separately, I compared similarly coded portions of the interview across the study population to identify common trends. These common trends form the core of each dissertation chapter.

Overview of Dissertation Chapters

In the first empirical chapter, I examine the two primary laws governing family reunification for mixed-citizenship couples in the US, including both their origins and their

[9] While I generally do not discuss my experience here, I do think my familiarity with many of the unique opportunities and challenges mixed-citizenship couples encounter helped me to both gain access to families and contextualize their responses during the interviews. But, given my closeness to study participants, I also made an extra effort to recognize that our experiences can differ greatly and not to assume to be familiar with their experiences. Whenever possible, I asked participants to elaborate on their responses or to clarify to ensure that I received the clearest possible picture of their experiences and to avoid projecting my experiences on to them.

effects. The 1986 International Marriage Fraud Amendments (IMFA) specifically addressed immigration-based marriage fraud, or the act of fraudulently entering into marriage solely for the purposes of obtaining legal immigration status. In order to reinforce this "unprotected bureaucratic border," the IMFA introduced standards to more clearly define which marriages qualify as "legitimate" for family reunification purposes, forcing mixed-citizenship families seeking family reunification to adhere to a much narrower notion of the appearance and substance of marriage than their same-citizenship couple counterparts. Though designed to curb rampant[10] marriage fraud, these laws served primarily to confine mixed-citizenship families to a restricted definition of legitimate family life in order to qualify for family reunification (Schaeffer 2012).

Ten years later, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) further limited couples' access to family reunification by forcing both citizen and immigrant spouses to demonstrate their "worthiness" for family reunification. Two specific elements of the IIRIRA—the three- and ten-year bars to reentry and the minimum income thresholds for citizen sponsors of immigrants—directly impact mixed-citizenship families. Spouses of US citizens who entered the US without inspection must return to their country of citizenship for their visa interview. But the bars to reentry mean that, upon leaving the US, those same individuals cannot legally reenter the US for, in many cases, at least a decade.[11] The demographic disparities between visa overstayers and immigrants who entered the US without

[10] Witnesses' claims of fraudulent relationships in more than 30 percent of spouse-based visa applications were later proven to be unfounded.

[11] IIRIRA does allow for couples facing the multiyear bars to reentry to apply for an Extreme Hardship Waiver, which waives the bars to reentry for waiver recipients. In order to qualify for a waiver, couples must prove significant hardship for the US citizen spouse and/or children above and beyond the financial and emotional costs of deportation (Fix and Zimmerman 2001).

inspection means that this penalty almost exclusively affects only lower-income, less-educated, mostly male unauthorized immigrants from Mexico and Central America. The minimum income thresholds require US citizen spouses to prove that they can support their spouse and keep her from becoming a public charge. Citizen spouses whose earnings fall below 125 percent of the poverty level cannot sponsor their spouse for family reunification.[12] Given inequalities in income and access to employment, this policy also disproportionately impacts certain kinds of citizens, including women, non-Whites, and the disabled.

Together, these two laws have created a hierarchy of mixed-citizenship families, enabling some to access all the benefits of family preservation and reunification while excluding other, similar families from those same citizenship rights. Mixed-citizenship couples seeking family reunification do not bear the negative impacts of these two policies evenly. Rather, these policies disproportionately impede specific subgroups of immigrants, citizens, and families, from accessing family reunification. Low-income, non-White (particularly Latino), less-educated, and non-traditional American families bear the overwhelming brunt of these policies' narrowing of family reunification access. The IMFA and IIRIRA prioritize the socioeconomic class (and class background) of citizens and immigrants in mixed-citizenship marriages rather than facilitating the preservation and reunification of American families. As a result, these policy changes have altered the composition of American society and modified broader notions of American national identity and who truly "belongs."

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[12] While a third party could step in as a financial sponsor of the noncitizen spouse in the case that the citizen's income is insufficient, the third party must be willing to accept legally enforceable financial responsibility for the visa applicant for the duration of her stay within the United States (even if the marriage dissolves).

In the second empirical chapter, I trace the role of both structure and agency in determining which families qualify for family reunification and a path to citizenship. While the law on the books clearly defines which families qualify for family reunification, I find that these strict legal categories do not map cleanly onto the families who ultimately receive relief. This is because couples' own agency and approach to the law shapes their legal outcomes. While many of my respondents' experiences with family reunification correspond to Ewick and Silbey's (1998) three types of legal consciousness, a number of the couples' approaches to the law did not. Rather than being "before," "with," or "against" the law, many couples—including both those most likely to receive family reunification and those with the most difficult paths to accessing legal status—chose to "opt out" of the law.

Because family reunification is a citizen-initiated legal process, rather than a state-initiated one, citizens and their non-citizen spouses have the power to decide for themselves whether or not applying for family reunification will likely provide more stability and benefits than that of their current family immigration status. "Opt out" families have an active approach to the law, much as families who are "with" the law, seeing family reunification as a game to be played in which couples' decisions can increase or decrease their likelihood of success. In the case of mixed-citizenship couples seeking family reunification, "with" the law families feel their situation is long-term or permanent and work with the law to present their best case for family reunification. But "opt out" families perceive their circumstances as temporary and, after understanding the full range of options they have, actively choose not to engage with the law until their needs change or their qualifications for reunification improve. Given that legal decisions related to family reunification are final (or, if not final, at least long-term), these

families prefer delaying a conclusive decision regarding their eligibility for family reunification. The decision to opt out does not mean that these families are no longer subject to the law, but the inconsistent enforcement of immigration law can enable families to delay or reject family reunification (or disunification , depending on their circumstances), sometimes indefinitely.

As shown in the first empirical chapter, prejudices built into the law make accessing family reunification more difficult for some citizens and their partners than others. Similarly, mixed-citizenship couples with a more active understanding of and approach to the law (and with more social, cultural, and economic resources to be able to "play" the legal game) are able to secure more favorable family reunification outcomes than the law on the books would suggest. These findings reveal a new dimension of inequality in law's effects, further disproving the claim of law's universality, both with regard to whom it applies and how it is applied.

In the third empirical chapter, I examine the role of (a) legal immigration status and (b) the family in shaping integration and assimilation for immigrants and their family members by examining micro-level (dis)incorporation processes. My findings reinforce the work of other scholars highlighting unauthorized immigrant status as a "master status," in this case for immigrants' full assimilation into the mainstream (Gleeson 2010; Gonzales 2015). And, at least for mixed-citizenship couples, unauthorized immigration status in the US serves as a master status in determining *both* partners' ability to assimilate into *both* the US and the non-US citizen's country of citizenship. Additionally, I find that, at least with regard to some of its dimensions, assimilation processes are driven by conditions at the family level, rather than the individual level. Opportunities for spacial, structural, and social assimilation are all filtered through family relationships and circumstances, enhancing incorporation for some and leading to

the exclusion and disincorporation of others, even those who—as individuals—would otherwise "belong." These findings reveal three important truths about the micro-level assimilation process. First, the family as an institution mediates the assimilation process and has a significant impact on individual opportunities for and processes of incorporation (Enríquez 2015). Second, assimilation is neither unidirectional nor fixed, but rather a fluid process: individuals can move toward or away from the "mainstream," and this can happen as a result of changes in individual or family circumstances (Telles and Ortiz 2008). Finally, integration into one country's mainstream does not preclude ones ability to integrate into that of a second country (Waldinger 2015). In fact, for mixed-citizenship families, greater opportunity for integration in one country enhances opportunities to integrate into the other, too.

Collectively, these findings reveal the central role of the family in shaping individual assimilation outcomes. They also contribute an important first-hand account of the assimilation process. While the vast majority of assimilation literature focuses on multi-generational group change and convergence, much less research details the process of assimilation as it is experienced individually and within the family. The findings presented here demonstrate more clearly the dynamics of assimilation, as experienced by unassimilated immigrants and assimilated citizens, and the role of key social institutions—especially the family—in shaping assimilation processes and outcomes.

In the final empirical chapter, I examine the transnational experience from the perspective of individuals and families engaging in transnational activity on a daily basis. Since the term "transnational" emerged as a theoretical lens through which to understand migrants' ongoing relationships between their home and host communities, scholars have provided hundreds of

examples of migrants' efforts linking individuals, communities, and countries together. Transnationalism has come to represent the preservation of relationships and the creation of new relationships and social networks. It is inextricably linked with processes that unify, connect, preserve, and strengthen relationships that stretch across borders, and scholars of transnationalism have highlighted the ways in which international migrants' cross-border ties have reduced the social and emotional distance between home and host communities.

Utilizing data from interviews with 24 couples living in Baja California in communities adjacent to the US-Mexico border, I find that the experience of transnationalism is, surprisingly, quite the opposite of its outcomes: while transnational actors link individuals, families, and communities that would otherwise be disconnected, the transnational actors themselves assume that burden of disconnection. The act of moving between international communities reinforces for transmigrants the physical and ideological separation of the different spaces they inhabit, leaving transmigrants with a sense of isolation and of being "unknowable" to others. Though a cross-border lifestyle may appear to offer the "best of both worlds", the reality is more complicated, compartmentalized, and divided. While they daily participate in the act of creating and inhabiting transnational spaces, the physical, emotional, social, political and economic shifts they experience as they move between these spaces reinforces (for them) the barriers between communities and family members, rather than their transnational connectedness. Their experiences confirm the notion that, no matter how hard you try, you cannot be in two places at once. Rather than international, *trans*national families, these mixed-citizenship families are "*entre*-national families," trapped between two nations without fully inhabiting either one. Transmigrants may unite disparate communities through their relationships and actions within

them, but the distance between those communities, physically and otherwise, is ever-present. These findings complicate our understanding of transnationalism and highlight the alienating presence of state power—both physically and symbolically—as a permanent element of the transnational experience.

Overall, the empirical chapters of this dissertation demonstrate both the rigidity and flexibility of the law as experienced in everyday life and the salience of citizenship identities in individual and family-level processes. In the chapters that follow, I focus on inequalities written into law and exacerbated by law as it applies to mixed-citizenship American families. While the findings vary throughout the chapters, I find in general that US family reunification policy privileges certain kinds of families—particularly those with greater access to social and economic resources—both as a matter of written policy and as the law plays out in practice. This distinction between families narrows the meaning of American family and who belongs, both for the mixed-citizenship families impacted by these laws and for the broader American public. In the final chapter, I discuss the implications of these findings, both for scholarship and social policy.

Chapter 2—The Right Kind of Love(r): Qualifying for Family Reunification

Julia and Santiago learned the hard way that marriage to an American citizen does not automatically qualify a non-citizen for legal immigration status in the US. They met while working together in a local fast food restaurant when she was still in high school. When they fell in love and decided to marry during her second year of college, Julia spent her time worrying about wedding details and term papers, not Santiago's legal status. Julia knew that Santiago did not have "papers," but she trusted that her citizenship would be enough for the both of them. Acting on this assumption, Julia sent in an application to sponsor Santiago for permanent residency shortly after their wedding; but, in an effort to save money, she filled out the application herself without consulting with a lawyer. A few weeks later, Julia received correspondence from US Citizenship and Immigration Services in the mail. Its contents shocked Julia and Santiago: the letter stated that Santiago had thirty days to leave the country or he would be forcibly removed. Thus began a rocky cross-national saga during which Julia experienced separation and loss from her husband and her immediate family.

Julia and Santiago drove to Mexico a few days before their thirty-day self-removal window expired. They first traveled to Mexico City to visit Santiago's family, whom he had not seen since he migrated to the US years earlier. After a few weeks there, they journeyed north to Monterrey, a large and prosperous city in the border state of Nuevo Leon. After researching their options, Julia and Santiago had determined that Monterrey offered them the best economic opportunities *and* accessibility to the US. For their first two years of marriage, Julia spent most

of her time away from Santiago while she finished her bachelor's degree. After graduation, she moved down to Monterrey permanently and began teaching at an international school.

When I met Julia and Santiago in 2013, they had been struggling with the effects of Santiago's expulsion from the US for the past five years. They had consulted with multiple immigration lawyers, written letters to Julia's congressional representatives, and explored every potential remedy possible to facilitate their relocation back to the US. But they found no relief; Santiago was barred from legal entry to the US for at least five more years. The strain of their situation—of the cross-border life of separation and struggle that USCIS had forced them to live—had pushed them to the point of separation and, shortly thereafter, divorce. Rather than helping her family thrive, the US government had seemingly done all it could do to ensure her family's demise.

After Julia and Santiago divorced, Julia decided to stay in Mexico for another year or two. She had a great job and she felt that she needed some more time to heal the wounds the United States had inflicted upon her. And, as luck would have it, history repeated itself. Julia fell in love with a Mexican coworker, Sergio, who ran the tech department at her international school. But, with regard to US immigration and family reunification laws, Julia's experience this time has been vastly different from before. Julia's application sponsoring Sergio for permanent residency in the US has moved quickly through the system and his consular interview is just a month away. Given that Sergio already holds a long-term tourist visa for the US and has traveled many times to the US before and since meeting Julia, his green card application will most likely receive prompt approval. And, in the meantime, he has been able to travel with Julia multiple times to visit her family. While Julia felt that, when married to Santiago, she had been forced to

live "two separate lives that just [could not] come together," she has been able to share and further develop both of those lives with Sergio. This extreme contrast in Julia's experiences as a US citizen spouse seeking family reunification raises the question: how could the same person have experienced such drastically different outcomes in the US immigration system? In my study of fifty-five mixed-citizenship couples' experiences with US immigration law, coupled with an analysis of the policies regulating family reunification, I find that US immigration laws regulate family reunification based on the quality or "legitimacy" of mixed-citizenship marriages *and* both achieved and ascribed characteristics of the citizen and non-citizen spouses.

This "worthiness threshold" has not always existed for families seeking legal status in the US. Since the earliest laws regulating immigration into the United States were enacted in the late nineteenth century, preserving family unity and facilitating the reunification of families have been central tenets of immigration legislation (Colon-Navarro 2007; Lee 2013). Historically, this focus on maintaining and restoring family unity enabled American citizens' immigrant spouses (regardless of their legal status) to adjust their status while maintaining residence in the United States. The family reunification precedent also led to provisions facilitating the reunification of US citizens and permanent residents with their immediate family members, regardless of personal income. But in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), the goals of discouraging illegal immigration and the legal immigration of the poor (or into poor families) overpowered the longstanding prioritization of family unity. To achieve these new goals, the IIRIRA created rules that (a) require citizen sponsors of immigrant relatives to meet a minimum income standard, and (b) mandate deportation and other severe

penalties for any immigrants who entered the United States without inspection, regardless of their relationships with US citizens (Chacón 2007a; Gimpel and Edwards 1999; Hagan, Eschback, and Rodriguez 2008; Hwang and Parreñas 2010). Two specific elements of IIRIRA—the three- and ten-year bars to reentry and the minimum income thresholds for citizen sponsors of immigrants—have created a hierarchy of mixed-citizenship families, enabling some to enjoy all the citizenship rights of family preservation and reunification while preventing other families from accessing those same benefits (Enchautegui and Menjívar 2015). Furthermore, the 1986 Immigration Marriage Fraud Amendment imposes standards of "legitimacy" that couples must meet to demonstrate that their relationships are authentic. These standards force mixed-citizenship couples to conform to a narrower definition of marriage in order to qualify for family reunification.

This chapter details these key policy changes imposed by IIRIRA and IMFA and describes their combined impact on mixed-citizenship couples seeking family reunification in the US. These couples, living both within and outside the United States—some "winners" and others "losers"—embody the real and lasting effects of law. The position of these families along the spectrum of "legal statuses, as created through immigration laws, determine[s their] access to goods and services while also shaping their sense of belonging in US society" (Menjívar, Abrego, and Schmalzbauer 2016:28). Family reunification enabled some couples to ensure that all family members acquired legal status in the United States. These families have overwhelmingly thrived in the United States, integrating economically, politically, and socially into their communities and the broader national fabric. For many US citizens, as they have seen the promises of their citizenship play out in their families' lives, and the experience of sharing

US citizenship with their spouses has made them feel "more American" than ever before (López 2017b). But other families have not fared so well. Some continue to live in the shadows in the United States, clinging to hope that relief will come before they are detected and deported (Chacón 2007b; Fix and Zimmerman 2001; Krikorian 2007). Others have either chosen or been forced to leave the United States for ten or more years, with citizen spouses and children suffering exile alongside immigrant relatives deemed unwelcome (DHS 2009; López 2015). And still other families endure long-term separation or dissolve altogether as the stresses, suffering, and pain of deportation and prolonged separation overwhelm family bonds (Dreby 2012).

Mixed-citizenship couples seeking family reunification do not bear the negative impacts of these two policies evenly. Rather, these policies only limit specific subgroups of mixed-citizenship couples from accessing family reunification: (1) those whose noncitizen spouse crossed the border without inspection at a port of entry,[13] and (2) those whose citizen spouse has low economic capital.[14] This unequal distribution of family reunification has disproportionately impacted non-White (especially Latino), low-income, and less-educated American mixed-citizenship families. These changes reach beyond the lives of mixed-citizenship couples to American society as a whole, reshaping the composition of society and altering broader notions of national identity and "belonging" in American society (Demleitner 2004; Hawthorne 2007; Lee 2013; Ngai 2004).

[13] These undocumented immigrants tend to be lower income and less educated; also, they are almost exclusively immigrants from Mexico and Central America (Henderson 2014; Migration Policy Institute 2016).

[14] Low-income workers are disproportionately less educated, female, and non-White (US Census Bureau 2016c).

The Illegal Immigration Reform and Immigrant Responsibility Act

In 1986, Congress passed the Immigration Reform and Control Act (IRCA), a policy of sweeping immigration reform that included restrictive measures to increase border enforcement and sanction employers of undocumented immigrants *and* redemptive measures providing a path to citizenship to more than a million undocumented immigrants in the US. Ten years later, only half of IRCA seemed to be working. Many eligible immigrants had accessed legal status and citizenship, but the restrictive measures had proven largely ineffective (SIC 1995). Meanwhile, millions more unauthorized immigrants had settled in the US, and tensions over undocumented immigration surged. In response to both the failure of IRCA and a backlash against the "amnesty" IRCA had offered undocumented immigrants, Congress passed a series of anti-immigration policies including IIRIRA, an overwhelmingly punitive policy targeting non-citizens with a range of immigration statuses. IIRIRA introduced a number of devastating penalties against immigrants, two of which have specific impacts for mixed-citizenship couples: the bars to reentry and the minimum income thresholds.

Bars to Reentry

As established in IIRIRA, any individual who has lived without legal authorization in the United States for more than six months but less than one year faces a three-year ban from applying for legal permission to enter the United States; any individual who has lived without legal authorization in the United States for more than one year faces a ten-year ban from applying. The bar is automatically imposed when the individual leaves the physical territory of the United States (Cianciarulo 2015). In the twenty years since the passage of IIRIRA, citizens

and noncitizens alike have experienced the drastic and often devastating effects of the IIRIRA's three- and ten-year bars to reentry imposed upon undocumented immigrants who leave the United States (Enchautegui and Menjívar 2015; Lofgren 2005; Lundstrom 2013; Martínez de Castro 2013).

While this harsh penalty of IIRIRA seemingly punishes visa overstayers and those who entered the United States without inspection equally—subjecting all to the automatic bars—one subgroup of undocumented immigrants receives disparate treatment under the law: the undocumented spouses of US citizens (Cianciarulo 2015).[15] Immigration law enacted prior to IIRIRA allows visa-overstaying spouses of US citizens—unauthorized immigrants who had previously been admitted to the United States through an official port of entry—to adjust to legal immigrant status from within the United States. The ability to adjust status from within the United States allows the unauthorized (visa-overstaying) spouse in these marriages to obtain legal permanent residency without triggering the automatic bars to reentry. Unauthorized spouses of US citizens never admitted through a US port of entry must return to their countries of origin to complete their adjustment to legal status. Upon leaving the United States to attend the consular interview, the unauthorized spouse triggers the automatic bars to reentry and thus becomes ineligible for a visa for the duration of the three- or ten-year period, whether or not she would

[15] A recent opinion of the Ninth Circuit Court of Appeals confirms that "nonimmigrants" with Temporary Protected Status (TPS)—including those who entered the US without inspection—should be considered legally admitted (not undocumented) for the purposes of adjustment to permanent legal immigration status and can adjust their status from within the US. (*Ramirez v. Brown* 2017).

otherwise qualify for legal entry.[16] Prior to IIRIRA, this distinction between families may have caused some temporary hardship for those couples required to return to the immigrants' home country to complete the adjustment process, but did not generally impact one group more than the other over the long term. But the automatic bars imposed through IIRIRA have significantly altered the trajectories of these different mixed-citizenship families (Cianciarulo 2015; Kelly and Dalmia 2011; Mercer 2008). Some families continue to easily adjust to legal status, permanently establish their homes in the United States, and enjoy the rights and privileges of formal membership in society. Others must choose either to maintain their precarious position as undocumented families within the United States or leave the country and likely face a three- or ten-year (or, in some cases, permanent[17]) bar to legal re-entry to the US.

The profile of unauthorized immigrants who overstayed a visa differs significantly from that of unauthorized immigrants who crossed the border without inspection. Immigrants seeking tourist, student, or other temporary visas are required to prove "sufficient funds to cover expenses in the United States . . . [permanent] residence [in the home country] . . . and other *binding ties* that will ensure their departure from the United States at the end of the

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[16] IIRIRA does allow for couples facing the multiyear bars to reentry to apply for an Extreme Hardship Waiver, which waives the bars to reentry for successful applicants. In order to qualify for a waiver, couples must prove significant hardship for the US citizen spouse and children above and beyond the financial and emotional costs of deportation (Fix and Zimmerman 2001). The Obama Administration implemented a policy to allow couples to apply for the waiver *before* leaving the United States for the consular interview, which has eliminated some of the risk of applying for the waiver (Skrentny and López 2013). But for families whose waiver application is denied, they must either remain undocumented and at risk of deportation within the United States or leave the United States and wait out the multi-year bar to reentry.

[17] Undocumented spouses of US citizens who have been convicted of an "aggravated felony," as defined in the IIRIRA, are often subject to additional penalties to legal reentry and, in some cases, are permanently disqualified from obtaining any legal authorization to enter the United States (Abrego et al. 2017; Coonan 1998). Additionally, changes enacted through IIRIRA subject any non-US citizen who admits to have "fraudulently" claimed to be a US citizen (or has been accused of doing as much by an immigration authority) to a permanent bar from legal entry to the US (Taylor 2009; USCIS 2018). Before IIRIRA, only immigrants convicted of intentional fraud and willful misrepresentation faced the permanent bar, but changes in the IIRIRA broadened this policy to impact many more immigrants, including those who unintentionally or unknowingly made a fraudulent claim to citizenship. There is currently no waiver available to challenge this permanent bar.

visit" (Bureau of Consular Affairs 2015:2; emphasis added). The high economic and educational thresholds visa applicants must meet in order to qualify for a visa mean that visa recipients (and, therefore, visa overstayers) generally belong to their countries' middle and upper classes and "tend to be better educated and more fluent in English" than undocumented immigrants who entered the United States without inspection (Murray 2013:1). Visa overstayers are also more likely to be nationals of European, Asian, African, and South American countries (Murray 2013). In contrast, due to geographic proximity and physical access to the US border, undocumented immigrants who entered the country without inspection almost exclusively hail from Mexico and Central America and, at the time of migration, generally did not have the financial and social "binding ties" necessary to qualify for a visa (Menjívar et al. 2016; Warren and Kerwin 2017). These undocumented migrants are also disproportionately male (Baker and Rytina 2013).

The incongruent profiles of these two types of undocumented immigrants, combined with their disparate treatment under the law, result in vastly different outcomes for mixed-citizenship families seeking family preservation and reunification. US citizens who marry immigrants with legal immigrant status or those who overstayed a visa can access family reunification and the right to legally establish their family within US territory with relative ease. Citizens who marry immigrants who crossed the border without documentation cannot. This discrepancy in the law rewards some citizens for marrying the "right" kind of undocumented immigrant (higher-class, better-educated, non-Latino, female) and punishes others for loving the "wrong" kind of undocumented immigrant (lower-class, less-educated, Latino, male) (Golash-Boza and Hondagneu-Sotelo 2013).

Minimum Income Thresholds

IIRIRA also introduced minimum income requirements for US citizens seeking to sponsor a spouse for legal permanent residency. These thresholds have placed new limitations on mixed-citizenship families, disproportionately affecting lower educated, female, and disabled citizens—as well as citizens with children—seeking to sponsor a noncitizen spouse for legal immigrant status (Hwang and Parreñas 2010). Before the IIRIRA, citizen spouses were not required to prove a certain level of income in order to successfully sponsor a noncitizen spouse for permanent residency in the United States. The minimum income threshold imposed by IIRIRA—proven income of at least 125 percent of the poverty level[18]—prevents otherwise qualified citizens with insufficient income from sponsoring a spouse for permanent residency in the United States (Hayes 2001).[19]

This inequity stems primarily from the fact that only the US citizen spouse's income may be considered in meeting the minimum income threshold. Despite the fact that the noncitizen spouse would have permission to work once granted lawful permanent residency, a sponsor must satisfy the minimum income requirement without considering the ability of her spouse, once inside the United States, to contribute to the family's income. A single minimum-wage earner working full time could not meet the minimum income requirement, but a family income

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[18] This is a sliding scale based on family size. A sponsor who is single or married with no children would have to meet the income thresholds for a household of two (the citizen sponsor plus the immigrant spouse/fiancé); sponsors with children and/or other dependents must prove sufficient income for a household that includes themselves, all of their dependents, and the immigrant spouse being sponsored.

[19] While a third party could step in as financial sponsor of the noncitizen spouse in the case that the citizen's income is insufficient, the third party must be willing to accept legally enforceable financial responsibility for the visa applicant for the duration of her stay within the United States (even if the marriage dissolves). Financial responsibility remains in force until the immigrant (a) becomes a citizen, (b) accrues forty quarters (ten years) of employment history in the United States, or (c) returns to her country of citizenship (USCIS 2013). Securing an outside sponsor under these conditions can be very difficult, especially for citizens with low social capital.

composed of two minimum-wage salaries could (ASPE 2016; Center for Poverty Research 2016). This means many citizen sponsors earning minimum wage (who tend to have lower levels of education) could not qualify to sponsor a spouse for family reunification. Furthermore, women are more likely to fall below the required income threshold, given that they only earn 80 cents for every dollar a man earns (US Census Bureau 2016b). Blacks and Latinos are also at a disadvantage, as their median household income falls $20,000 and $11,000, respectively, below the national median income ($56,516), decreasing their odds of satisfying the minimum income threshold (US Census Bureau 2016a). The minimum income requirement also penalizes citizens with disabilities or other health issues that prevent them from working full time. Finally, the minimum income threshold is determined based on family size; citizen sponsors with children from their current or previous marriages must meet a higher income threshold than those without children. US citizens with one or more of these traits who seek to sponsor a spouse for lawful permanent residency face additional barriers to accessing family reunification. Disallowing consideration of the noncitizen spouse's earning potential in satisfying the minimum income threshold further exaggerates these inequalities.

While this policy may seem a logical safeguard to ensure that visa recipients will not become "public charges," it ultimately punishes citizens for having limited financial resources and potentially prevents those citizens from rising out of poverty through the financial support of their noncitizen spouses (Hayes 2001; LeMay 2007). This policy may not only *not* keep out potential "public charges," but it could actually cause US citizens to become public charges themselves (through the use of social welfare benefits) by preventing them from increasing their combined family income through family reunification.

The Effects of IIRIRA on Mixed-Citizenship Couples

The mixed-citizenship couples I interviewed spanned the spectrum of possibilities related to both the non-citizen spouse's immigration status and the citizen spouse's income level and class background. In categorizing their experiences with the effects of IIRIRA on their ability to access family reunification, I found that couples fell into two broad categories—documentable and undocumentable—based on each partner's immigration/income status.

Documentable Families

Documented, Formerly Documented, and Documentable

For many of the mixed-citizenship couples I interviewed, the two statutory changes enacted through IIRIRA detailed above had no measurable effect on their families. Because the noncitizen spouses (a) had not yet immigrated to the United States ("documentable"), (b) already had legal status in the United States (even if temporary; "documented"), or (c) had overstayed a visa ("formerly documented"), the three- and 10-year bars did not apply to them. Furthermore, because the US citizen spouses earned sufficient income to meet the minimum income threshold, these families were able to acquire lawful permanent residency status relatively easily. This was the case for 23 couples I interviewed. These couples agreed that acquiring permanent residency for the noncitizen spouse was an involved, time-consuming, and expensive process, but they generally concluded that "the system works." All of these couples had established strong relationships in their communities, secured regular employment, and confidently declared that they were living exactly where they wanted to be (whether inside or outside the United States). For these families, US immigration law accomplished its goal of preserving family unity. These

immigrant families also integrated well into their new local and national communities. This was especially the case for Lola, whose husband died unexpectedly a few years after their marriage. Despite the tragic loss of her husband—her only family member with US citizenship—Lola continued to feel at home in the United States and was in the process of acquiring citizenship for herself when we met. She expressed a strong sense of belonging to her new country and a commitment to continue to build her life there as an active member of the community. The other couples conveyed similar satisfaction with their communities and felt strongly that they each belonged as an American family.

Undocumentable Families

Never Documented

Other families currently residing within the United States faced a less certain future. With an undocumented spouse subject to the bars to reentry (should she leave the country), most of these couples chose inaction with regard to seeking legal immigration status (combined with hope that their inaction would be reciprocated by immigration authorities; for more on this approach to the law, see Chapter 3). Thirteen of the families I interviewed were living within the United States with one undocumented spouse subject to the bars to reentry. Of these couples, seven had attempted to apply for family reunification (and an extreme hardship waiver); the others cited the low probability of a successful application and the costly nonrefundable application fee as primary drivers behind their decision not to apply. In many ways, these families mirrored those who had received family reunification. They worked hard, though many of the noncitizen spouses struggled to secure jobs with steady hours and income. They also

planted roots in their communities, but the ever-present threat of deportation (and lower "official" income) kept them from creating more permanent ties to their neighborhoods, such as buying a home. Most of these families had a "deportation plan" and knew more-or-less where they would go and what they would do if US law enforcement deported the noncitizen spouse. But, at the time they were interviewed, most couples considered deportation a highly unlikely outcome.[20] Rather than dwelling on the looming possibility of deportation, they lived their lives as other "normal" families: raising children, working, and actively participating in their communities. They pushed forward in good faith and hoped for a legal solution that would allow them to acquire legal permanent residency without being forced to live apart or leave the United States for a decade. While they acknowledged certain limits to their ability to progress without a family-level legal status, most of these families preferred undocumented life in the United States to establishing a new life outside of the United States. And, as long as no one prevented them from pursuing their life as a family in the United States, they would do their best to make it work. These families generally felt like they belonged in their communities and that they were "American" families, but the lack of official legal status loomed large as they built a life in the United States together as a family.

Rejected

For thousands of mixed-citizenship families, though, deportation is their reality. Nine of the couples I interviewed were living outside the United States as a result of deportation, "voluntary removal," or the denial of the extreme hardship waiver during the consular interview.

[20] Respondents' expressed opinions about this shifted significantly following the election of Donald Trump as president, with more unauthorized families mentioning an increased concern that deportation could be a possibility.

All of these couples wanted to live as a family in the United States; many of them had already lived in the United States as a family for a significant amount of time before the deportation.[21] All of these couples also faced the ten-year bar before becoming eligible to apply for legal immigrant status within the United States. These families expressed frustration, bitterness, and anger at a system that purports "preserving family unity" as its primary goal but forced their family to move outside the United States if they wanted to remain together. Some of these families were able to establish a cross-border life along the US-Mexico border, maintaining ties to the United States even while living outside it (for more about these couples' experiences, see Chapter 5). Others felt completely disconnected from the United States and the extended family members they left behind. Camille, Sandra, and Angelica spoke of the fear and sadness they experienced while giving birth to children in the United States alone, as their husbands could not cross the border to support them during labor. Deportees like Mateo cited the pain of being a part of only half their children's memories—the half that doesn't take place in the United States. Even when these families found a way to stay together outside the United States by moving abroad as a family unit, they continued to experience the pain of separation from extended family and friends living in the United States with whom they now have only limited contact. Despite relocating together outside the United States and trying their best to survive as a family, the strain of deportation resulted in divorce for at least three of these nine families. In all three cases, the couples cited their forced removal from the United States and inability to return as a family to the United States as the primary reason their marriages dissolved.

[21] One couple met in Mexico after the noncitizen spouse had been deported.

Too Poor to Document

Other couples whose spouses did not face the bars to reentry still struggled to access family reunification benefits due to the minimum income thresholds and the costs of applying for a visa. Eight of the couples I interviewed had experienced significant struggles in their efforts to acquire lawful permanent residency. Some endured prolonged separation before and during the visa application process (which usually takes at least one year). The need to earn sufficient income forced Carlos to miss the birth of his daughter and the first ten months of her life while he worked to meet the income threshold necessary to sponsor his wife. Other couples had to rely on the generosity of family members or friends, who legally assume financial responsibility for them, in order to qualify for the visa. Nicole, a doctoral student, could not sponsor her fiancé for the visa because her income as a teaching assistant was insufficient to meet the income threshold. Luckily, her mother accepted legal responsibility for the couple so their application could move forward. Felix does not have family in the United States who can act as financial sponsor for his wife, and they cannot qualify on his income. So he continues to commute weekly from a Mexican border town to southern California, a world completely unknown to his wife and daughter who wait for him just a few miles away in Mexico. Otherwise eligible mixed-citizenship families unable to meet the IIRIRA-imposed income thresholds find themselves excluded from family reunification or, at best, forced to experience extended family separation before they can qualify. In these cases, the US citizens' low-income status yields them unworthy to access all of their rights as US citizens.

Table 1. Types of (and Access to) Legal Status Among Mixed-Citizenship Couples

Types of (and Access to) Legal Status Among Mixed-Citizenship Couples			
Status		**Description**	**Legal Outcome**
DOCUMENTABLE	Documented	Noncitizen spouse had legal immigrant status or nonimmigrant status (such as tourist or student visa or TPS) when couple married; citizen spouse had sufficient income or support from others to sponsor spouse for visa	Noncitizen spouse granted lawful permanent residency by US government
	Formerly Documented	Noncitizen spouse entered the United States with a valid visa, but visa expired (rendering spouse undocumented) before the couple married; citizen spouse had sufficient income or support from others to sponsor spouse for visa	Noncitizen spouse granted lawful permanent residency by US government
	Documentable	Noncitizen spouse was living outside the United States with no immigration experience to the United States or with current non-immigrant tourist visa when couple married; citizen spouse had sufficient income or support from others to sponsor spouse for visa	Noncitizen spouse granted lawful permanent residency by US government
UNDOCUMENTABLE	Never Documented	Noncitizen spouse entered the United States without crossing through a port of entry ("entered without inspection," or EWI); even a citizen spouse with sufficient income could not successfully sponsor spouse for visa without receiving emergency hardship waiver (EHW) or waiting out 10-year ban	Noncitizen spouse living in United States remains in limbo with no official legal status and no access to official legal status without leaving the United States for 10+ years
	Rejected	Noncitizen spouse entered the United States without crossing through a port of entry (EWI); spouse was later deported or "voluntarily removed" herself from the United States and became subject to 10+ year bar to reentry	Noncitizen spouse is not allowed to legally enter the United States for at least 10 years; citizen must either acquire an EHW, be separated from her spouse or live outside the United States with spouse for the duration of the bar (or dissolve the marriage)
	Too Poor to Document	Noncitizen spouse has no immigration history in United States and qualifies for spousal visa; citizen spouse does not have sufficient income or support from others to sponsor spouse for visa	Noncitizen spouse is not allowed to legally enter the US

As Table 1 summarizes, the law differentiates mixed-citizenship couples into six different groups, determined by (a) the citizen spouses' financial status, and (b) the noncitizen spouses' original mode of entry into the United States (if any). Based on those statuses, the law then declares families either "documentable" or "undocumentable."[22] All citizen spouses must demonstrate sufficient income (or find a friend or family member with sufficient income and willing to accept legal financial responsibility for the noncitizen spouse) in order to qualify for family reunification. Any couples unable to meet minimum income requirements will remain "undocumentable" until their financial circumstances change. Furthermore, even families with sufficient income—but with a history of "never documented" status in the United States—are also labeled by the law as "undocumentable." This includes "never documented" families living within the United States and "rejected" families, like Julia and Santiago, forced to live outside the US. The law prevents these families from becoming an "official" American family and enjoying the benefits and freedoms associated with that status. As described above, the hardships "undocumentable" families experience as a result of their status have significant and long-term negative impacts on the affected families and their relationship to the US (discussed in greater depth in Chapter 4).

But these extreme hardships are not necessary. Two couples I interviewed who had married before the implementation of IIRIRA did not experience such drastic outcomes from the family reunification process, despite the fact that both of the noncitizen spouses had lived "never documented" in the United States before marriage. Rather than having to choose between a life

[22] Although "undocumentable" status is not permanent, transitioning out of this status requires (1) acquiring an exception to decade-long bars to reentry, (2) waiting out the 10-year bar outside the United States and then receiving authorization by an immigration agent, and/or (3) demonstrating an increase in income sufficient to meet minimum income standards. Thus, families deemed "undocumentable" by the law generally experience this status as long-term.

in the shadows or a 10-year exile, both of these couples applied for a visa, traveled to the US consulate in Ciudad Juárez, Mexico, for their interview and, within a few weeks, received the visa for permanent residency in the United States. These couples have thrived in their communities, raised children who played in marching band and took ballet lessons, coached soccer teams, and served in parent-teacher organizations. They are proud American families who have worked hard to establish a good life for themselves and their children in the United States. Their experiences align with those of the "documentable" mixed-citizenship couples who have benefitted from family reunification post-IIRIRA. And their success as families suggests that the policies imposed by IIRIRA punishing some mixed-citizenship families are neither necessary nor productive.

Redefining the American Family

In addition to directly impacting the lives of tens of thousands of mixed-citizenship families, IIRIRA also altered the definition of which kinds of couples and families qualify for official membership in American society. Through the bars to reentry, IIRIRA has redefined the American family by effectively excluding mixed-citizenship families in which one partner entered the United States without inspection from realizing the benefits of married family life with legal immigration status in the United States. Given the socioeconomic thresholds required to qualify for a tourist or other visa to the United States, this new definition of the "un-American" family is generally limited to mixed-citizenship families in which the immigrant spouse came to the United States with fewer economic resources and less formal education. Additionally, due to the physical and geographic realities of crossing the border without passing

through an official port of entry, the new "un-American" family is almost exclusively limited to mixed-citizenship couples with immigrant spouses born in Mexico or Central America. The disproportionate burden placed upon mixed-citizenship families by the bars to reentry have marked families with less-educated, lower-income Mexican and Central American spouses as unworthy of membership in an official American family. Furthermore, the IIRIRA-imposed minimum income thresholds marked some US citizens as unworthy of forming an official American family with a foreigner. The IIRIRA effectively declared poor Americans undeserving of family reunification in that it declared female, non-white, and less-educated Americans — those most likely to earn below 125 percent of poverty level—unworthy of forming an official American family with a noncitizen.

This new, narrower definition of the American family—wealthier, whiter, better educated, non-Latino, and headed by a US citizen male—has not only precipitated the "othering" of some immigrants but also their citizen family members (Reiter and Coutin 2017). The IIRIRA has marked all of them as less-than and unqualified to enjoy the benefits of American citizenship as a family. This new definition of the "American" family also shapes broader notions of who "belongs" in the United States (Bunting 2015; Darian-Smith 2015; Lee 2013). Preventing some families from accessing family reunification has ripple effects. Initially, it redefines which families are "American enough" to qualify for family reunification. Then, by extension, it also prevents the immigrant spouses who were denied family reunification from sharing those same benefits with their noncitizen parents, siblings, and children (Hawthorne 2007). This burden is not spread proportionally across nations of origin, socio-economic classes, and racial and ethnic backgrounds. Rather, the composition of American citizenry is, over time, skewed toward a

richer, whiter, better-educated membership. These policies implemented through IIRIRA lead to a narrowed definition of both who "deserves" to be American and which Americans "deserve" to enjoy the full rights of their citizenship.

The Immigration Marriage Fraud Amendments

Ten years before the passage of the IIRIRA, and only days after the passage of the 1986 Immigration Reform and Control Act—the sweeping immigration reform bill granting millions of undocumented immigrants access to legal status and to which the punishing elements of the IIRIRA were a direct response—Congress passed the Immigration Marriage Fraud Amendments. This law targeted immigrants seeking to breach an "unprotected bureaucratic border," the crossing of which resulted in serious legal and, more importantly, "moral" violations (Pear 1986). The Immigration Marriage Fraud Amendments of 1986 (IMFA) specifically addressed marriage fraud, or the act of fraudulently entering into marriage solely for the purposes of obtaining legal immigration status. But what it accomplished in fact is an additional test for mixed-citizenship couples to pass—this time to assess the quality, or worthiness, of their relationship.

Defining Marriage Fraud

The Act of May 14, 1937, more commonly known as the "Gigolo Act," was the first immigration law to suggest the existence or potential existence of marriage fraud. The Act allowed an immigrant alien to be deported *at any time* after entry when found to have "contract[ed] a marriage which, subsequent to entry into the United States, has been judicially

annulled retroactively to date of marriage" (Gigolo Act, Section 3). The Act defined fraud as an immigrant's "fail[ure] or refus[al] to fulfill his promises for a marital agreement made to procure his entry as an immigrant" (Gigolo Act, Section 3). The motives behind the Gigolo Act—of preventing visa allocation to immigrants in immigration-motivated marriages—were incorporated into the Immigration and Nationality Act of 1952 (INA), which became the foundational immigration law guiding immigration policy for the second half of the twentieth century (Richins 1988). While the INA does not include sections specifically addressing marriage fraud, it does assert the power of immigration officers to subject "aliens" to inspection and require them to produce documents supporting their claim to a legal right to entry (Sections 204(b), 205(b), and 235(a)). Given the generally undefined nature of marriage fraud in the INA, it ultimately fell upon the Supreme Court to define what made a marriage fraudulent. Rather than defining a legitimate marriage by its content or duration, the Court focused on the intent of the parties at the time of marriage (Harvard Law Review 1986). Asserting that individuals who entered into marriage voluntarily and in "good faith" (i.e., not for immigration purposes) had formed a legitimate marriage, even if it dissolved for different reasons shortly thereafter, the Court denied INS the ability to revoke the legal status of immigrant ex-spouses whose marriages had failed (*Lutwak v. United States* 1953). The Court's time-specific definition of marriage—focused exclusively on the moment the marriage took place—and the subjective nature of the "good faith" standard also severely limited the government's power to legally challenge couples suspected of marriage fraud.

Though these prior legal decisions had established a legitimate marriage as one in which both individuals, at the time of the marriage, entered into it in "good faith," the meaning and

substance of marriage was presented in very different terms in congressional testimony during the 1985-1986 legislative session. Senator Alan Simpson (R-WY), Chairman of the Senate Subcommittee on Immigration and Refugee Policy, spoke of "true love" as he probed witnesses on the state of marriage fraud in US immigration (Immigration Marriage Fraud 1985:90). Immigration policy uses marriage as a marker of a significant nuclear family relationship, and policymakers and experts framed the family reunification benefits in US immigration law as a right reserved for a more meaningful relationship than one that was simply entered into in "good faith." According to these witnesses, couples in a marriage worthy of family reunification live together, share similar backgrounds, religious beliefs, and languages, and (preferably) have children together. Witnesses testifying at the hearing referred to "virtue," "worthiness," "integrity," and "vows" when discussing marriage, reinforcing the notion that marriage is a "sacred institution" that demands both reverence and respect (Immigration Marriage Fraud 1985:65, 74, 77, 87). As American Immigration Lawyers Association President Jules Coven stated, "In a qualitative sense, it is difficult to imagine an abuse of our immigration laws more serious than fraudulently entering a marital relationship. Marriage fraud for immigration purposes is not only a serious violation of our nation's laws, it is an offense against [what many Americans still consider to be] the sacred institution of marriage" (Immigration Marriage Fraud 1985:77; text as printed).

Congressional testimony and newspaper coverage of marriage fraud highlighted the role of women as both likely victims of marriage fraud and potential victims of prostitution following marriage fraud perpetration. Though reporters and witnesses admitted that women and men could potentially fall victim to or mastermind a marriage fraud scheme, speakers described women on

both sides as relatively helpless and needing protection through stronger laws. A June 1985 article in the New York Times, "Single mothers are the targets in marriage fraud," claimed that the leaders of marriage fraud rings targeted single mothers who, due to their significant economic and emotional need, easily fell for offers of love and money (Brooks 1985). An article in The Bryan Times, noted that fraudulent marriages between aliens seeking speedy entry into the United States and US citizens "generally fall into two classes—those who do so out of love and those who do so for money. The first group […] often includes American women who have been deceived by foreign men. The second […] includes prostitutes and others who may be paid thousands of dollars for entering into fraudulent marriages" (Lammi 1986). Congressional testimony also implied the dominance of women citizens as sponsors in fraudulent marriages. For example, when witnesses specified a single gender of citizen "victims" or collaborators, they always referred to women: "welfare mothers," "female petitioners," "these women [who married non-citizens]" (Immigration Marriage Fraud 1985:16, 30, 65). As one victim of marriage fraud testified, "I feel very strongly, Senator Simpson, that the message is out that the way to stay in this country is to marry an American woman. That is the easiest way" (Immigration Marriage Fraud 1985:48). The women presented as most susceptible to marriage fraud are also notable for their lower class status and inability to satisfy gender expectations: single moms could not secure or maintain a successful marriage, welfare mothers need government assistance to support their families (and must be, by definition, single), older single women (such as the two marriage fraud victims who testified before the congressional subcommittee) were not desirable enough to attract an American suitor and thus had to look abroad.

Witnesses' rhetoric suggested that women citizens were a particular liability in the marriage fraud phenomenon because of their manipulability, especially in matters of love. US officials in a Canadian consulate estimated that, even when women knowingly entered into fraudulent marriages, women in "fifteen percent of the sham marriages involving female petitioners [admitted] that despite not having lived with the beneficiary nor consummating the marriage with him, she was now in love with the beneficiary and was hoping that the sham marriage would become a 'real' marriage after the beneficiary received his visa" (Immigration Marriage Fraud 1985:30). Stories of female immigrants involved in marriage fraud—almost exclusively described as "mail order brides"—also emphasized these women's helplessness and susceptibility to "negative occupation[s]" such as prostitution (United Press International 1986). And one INS district director suggested that a citizen's act of complicit marriage fraud is a "form of prostitution" in and of itself (Associated Press 1985). Women—whether victims or co-conspirators—and their sexual availability lay at the heart of the moral crisis of marriage fraud.

Examples of marriage fraud rings and individual marriage fraud perpetrators provided in congressional testimony and newspaper articles cited many nationalities from across the globe. While both Europe and Canada were mentioned in the congressional testimony, most speakers focused on Asian, Middle Eastern, Caribbean, and African countries as the primary sources of fraudulent "alien" spouses. Senator Simpson pressed the INS and State Department witnesses to concur that countries with long backlogs for legal migration (such as Korea and the Philippines) had higher rates of marriage fraud (Immigration Marriage Fraud 1985:38). Experts did not identify any particular country, region, or continent as a primary source of marriage fraud, but predominantly non-White countries significantly outnumber predominantly White countries

named in the testimony. References to "illegal Pakistanis" and an Indian fraudster determined to "call all of his family here and build [his] empire" conjured negative racial stereotypes, but these racially-charged statements were an exception (Immigration Marriage Fraud 1985:16, 43). More of the testimony emphasized class over race. Multiple witnesses suggested that "welfare mothers" were common collaborators in fraudulent marriages; the Director of the Center for Labor and Migration Studies recommended checking the names of all marriage visa petitioners with the welfare rolls and cutting off the benefits of any woman petitioning on behalf of an immigrant spouse (Immigration Marriage Fraud 1985:58-59). State department officials also noted that they suspected fraud when applicants had significant differences in their educational and economic statuses: "the beneficiary [in fraud cases] normally has a good deal more education than the petitioner who is often unemployed or working in a low paying job" (Immigration Marriage Fraud 1985:29). These notions of immigrant fraud perpetrators as better educated and of higher social classes, and their citizen spouses as lower-educated and of lower social classes, suggest a process through which clever immigrants manipulate needy (female) citizens and a broken system to attain their selfish immigration goals and reinforce the notion that cross-class relationships are less likely to be legitimate and/or succeed long-term.

Defining Marriage

Given this presentation of the (falsely exaggerated) extent of the marriage fraud problem, its typical victims and perpetrators, and the ways in which marriage fraud exposed an "unprotected bureaucratic border," Congress decided to act (Pear 1986). While lawmakers avoided defining a "viable" marriage explicitly, they did include new clauses and regulations that

suggested key elements of a "legitimate" or "viable" marriage. Given the changes to marriage-related visa law imposed by the IMFA, one can infer that non-fraudulent marriages meet the following standards:

(1) A "legitimate" marriage lasts at least two years. The IMFA changed the law so that immigrant spouses received only "conditional" permanent residency status during their first two years of marriage. That conditional status expires after two years, at which point both spouses must apply jointly for the conditional status to be lifted. Immigrant spouses failing to meet these requirements are subject to visa cancellation and deportation (Sections 2(b)(1) and 2(d)(3)).

(2) A "legitimate" marriage is entered into legally and in "good faith." This standard put into immigration law what the courts had previously interpreted to be the measure of a non-fraudulent marriage, which is that, at the time of the marriage, both individuals sought to marry for non-immigration purposes (i.e., love?) (Sections 2(d)(1)(A)(i)(I) and 2(b)(4)(B)).

(3) Couples in a "legitimate" marriage will live together. According to the congressional hearing testimony, both the INS and the State department view cohabitation as the primary evidence of a "legitimate" marriage. These agencies conduct more extensive investigations of all couples suspected of or proven to be living in different homes. Prior to the IMFA, little could be done to investigate or punish couples who did not cohabitate following a successful visa application. The IMFA extended the time period during which cohabitation could be investigated and used as evidence of legitimacy (or, in its absence, fraud) to two years following a successful visa application. (Section 2(d)(4)(B)(i)).

(4) Immigrants in "legitimate" marriages would not marry a foreigner (but could marry a different citizen) shortly after receiving legal permanent residency (LPR) status. Following assertions that many immigrants in fraudulent marriages immediately divorce their American spouse upon receiving LPR status and then sponsor a foreign spouse for LPR status (often a spouse to whom they were married prior to the fraudulent marriage scheme), lawmakers included a clause in the IMFA preventing immigrants from marrying a foreign-born spouse within five years of acquiring LPR status through an American spouse. These immigrant spouses were not barred, however, from marrying different individuals with LPR or citizenship status after the two-year conditional period of the original marriage had been satisfied (Section 2(c)(2)).

(5) Engaged couples who seek to enter into a "legitimate" marriage will have met in person at least once during the past two years. As discussed in congressional testimony, the rise of "mail-order brides" and even arranged marriages challenged modern American cultural understandings of marriage as the product of "love," and "love" as the product of the coming together of hearts, minds, and bodies. While applicants could seek an exception, the rule requiring couples to have met at least once within the past two years served to reinforce the notion that a "legitimate" marriage was unlikely to result from a union in which parties met for the first time on their wedding day. It would also make fraudulent fiancé visa applications more expensive by forcing the petitioner to travel to meet her/his future spouse in the immigrant fiancé's home country (Section 3(a)(1)).

(6) "Legitimate" marriages are not entered into under legal duress (provoked by the threat of imminent deportation). With this clause, lawmakers declared marriage between a US

citizen and an immigrant in deportation proceedings to be automatic and undeniable evidence of fraud. Although one could imagine many different reasons why a "legitimate" couple could find themselves in this situation, the law only recognizes that relationship as "legitimate" after the immigrant spouse has resided *outside* the US for at least two years following the marriage (Section 5(a)(2)(e)).

This new definition of marriage in the IMFA pushed the boundaries of previous legal decisions and the states' interpretations of the meaning of marriage to consider "legitimacy" and "viability" and "good faith" and "bona fide" intentions not only at the moment of marriage but for years after the marriage took place. This new notion of marriage reinforced the importance of cohabitation and family life, love and fidelity, marrying for "the right reasons," and long-term commitment as evidence of a "legitimate" marriage.

Documented Love

Beyond creating a new, morally-driven definition of "legitimate" marriage, the IMFA also reinforced and expanded the standard that a "legitimate" marriage is a documented marriage. The IMFA requires couples to demonstrate satisfactorily that their marriage meets all of the standards listed above. Yet proving the subjective elements of a relationship—including "love" and "good faith" intentions—as well as objective elements, such as cohabitation and previous in-person meetings, can be a difficult task. When applying on behalf of a fiancé(e) or spouse, US citizen petitioners must submit hundreds of pages of documentary and photographic evidence supporting the couples' claims of a "bona fide" marital relationship (or a "bona fide" intent to enter into a marital relationship). Acceptable evidence "of the couple's intent to establish a life

together" can include proof that the citizen and immigrant spouses' names appear on shared "insurance policies, property leases, income tax forms, or bank accounts; [as well as] testimony or other evidence regarding citizenship, wedding ceremony, shared residence, and experiences" (Rae 1988:188, supra note 57). Couples are also encouraged to submit sworn affidavits from friends, employers, and other non-family acquaintances testifying to the validity of the relationship, as well as other evidence demonstrating "mutual family involvement" (Immigration Marriage Fraud 1985:84). Having children prior to the application or reproducing during the two-year conditional-status period (when paternity can be confirmed) is the ultimate evidence of a "legitimate" and "viable" marriage (Immigration Marriage Fraud 1985:71, 84). The documents deemed satisfactory for proving "legitimate" relationships generally require couples to engage with other branches of government and submit themselves to other forms of government regulation, suggesting that couples in "legitimate" marital relationships interact as a family unit with the government and society at large beyond the occasion of the marriage itself. In sum, a "legitimate" marriage is a regulated, surveilled, and—above all—documented marriage.

In cases of suspected marriage fraud, the "anti-fraud" section of the INS/consular office may also "review local church or civil registry records to determine if a previous marriage exists or […] send an employee to perform a neighborhood check," producing their own documentary record of "(il)legitimacy" (Immigration Marriage Fraud 1985:27-28). But couples who submit too much documentary evidence—whose records are deemed too complete—also fall under suspicion of fraud, so applicants must balance the need to compile a comprehensive documentary record of their relationship with the need for the relationship to appear organic and

unintentionally documented, rather than fully-chronicled (USCIS Fraud Referral Sheet 2004). INS Commissioner Nelson and INS Deputy Assistant Commissioner Richard Norton both acknowledged the vulnerabilities attached to a system of proof of "legitimacy" so heavily dependent on documentation. Deputy Assistant Commissioner Norton highlighted the fact that, given the "thousands of jurisdictions that issue the various documents that can be used in support of the visa petition […] the ability to counterfeit them presents us with great hurdles" (Immigration Marriage Fraud 1985:35). In fact, INS Commissioner Nelson reported that a marriage fraud ring based in New Jersey had helped "hundreds" of individuals commit marriage fraud through the creation of counterfeit documents. And yet, despite his plea that, "if the reunification of families is a priority of this nation, we should assure that families—*and not the paper creation of families*—are being reunified," neither Commissioner Nelson nor the other witnesses could recommend viable alternatives to the documentary record—other than the visa interview itself—to support couples' claims to reunification based on their "legitimate" relationships (Immigration Marriage Fraud 1985:18, emphasis added). The legal system itself requires that proof of a "legitimate" marriage be "based on objective, articulable facts," a standard rendering official documentation of the relationship not only necessary but indispensable (Immigration Marriage Fraud 1985:72).

Though witnesses at the congressional hearing testified that "two people who are really in love with each other will not be hurt by" the changes proposed and ultimately adopted through the IMFA, scholars and mixed-citizenship couples forced to meet these new standards of "legitimacy" have argued otherwise (Immigration Marriage Fraud 1985:87). A number of legal scholars writing at the time of the IMFA adoption and in the years immediately following noted

that the procedures necessary to ensure couples' satisfaction of the law, including "intensive interrogation and post-marital surveillance," "intrude upon the right of marital privacy both by implicitly imposing norms of marital life and by requiring disclosure of intimate matters" (Harvard Law Review 1986:1239, 1243). This potential of the law as written and as interpreted to "impose norms of marital life" raises serious concerns in two regards. First, it can put pressure on "couples who have a bona fide marriage to conform their marital conduct to what the INS declares to be the 'norm' for marriages in terms of time spent together, sexual behavior, and level of intimacy" and even "interfere with the couple's decisions about highly personal matters, burdening, among other things, the decision to abstain from consummating the marriage, to live apart, or to refrain from having children" (Harvard Law Review 1986:1246). And couples who are unable or unwilling to adhere to these "norms" risk suspicion of fraud and rejection of their family reunification claim, despite the authenticity of their relationship. Thus, rather than preventing visa benefits for fraudulent marriages, the law risks preventing genuine couples from reunification due to a narrowly-defined understanding of what a "legitimate" marriage looks like in both content and quality. Second, it confers a significant level of discretionary power upon the "street-level bureaucrats" who process these applications, resulting in "inescapably inconsistent" determinations "based on [officers'] own subjective views of a 'valid' marriage" rather than an objective standard (Lipsky 1980; Lynskey 1987:1093).[23]

All of the couples I interviewed who applied for family reunification ultimately qualified as "legitimate" couples. But many did note how these legal and documentary requirements

[23] Furthermore, as AILA President Coven noted, divorce is almost as common as marriage in the United States, and the presumption that marriage duration and success of citizens married to immigrants would diverge significantly from those of citizens married to citizens is not logically defensible (Immigration Marriage Fraud 1985:89).

changed their behavior in significant ways. Couples like Chandra and Pancho made deliberate efforts to save receipts and get both of their names on rental agreements and other official documents. Other couples had to spend more time and money in order to collect the corroborating materials they needed to prove the legitimacy of their relationship. And many couples spent hours "studying" for the consular interview, when the immigrant spouse (and, sometimes, the citizen spouse, too) would be grilled about intimate details of her partner's life (including personal history and physical characteristics). And a few couples—those whose characteristics matched with profiles of potentially fraudulent applicants—were asked to provide additional proof of their relationship or told to "be sure to have a child" before their two-year conditional status came to an end.

Rather than addressing a marriage fraud epidemic (which was later shown to be, ironically, a fraudulent claim), the requirements instituted through the IMFA primarily served to create additional barriers to family reunification for mixed-citizenship couples and force them to live a much narrower definition of marriage than the general American public. The IMFA reinforced the heteropatriarchal order of the US political system as it enabled an overwhelmingly male legislature to "save" unsuspecting and unscrupulous women from fraud and protect the virtue of the institution of marriage itself, while simultaneously increasing the government's power to inspect and surveil its subjects (Luibhéid 2002). It also provided Congress—a legislative body generally prohibited from interfering in questions of marriage—with the opportunity to redefine it, privileging certain cultural norms and standards regarding the content, quality, and duration of "legitimate" marriages, and empowering the government to impose that new marriage standard on all mixed-citizenship couples seeking to live together legally in the

United States. Under the guise of reducing marriage fraud, Congress established a new norm for "legitimate" marriage that reinforced "the basic features of 1950s familism" championed by conservatives and ensured that at least some American couples would have to embody that ideal in order to be legally recognized as a "legitimate" family (Nock 2005:22).

Family Reunification as a Class-Based Immigrant Selection System

While mixed-citizenship couples had generally been exempt from the racist quotas and other prejudiced policies implemented in US immigration law during the first half of the twentieth century, the class-based preferences (or, more accurately, punishments) imposed in the IMFA and the IIRIRA specifically target mixed-citizenship families seeking family reunification through the US immigration system (FitzGerald and Cook-Martín 2014). Couples whose relationships do not reflect conservative, middle class notions of what marital relationships should look like (and how they should be documented) cannot meet evidentiary thresholds to prove that their relationship qualifies for family reunification. Working-class US citizens who do not earn enough money to qualify as a sponsor—and who do not have the social capital to find someone who does meet the income requirements and is willing to take on the legal responsibility of sponsoring an immigrant—are denied the opportunity to access family reunification, despite the social, emotional, and economic benefits such reunification is expected to bring. Finally, immigrant spouses of US citizens already living in the US or with an immigration history to the US who entered the US without inspection—largely due to low class status and the inability to qualify for a visa—must also face harsh penalties before they can qualify for family reunification. As a whole, these policies disproportionately exclude low-

income citizens and immigrants from lower-class backgrounds from accessing family reunification, as shown in Figure 1 below (Hwang and Parreñas 2010).

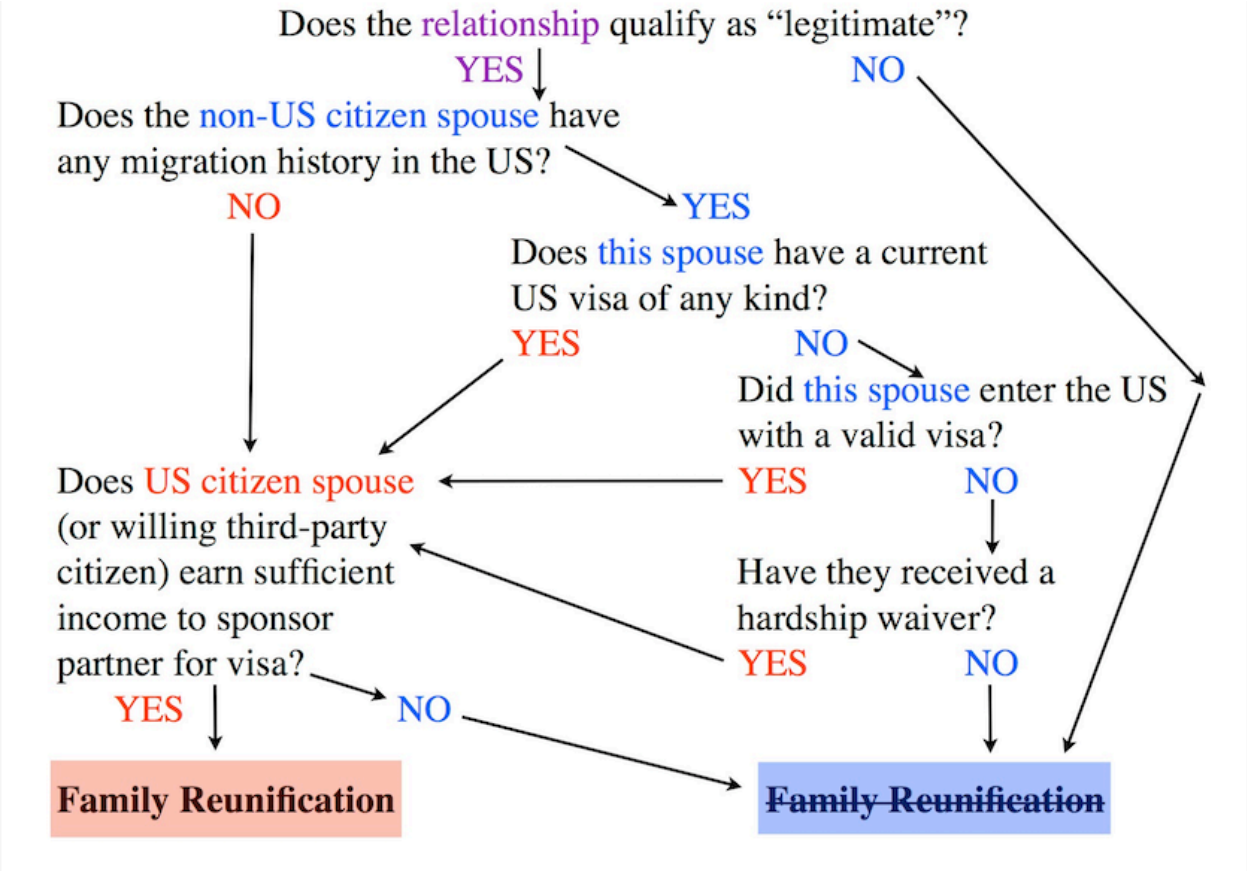

Figure 1. Family Reunification Flow Chart I

Many scholars and advocates have attacked current calls for an immigration overhaul toward a points-based, skills-focused system as an abandonment of the family values that have been the focus of American immigration policy since its outset, but my research shows that existing immigration laws already enforce a preference for higher class, more highly-educated, and better-resourced immigrant applicants and citizen sponsors. If these laws were truly designed

to help Americans reunify with their non-citizen partners, the vast majority of families meeting the definition of a mixed-citizenship couple should, in theory, have access to family reunification. While it is difficult to ascertain the true number of mixed-citizenship American families unable to access family reunification, a very conservative estimate is that one-fifth of those living in the US cannot.[24] Thus, rather than being a system of family reunification for all Americans and their non-citizen family members, the current immigration system uses family relationships as a way to facilitate the legal immigration (or adjustment to legal immigrant status) of middle- and upper-class non-citizens and/or the partners of middle- and upper-class US citizens. As discussed above, this prejudice built into the law not only punishes specific families deemed "unworthy," but it also serves, over time, to shape the American public in ways that disproportionately exclude certain kinds of immigrants, rendering some groups—such as Latino, low-income, lower-educated, males—and their family members as "un-American."

But while inequalities written into US immigration law make it harder for certain kinds of citizens and their non-citizen spouses to access family reunification, these legal discrepancies between "worthy" and "unworthy" mixed-citizenship families cannot completely explain which families are ultimately approved for family reunification by US Citizenship and Immigration Services (USCIS) authorities. In the following chapter, I will examine how each family's

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[24] Larsen and Walters (2013) report that 38.6% of foreign-born spouses in mixed-nativity households have not naturalized. (This statistic does not include the non-citizen spouses of naturalized US citizens, nor does it include mixed-citizenship families living outside the US.) The USCIS Office of Policy and Strategy (2016) report that 49.5% percent of immediate relatives of US citizens naturalize within 10 years of acquiring legal permanent residency. ("Immediate relatives" includes spouses, minor children, and parents of US citizens.) This statistic is clearly an underestimate of spousal naturalization rates, given Larsen and Walters' finding that over 60% of native-born citizens' spouses are now naturalized. Thus an extremely conservative estimate would be that 49.5% of non-naturalized foreign-born spouses of US citizens are living in the US with unauthorized status. Using Larsen and Walters' data, this would equate at least 19.1% (or over 780,000) mixed-nativity couples with unauthorized status in the US.

response to these legal constraints and their broader approach toward family reunification law also affect their likelihood of receiving a positive outcome in the application process.

Portions of Chapter 2 were published in *Journal on Migration and Human Security*, 2017, J. L. López, "Redefining American Families: The Disparate Effects of IIRIRA's Automatic Bars to Reentry and Sponsorship Requirements on Mixed-Citizenship Couples." The dissertation author was the primary investigator and sole author of this paper.

Chapter 3—Playing the Immigration Law Game: Navigating US Family Reunification Policy and Its Consequences

Nearly every scholar of the US immigration system would confidently assert that the primary principle driving American immigration policy—historically and currently—is family reunification. An emphasis on family reunification means that non-citizens seeking permanent residency status in the US have greater access to that status through a direct familial tie to a US citizen or legal permanent resident than through any other kind of relationship (such as with a US-based employer or academic institution). This widely held notion of the primacy of family reunification has led many scholars and laypeople alike to assert that the immigrant spouses of US citizens have the easiest and surest access to family reunification and legal permanent residency of any non-citizen applicant. And yet, thousands of US citizens' spouses are denied any kind of lawful residency status each year, and tens of thousands more do not even seek official status because they know they do not qualify.

If preserving and reunifying American families is the top priority of the US immigration system, how can so many families fail to qualify? Through in-depth interviews and ethnographic observation of fifty-five mixed-citizenship couples, I find that this gap between the highly celebrated principles driving US immigration law and their incomplete fulfillment in practice can be explained by two phenomena: (1) bias written directly into the law that excludes certain kinds of citizens and non-citizens from qualifying for family reunification and (2) variance in each couple's approach to family reunification that predisposes some families to failure and others to

success, regardless of their most likely outcome based on the law as written. Couples' approaches to family reunification produce legal outcomes that the law alone would not predict. Some couples' ability to "play the legal game" and others' decision to "opt out" of that game altogether improve their chances of either achieving a positive family reunification outcome or avoiding a negative one.

In this chapter, I will briefly describe the structural conditions written into the law that constrain couples' ability to access family reunification (for a more detailed discussion of these laws, see Chapter 2). I will then focus the rest of the paper on how couples' agency in navigating these constraints also shapes their ultimate ability to qualify as an "American" family. Overall, I find that both the structure of the law and the actions individuals take in response to the law shape their legal outcomes. Inequalities in any law are thus manifest by both the words written into the law and the implementation of those laws, including how individuals and families choose to (dis)engage the law.

Mixed-Citizenship Families Under the Law

Two immigration laws serve to regulate family reunification between US citizens and their non- citizen spouses: the 1986 International Marriage Fraud Amendments (IMFA) and the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). The IMFA regulates the quality or "legitimacy" of US citizens' marital relationships with non-citizens to ensure that the relationship is "valid," "bonafide," and was entered into in "good faith" (Immigration and Nationality Act Sections 2(b) and (d)). This law evaluates the quality of the marriage, and it requires couples to meet a much narrower definition of what a legitimate

marriage should be than same-citizenship couples who only need permission from local authorities in order to form a legal marriage (Harvard Law Review 1986). Some of the IMFA standards for a "legitimate" marriage include: that a marriage will last at least two years; couples will cohabitate; couples will open joint bank accounts, jointly sign rental agreements, and/or register their partnership with other public bureaucratic entities; and that these marriages will not be formed under "legal duress" (i.e., threat of deportation). Many of these requirements penalize non-traditional relationships—especially those in which couples do not cohabitate—despite the fact that the meaning and substance of marriage is constantly changing, particularly when it comes to the technological advancements and global connectivity that enable couples to maintain intimate relationships across long distances (Kobayashi, Funk, and Khan 2017; Lynskey 1987). Poorly documented relationships also suffer under these rules, as only certain kinds of evidence are considered objective and reliable enough to corroborate legitimate relationship claims (Rae 1988). For these and other reasons, truly legitimate relationships could be considered invalid, which would disqualify those couples from family reunification (Harvard Law Review 1986).

The IIRIRA evaluates the quality or worthiness of both the citizen and non-citizen applicants (López 2017a). Citizens must meet a minimum personal income standard—125 percent of the federal poverty level—in order to sponsor a non-citizen spouse for permanent residency (Hayes 2001).[25, 26] This financial burden falls disproportionately on women, non-Whites, parents, and disabled citizens seeking to sponsor a non-citizen partner for family reunification (Hwang and Parreñas 2010). Non-citizens must also meet certain standards of

[25] Only the citizen's current income (or promised income, in the case of a recently secured job) can be considered in satisfying this requirement. The earning potential of the non-citizen spouse cannot be included in the calculation.

[26] See footnote 19.

"worthiness." The IIRIRA imposes a 10-year bar to reentry, upon leaving the US, on any immigrant who has lived within the US with unauthorized status for more than one year (Cianciarulo 2015). Unauthorized spouses of US citizens who overstayed a visa (rather than entering the country without inspection) can adjust their status within the US, thus avoiding triggering the bar to reentry. But unauthorized spouses who entered without inspection must leave the US for their consular interview, which automatically triggers the bar. Couples with a non-citizen partner meeting this profile have very low chances of qualifying for family reunification without one or more of the family members living outside the US for a decade or more (Mercer 2008). These undocumented immigrants are almost exclusively from Mexico or Central America, are disproportionately male, and generally come from lower socioeconomic and educational backgrounds (Baker and Rytina 2013; Golash-Boza and Hondagneu-Sotelo 2013; Murray 2013). Both of the requirements imposed by the IIRIRA punish citizens and non-citizens from lower socio-economic backgrounds, essentially excluding poor citizens and/or their (previously) poor non-citizen partners from accessing family reunification.

The flow chart presented on page 60 (Figure 1, in Chapter 2) traces the different filters through which each family's background is evaluated to determine whether or not the family is likely to qualify for family reunification. The drastic difference between families granted family reunification benefits and those whose access to benefits is denied cannot be overstated. Families who access family reunification report higher levels of integration, stability, and satisfaction with their current life circumstances (López 2017b). Families denied family reunification are often forced to leave the US for a decade or more to remain together; many of these families ultimately dissolve as a result of the strain imposed by a denied application (López 2015). For this reason,

many families choose not to apply for family reunification benefits—even if they qualify—because the finality of the decision and its outcomes could destabilize the family more than remaining in a temporary or undefined family immigration status.

Orientation Toward the Law

While inequalities written into US immigration law make it harder for certain kinds of citizens and their non-citizen spouses to access family reunification, these legal discrepancies between "worthy" and "unworthy" mixed-citizenship families cannot completely explain which families are ultimately approved for family reunification by US Citizenship and Immigration Services (USCIS) authorities. Each family's response to these legal constraints and their broader approach toward family reunification law also affect their likelihood of receiving a positive outcome in the application process. The gap between the law on the books and the law in action leaves room for individual actors to shape legal processes and outcomes through (in)action (Marshall and Barclay 2003). Scholars have defined this interaction between legal structure and individual agency—"a reciprocal process in which the meanings given by individuals to their world become patterned, stabilized, and objectified [that], once institutionalized, become part of the material and discursive systems that limit and constrain future meaning-making"—as legal consciousness (Silbey 2008:np). For mixed-citizenship couples navigating the US immigration system, legal consciousness explains notable differences in outcomes among otherwise similar families.

Individual and familial identities also influence legal consciousness, shaping one's perceptions of the law as it functions and her position within the legal and social landscape.

Social class (Merry 1990; Sarat 1990), gender (Nielsen 2000; Salcido and Menjívar 2012), race and/or minority status (Hirsh and Lyons 2011; Nielsen 2000; Pasquetti 2013), legal language (Ng 2009), immigrant status (Abrego 2011; De Hart, Van Rossum, and Sportel 2013; Kulk and De Hart 2013; Menjívar and Bejarano 2004), and political climate (Pasquetti 2013) can all shape legal consciousness and the actions one takes in response to the law. Access to resources, such as money, time, and legal advice, can also impact legal consciousness and one's ability to respond to the law (Cowan 2004).

Ewick and Silbey (1998) identify three attitudes toward and approaches to the law that individuals commonly adopt and that represent broader "cultural schema that [make] sense of the law at a structural level" (Halliday and Morgan 2013). State and other authorities invest significant resources into the effort to educate and socialize individuals to abide by the law and establish the legitimacy of the law and its enforcers (Tyler 1990). Ewick and Silbey's (1998) first attitude toward the law, "before the law," falls in line with this notion of reverence for the law. Those who are "before the law" see the law as separate from ordinary life, ordered and rational, "authoritative and predictable" (47). The law is perceived to be a monolith unmovable by individual action, impartial in its workings, and "transcend[ing] by its history and processes the persons and conflicts of the moment" (47). While individuals who stand "before the law" submit themselves to the will of the law without resistance or the pursuit of self-interest, those who are "with the law" see it as a tool to be manipulated to achieve personal desires. They approach the law as a game to be played, "a bounded arena in which preexisting rules can be deployed and new rules invented to serve the widest range of interests and values" (48). But others find themselves at odds with the law, unable to distance themselves from it or to manipulate its rules

to suit their needs. These individuals who find themselves "against the law" seek to create "moments of respite from the power of the law. Foot-dragging, omissions, ploys, small deceits, humor, and making scenes" are all tactics these individuals use to relieve (if only temporarily) the burden of the law placed upon them (48). Adopting differing approaches toward the law can change legal outcomes for otherwise similar petitioners.

Ewick and Silbey's categories of legal consciousness revolutionized scholarly understanding of how the law is socially understood and constructed. But as scholars have expanded their studies to include more diverse populations, some have suggested that Ewick and Silbey's typologies must grow in order to accommodate other types of legal consciousness. Two different studies focusing on revolutionary-minded environmental extremists both conclude that a fourth typology is necessary to capture both the collective nature of the extreme methods implemented by these protesters and the actors' view of the existing legal system as inherently corrupt (Fritzvold 2009; Halliday and Morgan 2013). Young (2014) also suggests the need to probe "second order legal consciousness"—not only individuals' words and actions vis-a-vis the law, but also their perceptions of how others understand the law and how those perceptions also impact individual-level legal consciousness and actions.

In my study of fifty-five mixed-citizenship couples, I too have identified a need to expand Ewick and Silbey's existing framework. But while the populations Fritzvold (2009) and Halliday and Morgan (2013) studied did not fit into any of Ewick and Silbey's existing categories (thus requiring the creation of an additional category), my findings are slightly different. Of my study participants, many did demonstrate one of the three previously identified approaches toward the law, but a subset of couples did not fall into any of these categories.

Rather than being "before," "with," or "against" the law, these couples—including both those most likely to receive family reunification benefits and those with the most difficult paths to accessing relief—chose to "opt out" of the law. "Opt out" families have an active approach to the law, much as families who are "with the law," seeing family reunification as a game to be played in which couples' actions can increase or decrease their likelihood of success. But rather than the "with the law" families who, feeling their situation is long-term or permanent, work with the law to present their best case for family reunification, "opt out" families perceive their circumstances as temporary and, after understanding the full range of options they have, actively choose not to engage with the law until their needs change or their qualifications for reunification improve. In this paper I argue for the need to expand our understanding of legal consciousness to include an "opt out" consciousness that takes into account three important factors shaping legal possibilities: (1) the relationship between time and the law, (2) citizen-initiated (as opposed to state-initiated) legal processes, and (3) the gap between the law on the books and the law in practice.

Approaching US Immigration Law

As discussed previously, some families have an easier path to family reunification in the US than others. But the distinctions between "worthy" and "unworthy" families that are written into the law do not perfectly align with the actual legal outcomes families experience. How families approach the law shapes their legal outcomes; in practice, some families with seemingly "easy" access to family reunification are left reeling following a failed application and other

families with a "difficult" path to family reunification manage to overcome hurdles and obtain legal permanent residency status.

Before the Law

Nearly half of all the couples I interviewed initially approached US family reunification law in alignment with what Ewick and Silbey (1998) described as a "before the law" legal consciousness. These couples' words and actions reflect a perception of the law as "a separate sphere from ordinary social life: discontinuous, distinctive, yet authoritative and predictable[; …] a formally ordered, rational, and hierarchical system of known rules and procedures" (47). Many of these families functioned under the false assumption that non-citizens automatically qualify for legal permanent residency (and, ultimately, citizenship) as a result of their marriage to a US citizen.

For families with an "easy" path to family reunification, the family reunification process met these inaccurate expectations (though, notably, still causing many couples hardship as they waited out the lengthy application and approval process). Couples living inside the US with "easy" access include those with a non-US citizen partner who entered the US with a valid visa (even if that visa had expired). Couples living outside the US with "easy" access include those with non-US citizen partners who either had never traveled to the US or who had been approved for a tourist visa in the past. Most of these families described the family reunification process to me as a lengthy, burdensome, and often expensive process of collecting and organizing evidence to prove the legitimacy of their relationship and support their petition for permanent residency. But, ultimately, they saw these temporary hardships as a necessary and easily surmountable

bureaucratic hurdle. As Diana, whose husband still had a valid tourist visa when they married and applied for an adjustment of status, recalled, "It wasn't a big deal for us. […] I was surprised at how painless it was. She told us before we left [the interview], 'Okay, I'm going to approve you […] and you'll get your green card in the next […] couple of months.'" Will complained that the process to adjust his wife's Temporary Protected Status (TPS) visa to permanent residency "took forever because they were incompetent" but later added that, because Mayela already had permission to work through TPS, "it didn't really impede our lifestyle." Families with "easy" access who were applying from outside the US expressed similar sentiments that the process was generally straightforward. Molly's husband had never traveled to the US, even though he grew up just a couple of miles from the US-Mexico border. Because of this, Molly "wasn't nervous. I knew that they would give him the visa, we just had to wait for it." For these and other "easy access, before the law" families, applying for permanent residency was burdensome but relatively painless, especially since each of their applications received approval.

But for "difficult access, before the law" families, blind faith in the legal system and the belief that marriage to a US citizen automatically qualified a non-citizen spouse for legal status produced devastating outcomes. Couples with "difficult" access to family reunification include those living within and outside the US with a spouse who has entered the US without inspection and then lived in the US for at least six months following that unauthorized entry. Julia, a sophomore in college, filled out the family reunification application materials herself shortly after marrying Santiago, whom she had met working part-time at a local fast food restaurant. But rather than receiving information with a date for Santiago's interview in the Mexican consulate, she received a letter from USCIS stating that Santiago had 30 days to leave the country before he

would be forcibly removed. Julia and Santiago obeyed the order and left the US before the thirty days had passed. Santiago was barred for ten years from returning to the US.

Yuliana and Mateo were junior high and high school sweethearts in Tijuana. Yuliana was born in the US, grew up mostly in Tijuana, and moved back to the US—just across the border—when she was sixteen. She and Mateo continued dating, and Mateo quickly decided that he couldn't live apart from her any longer. Mateo did not qualify for a tourist visa, so he entered the US without authorization. (He first tried, unsuccessfully, to cross using someone else's visa. He later crossed successfully by walking across the unmonitored border just east of Tijuana.) As Yuliana put it, "We did not understand the consequences at all." Marcos added:

> We were so young. […] You are on the border all the time and you think, "Well, I'm going to cross to see. Just once." Like, if you live in Central America or in the south, you think, "No!" and you really think about it. But when you're here, everyday you go by the border and you see it. It seems so easy. You believe that it will be easy.

They married shortly after he moved to the US. When they were finally able to afford to apply for permanent residency five years and two kids later, they submitted their application without consulting with a lawyer. Mateo went to his interview in Ciudad Juarez expecting to be back at work in San Diego the following week. Instead, he was told he would not be allowed to enter the US for at least the next ten years. Yuliana and Mateo expressed that one of the most difficult aspects of being rejected by the state is the finality of the rejection. It is very difficult to appeal a decision, and most rejections include a minimum ten-year wait before couples are eligible to reapply; some denials include lifetime bans. For "difficult access, before the law" families, blind trust in the law led to disastrous consequences.

With the Law

"Before the law" families' legal outcomes most align with the categories of deserving and undeserving families as outlined in family reunification law. This is because these families take the law at face value, rather than as a game to be played or something that can be manipulated in order to enhance their chances of success. But "with the law" families do precisely this: stretch the law to fit their needs or reshape their own stories to fit into preferred legal categories. For these families—including nearly one-quarter of the families I interviewed—the law is "a bounded arena in which preexisting rules can be deployed and new rules invented to serve the widest range of interests and values" (Ewick and Silbey 1998:48). And couples with both "easy" and "difficult" access to family reunification take this approach.

For "easy" access families, being "with the law" means navigating the legal constraints for access to (and maintaining) permanent residency in order to suit their familial needs. Jiancarlo and Sondra met in college in a Spanish literature class. They were both born and raised in towns on the US-Mexico border—Jiancarlo in the US and Sondra in Mexico. Sondra grew up with a tourist visa and traveled regularly back and forth across the border. When she was sixteen, she and her mother moved to the US in search of better work opportunities. Shortly after they arrived in the US, their visas expired. When Sondra and Jiancarlo met, Sondra had been undocumented for many years. As a result of her unauthorized status, she had to pay out-of- state tuition at the state university they attended, an extraordinary expense that forced her to work full-time while in school. And as she neared her graduation, she realized that, because of her undocumented status, her bachelor's degree would not improve her access to most jobs:

> I was about to graduate, actually, and then the thing was, Okay, so now I'm going to have a bachelor's degree. I have all this experience, and I have this internship, but I have no way of getting a job. […] We talked it over and then I remember him asking me, "So, what can we do?" […] Basically, we came up with the solution of, we are probably going to end up getting married [eventually. So let's just do it now.]

They both felt that they would "probably […] end up getting married" eventually, so they decided to get married "by the court" immediately, long before they actually planned to begin their life together as a married couple. Immediately after their courthouse marriage, they applied for Sondra's permanent residency, which she received. For the first two years of their marriage, they continued to live in separate houses and date as they had before. They only began living together as a couple and started what they considered to be their true married life together after being married in the church two years later. While Jiancarlo suggested that some people who hear their story could think it was just a "marriage of convenience," he claimed that, in the moment, "There was no question whether this was right or wrong. It was just, this is how we need to move forward, and we wanted a future together. There was no question about what we have to do." Jiancarlo and Sondra planned to marry eventually, and Sondra needed to adjust her status in order to continue to progress in her education and career and prepare for their life together. So they applied for family reunification even before they became a family, at least as far as they were concerned, because they needed the benefits of family reunification first in order to become the family they wanted to be.

Melodia and Chuck also had "easy" access to family reunification, despite the fact that the lifestyle they wanted to live did not correspond with the requirements that accompany permanent residency in the US. Melodia and Chuck met working in management at the same

factory in Mexico, just south of the border. Melodia grew up in a well-resourced Mexican political family and had previously studied in the US, France, and the Dominican Republic. She had a long-term tourist visa to the US, and Melodia and Chuck easily satisfied all of the requirements to qualify for family reunification. But they didn't want to live in the US and, under the rules governing permanent residency, green card holders must live in the US at least 180 days of every year. Chuck and Melodia lived in the US for a few months while waiting for Melodia's green card interview (Chuck commuted back and forth, but Melodia was unable to leave the country while she waited). But as soon as their application was approved, they moved back to Mexico. Assuming (correctly) that Melodia's lack of actual residency in the US would not raise the suspicion of border agents or other immigration officials, they continued on with life as usual, crossing the border when they wanted to (including for the births of both of their children), but with both Chuck and Melodia working and residing in Mexico. Three years later, Melodia is now a US citizen, despite the fact that she has never lived in the US during her adult life except for the few months while she waited for her green card interview. Given their employment constraints and personal preferences that persuaded them to continue living outside the US, Chuck and Melodia technically should not have qualified for family reunification. But they were able to play the law in a way that gave Melodia access to permanent residency and citizenship without sacrificing their work and way of life in Mexico.

The ability to work with the law in ways that improved chances for family reunification extends to "difficult" access families, as well. Unauthorized spouses of US citizens who entered the US without inspection must attend their visa interview in their country of citizenship, but when they leave the US to attend the interview, they automatically become subject to the 10-year

bar to legal reentry to the US. The only way families can avoid this bar is to secure an Extreme Hardship Waiver (EHW).[27] While many "before the law" families understood an EHW denial to be final, June and Stefan realized that, while the EHW denial cannot usually be appealed, couples can reapply multiple times until their application is approved:

> He came here illegally. So we had to ask for a [waiver]. But we had been working on that on- and-off for the past—since I was pregnant with my first baby. So that was, like, nine years ago that we had inquired about it. The lawyer told us the first time, "Wait until you have your baby. You're very young. We will wait to build up a better case because the pardon is hard to get." […] And we waited a couple of years before we tried for it. [Stefan] eventually got rejected two times for the [waiver]. Until the third time, we found a better lawyer and they helped us out and we got, you know, we got accepted. […] That just happened recently; it just came like three months ago.

During this nine-year period, Stefan was assigned multiple interview dates at the consulate in Ciudad Juarez, but June knew that, without the EHW in-hand, his risk of rejection and being barred from readmission was too high to risk making the trip. While they both acknowledge that those nine years were filled with stress, anxiety, and guilt, playing the long game with the law—including submitting multiple failed applications—ultimately gave them access to their desired legal result without having to face the harsh consequences to which their family would otherwise have been subjected.

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[27] Between 1996, when the EHW was introduced in conjunction with the IIRIRA, and 2012, non-citizen spouses would not be informed of whether or not their waiver application had been successful until after attending their consular interview outside of the US. This threat of long-term separation or relocation outside of the US kept many mixed-citizenship families from applying for family reunification and the EHW at all. In 2012, President Obama issued an executive order enabling families to learn whether or not their EHW application had been approved *before* leaving the country for the consular interview (Skrentny and López 2013). This significantly reduced the risks for families seeking family reunification who would otherwise be subject to the 10-year ban. (Note: Undocumented spouses of US citizens who overstayed a visa can be interviewed at INS offices within the US, rather than having to travel to the US consulate in their country of origin. Because they are not required to leave the US before adjusting their status, they are not subject to the 10-year bar to reentry [López 2017a.])

With the help of a lawyer, Georgina and Moises adapted their familial "truth" to fit the requirements necessary to qualify for an EHW. Georgina's ongoing health issues and her need for Moises' physical and emotional support seemed to clearly qualify them for relief from the 10-year bar. But undocumented immigrants who have entered the US more than once without authorization do not qualify for an EHW. Moises had crossed the Rio Grande twice, but had not been caught either time. Because there was no legal record showing that Moises had violated this rule, their lawyer recommended that he report his earliest date of entry to the US and simply never reveal that, sometime during the six years that followed (between his original entry and his application date), he had left the US and re-entered without inspection. They only mentioned this when I asked Moises to tell me about his experience entering the US:

> **JLL**: Would you be willing to talk about your experience coming across the border?
>
> **Moises**: Yes, of course.
>
> **Georgina**: The two times. Because you came twice, right?
>
> **Moises**: Yes, twice.
>
> **Georgina**: But nobody knows that because I don't know if you know that if … the whole residency thing.
>
> [JLL reassures them that their answers are confidential.]
>
> **Georgina**: You were told that the second time had to be […] They thought he was only here once throughout because —
>
> **Moises**: Because, I don't know how it is now but in that time it's like, if you leave and then come back undocumented [again], you can't get a green card.

But even despite tailoring their story as best as possible to the requirements as written in the law (and as their lawyer interpreted them), Georgina and Moises had to endure more than a year of separation following his visa interview after his hardship waiver was denied. After collecting more evidence of the extreme hardship this separation would cause Georgina and working very

closely with their lawyer, Georgina was able to successfully reapply for the EHW and Moises was granted legal entry into the US. Ultimately, Georgina concluded that success in the family reunification process was "all about money and persistence. If you've got that, then you could get it done." Through hard work and, at times, pure determination, Georgina and Moises worked with the law to position themselves in a way that qualified them for family reunification. These families, like other "easy" and "difficult" access "with the law" families, actively engaged the law and adapted both their interactions with the law and the narratives they provided to legal actors to best position themselves for a positive legal outcome in the family reunification process.

Against the Law

Only one of the fifty-five families I interviewed had an "against the law" approach from the outset of their family reunification experience. For the most part, families at least initially approached the law from a position of hope, if not entitlement. Very few families viewed their position towards the law—at least with regard to family reunification—as "being caught within the law, or being up against the law, its schemas and resources overriding their own capacity either to maintain its distance from their everyday lives or to play by its rules" (Ewick and Silbey 1998:48). The one exception is a couple whose decision to marry and apply for permanent residency was in direct response to the 2016 presidential elections. Aylin and Jared were dating long-distance, and the night of the election, Aylin had gone to bed early, thinking everything would turn out as she hoped. She awoke the next morning to a stream of increasingly worried texts from Jared, culminating in the news that Donald Trump had won the election.

> **Jared**: My next text to you literally was, "I don't know what you're thinking about. I don't know what you're thinking re: anything. But I think we should get married." […]
>
> **Aylin**: After the text-based proposal, I saw it. I was like, "Yeah, sure. Let's get married." […] It was definitely a response to the elections. It was, simultaneously for me specifically, it was so—I was going through some really tough times [applying for jobs in academia]. […] This is gonna sound so corny, really, but it did feel—especially in the days after [the election], the area around the university, just walking around, people were so depressed. It was so sad. The mood in general was, "We just want to kill ourselves." It just felt like such a good, like a truly political act to say, "This sucks, but at least we love each other. At least this mother fucker—we're going to be married under his government. He can go fuck himself. He doesn't get to say [that we can't be a family.]" It felt a little bit weird and a little bit protest-y in a way, so that's what we ended up doing. […] We ended up just literally going to the courthouse in Brooklyn.
>
> **Jared**: My sister was the witness and we went home, took a nap, and then later went out for dinner with my sister.
>
> **Aylin**: That's the super-romantic story.
>
> **Jared**: There's nothing romantic about the election. There's noting romantic about the story. It doesn't need more romance. This is real life.

Aylin had a current visa as a graduate student, so their path to family reunification was straightforward once they married. Despite the fact that Aylin and Jared are both from upper-middle class backgrounds and describe themselves as an "international bourgeois" couple, the election outcome made them feel backed-up against the wall in a way that revealed their relative powerlessness. But their decision to marry was a rebellion and a way to resist the power of law in their family life.

Other families adopted an "against the law" stance following the deportation, green card cancellation, forced removal, or long-term bar to reentry of the non-US citizen spouse. While the official rejection of their family as American by the US government has devastated these families and completely altered their lives going forward, some of them found opportunities to push back

against the law in other ways. After Yuliana and Mateo settled into life in Tijuana, Mateo opened a business buying salvaged cars in the US, importing them into Mexico, repairing them, and reselling the cars to Mexican drivers for a significant profit. Despite the fact that he cannot legally enter the United States, Mateo has found a way to exploit the US and Mexican legal systems—and his geographic position between them—to establish a profitable business that yields a much higher income than he otherwise could have earned in Mexico. When Christian's wife, Sharon, received a notice that her green card had been cancelled due to issues with her citizenship application,[28] he decided to run for Congress. Recognizing that his political rights as a US citizen remained in tact, Christian felt that running for Congress and publicly exposing the hypocrisy in US immigration law was the only way that they might ever get justice in their case. These and other families found satisfaction in pushing back against the oppressive power of the law in their lives, even if they could not fully prevail over it.

Opting Out of the Law

But a full quarter of the couples that I interviewed did not fall into any of Ewick and Silbey's (1998) categories of legal consciousness. These families did not perceive the law as something "discontinuous, distinctive, yet authoritative and predictable" ("before the law," 47), nor did they necessarily feel backed up against the law or overwhelmed by its influence in their daily lives. Like the "with the law" families, these couples perceived the malleability of the law,

[28] In an attempt to be completely honest in her citizenship application (and without consulting a lawyer), Sharon checked the box confirming that she had previously claimed to be a US citizen or posed as a US citizen. (According to her line of thinking, she probably had checked a box declaring she was a citizen when she was an undocumented immigrant applying to work at Starbucks at age 18, etc.) Under US immigration law, posing as a US citizen is considered one of the most grievous sins, and someone found guilty of it is permanently barred from obtaining legal immigration status of any kind in the US. (See footnote 17.) While Sharon has not been deported, she is once again undocumented and vulnerable to deportation.

but in this case, rather than deciding to play the game of the law, these families—both "easy" and "difficult" access families—chose to opt out of engaging with family reunification law altogether.

For families with "difficult" access—especially those already living within the US—this approach can seem quite logical. If families likely face a denial, which would bring with it long-term consequences such as voluntary or forced removal, a ten-year (or more) bar to reentry and, in some cases, no future access to legal immigrant status in the US, many such families choose to wait until their circumstances improve in ways that would make them more eligible for the EHW and family reunification. When I spoke with Chandra and Panchito, they had been married for just under a year, and Chandra was pregnant with their first child. They had no immediate plans to try to adjust Panchito's status, due to a number of factors: Chandra did not earn enough money as a ranch hand to qualify as a financial sponsor for Panchito, and they did not currently have a strong enough case to qualify for the EHW. Additionally, Panchito had already lived in the US for ten years without being deported or having other issues related to his immigration status, so they did not feel that acting now was urgent, or even in their best interest. As Chandra explained, "At first, I was like, 'Let's get him legalized ASAP. As soon as possible, let's do it.' But a couple people—I've talked to different people and they've said to just wait a while. So we will. I mean, we're waiting, obviously, for probably another couple of years." Applying prematurely could lead to an application denial and Panchito's ordered removal from the US; waiting meant continuing to live with his uncertain status, but continuing to live their lives as usual without prematurely forcing Panchito to leave.

Carmela and Rodrigo have decided to take a similar "wait-and-see" approach, despite the fact that she does earn enough money as an engineer to sponsor Rodrigo's application. Carmela's fear is that, as a Mexican-American who speaks Spanish and works in an industry that thrives on both sides of the border (and as someone who is able to support herself and her children without Rodrigo's help), immigration officials will deny any attempt to claim extreme hardship. Even with the change in the law that now allows them to apply for the EHW before leaving the US, thus significantly reducing their exposure to the 10-year bar to reentry, Carmela feels that registering Rodrigo's presence in the US through their application alone could expose him to an increased deportation threat. Because of these concerns, Carmela has decided to opt out of the family reunification system because the potential benefits that a successful application could offer her family do not outweigh the potential consequences of a failed attempt. And because she believes it is a game that can only be played once, she has chosen to opt out of the game until some future date when she has better odds of winning.

"Difficult" access families are not the only ones who choose to opt out of family reunification. Many "easy" access families also explained why they had opted not to seek family reunification. For some "easy" access families living in Mexico, like Genoveva and Felix, the application costs for permanent residency exceeded what their current incomes could accommodate. As a couple, Genoveva and Felix agreed that all the extra hours Felix would have to work in order to pay the application fees and consult with a lawyer would put too much of a strain on their family. Other couples did not want to live in the US, and given the residency requirements associated with permanent residency, the couples felt that it was not in their interest to apply for family reunification. (It is important to note that, for most of these families, the non-

citizen spouse had a long-term tourist visa that allowed him or her to visit the US regularly.) One binational couple, Jessica and Julio, felt that family reunification law did not have many benefits to offer them and would include significant costs. Jessica works in the US and spends about two-thirds of her time based out of her California home and a third of the year in Mexico with Julio. Julio operates his own business with some of his brothers in the Mexican state of Jalisco, and spends only about one-third of the year visiting Jessica in the US. As Jessica notes, for them to adjust their lifestyle to live together in the same place, it would require sacrifice and impose a strain on their relationship that they are not willing to bear:

> Obviously, [our binational lifestyle] has at times put a lot of strain on our relationship. It's kind of unreasonable, and it's not easy to have a life that takes place in two different places. But, I think also for us—basically thinking that Julio would give up his family and all of his work, which is important to him, to be in the US, or that I would give up the opportunity that I have to have a career myself to be in [Mexico with him …], that would put a lot of strain on our relationship, too. And I think that the opportunity to live back and forth between the two countries creates a lot of richness in our lives, as well.

I asked if Julio had considered applying for permanent residency at some point, and he said, yes. He enjoys visiting the US and would probably enjoy it even more if he could spend more time there, but he said that when he is visiting the US, he is always thinking about returning back to Mexico, his job, and his extended family (mother, brothers, etc.) who live there. Then Jessica added, "Plus, we don't want to be subject to US tax law. That would be another…" "Issue," Julio interjected. As Julio and Jessica understand it, becoming a permanent resident of the United States would also require Julio to declare all of his Mexican wealth (income, properties, businesses, etc.) to the US and pay annual taxes on them or on the proceeds from the sale of any of his property in Mexico. And because Julio's interactions in the US are exclusively as a

tourist—spending money but not working or profiting from any interests in the US—he doesn't believe that he should be subject to double taxation. He is willing to consider paying some taxes because, while he lives as a tourist when he is in the US, his wife and son both live as residents there, but he still feels that that particular cost of permanent residency is, at least for now, too high for him. As Jessica summarized, "Basically, I think you don't need anything from the green card," and Julio continued, "Yeah, that's what I'm saying because I think I have a good job in Mexico and I like it, and it's enough for me. And I don't need another job here [in the US]. I don't come to work here, but I enjoy the country, and if I have to pay something because of that, then I would consider it." But family reunification law does not contemplate the possibility that mixed-citizenship families might want to live a life that is not primarily based within the US, so Jessica and Julio have chosen to opt out of family reunification altogether.

Discussion and Conclusion

Though Ewick and Silbey's (1998) three types of legal consciousness explain many participants' approaches to family reunification law, the authors' typologies do not leave room for individuals to understand the law, recognize it as a game to be played, but choose to opt out of that game altogether. One of the benefits of playing with the game of the law is its promise of closure: "The promise of a game is that the process ensures a means for producing an end to itself. Many people turn to law not so much for the playing as for the end of play, for providing, as one man observed, 'the final solution' to conflicts and disputes" (Ewick and Silbey 1998:148). Yet the "opt out" families in my study wanted the complete opposite of closure and a final decision: they wanted to avoid engaging family reunification law in an attempt to delay, perhaps

indefinitely, a final legal decision regarding whether or not their families could officially belong in the US. Three different conditions contribute to these families' decisions to opt out of family reunification: (1) the relationship between time and the law, (2) the nature of family reunification as a citizen-initiated (as opposed to state-initiated) legal process, and (3) the gap between the law on the books and the law in practice.

While "opt out" families' understanding of the law most closely overlapped with that of the "with the law" families, a significant difference between the two groups was their understanding of how time could change their position in relation to the law. "With the law" families saw their family circumstances as constant. In each of their cases, waiting for family conditions or needs to change before applying for family reunification did not make sense because "with the law" families did not anticipate a change in their conditions, or they perceived their need for family reunification as too urgent to wait until such a change occurred. "With the law" families felt that they were holding the best hand possible to play the game, so they took their chances and played it. But "opt out" families perceived their current family circumstances as temporary and chose not to engage at all with family reunification, either because family reunification did not have enough benefits to offer them based on their current living arrangements or because they felt that they would be better positioned to access family reunification at a future date. Recognizing that most families are only given one chance to apply for family reunification, these families chose to opt out of the law until their circumstances changed and engaging family reunification law became a necessity.[29]

[29] A number of families in the study discussed how the Trump campaign, and later presidency, changed their sense of urgency in needing to access family reunification.

But another essential factor that enables families to opt out of family reunification is that family reunification is a citizen-initiated legal process. Applying for family reunification is not a requirement for mixed-citizenship families before they can legally marry and live within or outside the US. Family reunification—specifically, the potential for citizens to extend lawful, long-term residency and, ultimately, citizenship to their non-citizen spouses—holds huge potential benefits for mixed-citizenship families. But not all families qualify for or want to access those benefits. Just like marriage itself, the legal process of family reunification cannot be imposed upon citizens, but must be initiated by those citizens should they desire that status change. The combined unpredictability of each couple's family reunification outcome, the severe consequences of a rejected application, and the apparent finality of those decisions led many families to avoid engaging with the law.

Finally, the gap between the law on the books and the enforcement of those laws made opting out a possible option for many families. As Mae Ngai (2004:5) observed, "the illegal alien is […] a person who cannot be and a problem that cannot be solved." If US immigration law were perfectly enforced, undocumented individuals would not and could not reside in the US and many of the families I interviewed would either not exist or would already be living elsewhere. But eleven million undocumented immigrants live in the US—hundreds of thousands of whom are married to US citizens—and, because family reunification law does not provide relief for most of them, many of these immigrants and their US citizen spouses choose to opt out instead. Furthermore, the overlapping legal jurisdictions over mixed-citizenship marriage in the US complicates the situation in ways that enable families to be legally married without being legally present, thus enjoying many of the benefits of being an "American" family without acquiring

that official status (Brigham 2009). For "difficult" access families, in particular, choosing to opt out of family reunification does not guarantee immunity from other branches of the law, particularly that of immigration enforcement. These families who opt out from seeking family reunification (and potentially provoking the non-citizen spouse's deportation) still face the threat of deportation. But for many of them, choosing to engage with family reunification law would most likely only guarantee and expedite the non-citizen spouse's deportation, so opting out remains the preferred option.

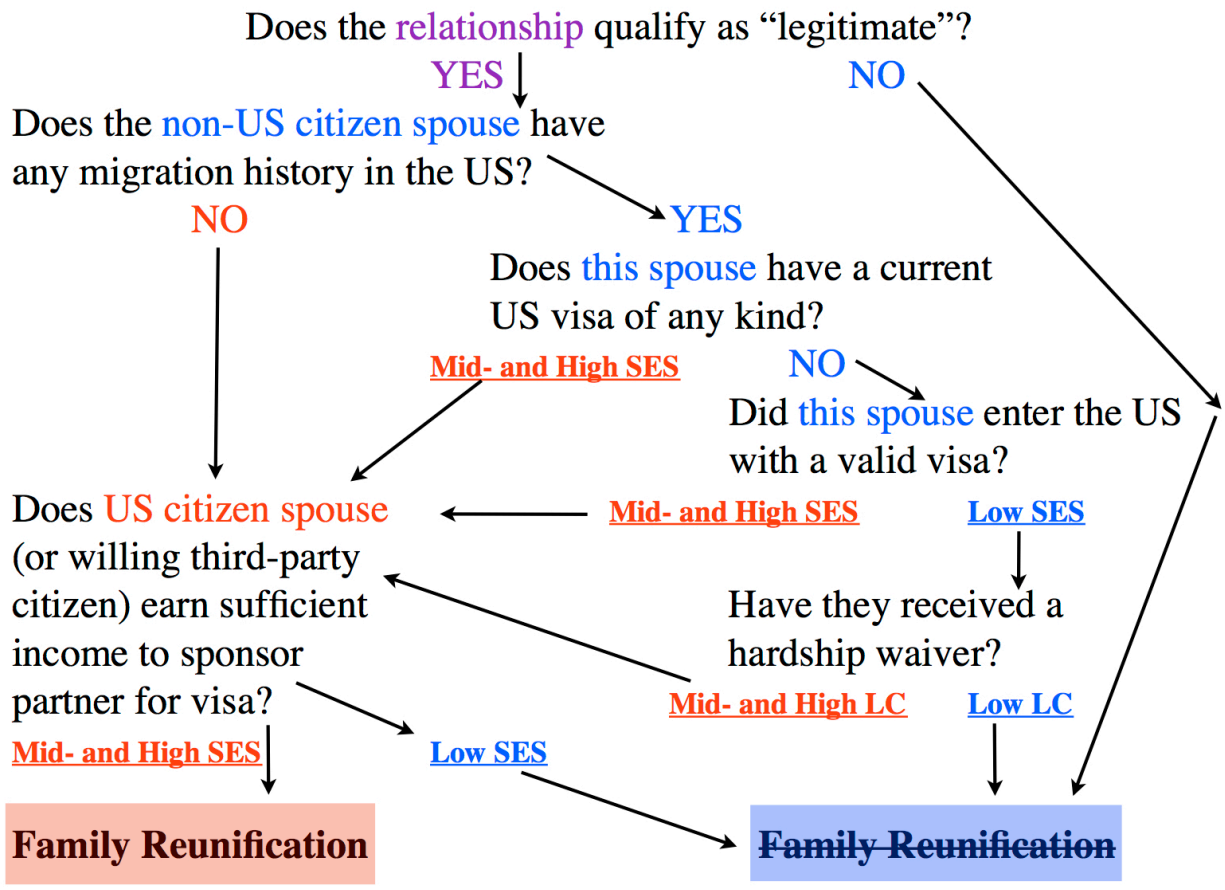

Figure 2. Family Reunification Flow Chart II

Including "opting out of the law" as a type of legal consciousness along with Ewick and Silbey's (1998) other three categories better captures both the approaches individuals can take toward law and the structure of law itself. While law is "all over," not all law is active at the same time (Sarat 1990). Furthermore, for many laws, individuals, rather than the state, must first engage law in order for it to take effect in one's life. This necessary action on the part of the individual to activate a particular law inherently includes the possibility that an individual may choose *not* to activate the law. In the case of mixed-citizenship couples, those who choose not to engage with family reunification law tend to be those who either would not benefit (because the citizenship does not create any additional benefits [Joppke 2010]) or could not benefit (because family reunification law excludes them from access). Acknowledging that some laws—and even some rights—may not benefit all individuals for whom they were designed can teach us about both the value and limits of certain laws and rights, but also how the law functions in everyday life.

As the modified flow chart above (Figure 2) shows, both social class and legal consciousness impact the family reunification outcomes for mixed-citizenship families. Both citizens and their non-citizen spouses who come from the middle and upper classes have a clearer path to family reunification. But couples who do not meet these class conditions can still access family reunification if they actively, rather than passively, approach family reunification law and their relation to it. While legal consciousness does not cleanly map onto social class (Hernandez 2010), couples with access to more social and economic capital have an increased ability to acquire the information and resources needed to develop a high-level legal consciousness that can improve their odds of securing a positive family reunification outcome.

This finding confirms that legal outcomes are the result of both structure and agency; the actions (or non-action) of individuals can alter the legal outcomes one would expect based upon the law alone. But it also confirms that the law does not apply equally to all subjects. In addition to inequalities written into the law, inequalities in how individuals respond to the law shape legal outcomes, often in ways that further benefit the socially, economically, and educationally rich at the expense of the poor and under-informed.

Chapter 4—Mixed-Citizenship Family (Dis)Integration: The Roles of Legal Immigration Status and the Family in Shaping Spatial, Structural, and Social Assimilation

Sonia was born and raised in San Diego. She is the child of Mexican immigrants, and her experience as a first generation American perfectly traces the traditional arc of integration and assimilation defined and refined by scholars over the past century. These assimilation scholars have noted a number of different "types" of assimilation that, in combination, lead to full incorporation into a country's mainstream, including cultural or behavioral, structural, marital, identificational, civic, socioeconomic, spatial, and linguistic assimilation, among others (Gordon 1964; Waters and Jiménez 2005). Sonia satisfies nearly every single measure of assimilation, and then some. She was a first-generation college student and graduated from a top California university with an accounting degree. She owns her own home in a community she loves. She votes regularly. She speaks perfect English, earns a good income in a solid white-collar industry, and likes to take kickboxing classes and walk around the mall in her free time. While she is proud of her Mexican heritage, she does not think of herself as Mexican. She is American, and her life is the fulfillment of the hopes and sacrifices her parents made in search of the "American Dream."

But on one dimension of assimilation, Sonia has "failed," and it has sent her life into a tailspin. Rather than marry another equally-assimilated American, Sonia fell in love with and married Sebastian, a Mexican citizen who came to the US at the age of fifteen to join his parents who had previously migrated from Michoacan to Southern California. Sebastian attended high

school in San Diego and adjusted quickly to his new life, performing well in his schoolwork and qualifying for the National Honors Society, among other accomplishments. But, due to his unauthorized status, Sebastian struggled to continue his education after high school. He took courses at a local community college for a few years, but as he realized that his limited access to key social structures extended beyond higher education to the workforce, he dropped out of community college and began work in construction instead. Over time, he became a skilled carpenter and worked with the same company for nearly a decade. When he and Sonia met, they both felt like Americans. As Sebastian put it: "I am Mexican, but in my mind I am American because I basically grew up in the United States." At one point, he even thought that he had become an official American. Sebastian's parents had applied to adjust his status to permanent residency, and within a few months he was given a driver's license, ID, Social Security number, and a certificate of citizenship. He only found out later—after traveling to Tijuana on a day trip and then trying to cross back across the border with these new documents—that his lawyer had given him fraudulent documents. His use of these documents at an official port of entry was interpreted as a fraudulent claim to US citizenship, which permanently barred Sebastian from any future legal immigrant status in the US.

Sebastian's unauthorized immigrant status significantly impaired his ability to assimilate into key dimensions of mainstream American society. He was excluded from critical structures—such as institutions of higher education, banking systems, and many occupational sectors—that facilitate social and economic incorporation. His undocumented status also limited him in his ability to be civically active, as many civic institutions require formal US membership for participation. And although, according to assimilation theorists, Sebastian's marriage to an

assimilated US citizen should have helped him overcome these barriers and fully integrate, Sonia and Sebastian experienced the complete opposite outcome: Sebastian's—and, by proxy, Sonia's—formal exclusion from American society. Sebastian's most recent deportation in 2013 forced Sonia to choose between her family and her assimilated status in the US. By prioritizing her family relationships with Sebastian and their daughter, Dulce, Sonia was pushed out from the core of American society to its periphery, literally and figuratively, resulting in their individual and collective dissimilation from the only country to which they felt they belonged.

Assimilation from a Family Perspective

Assimilation (as a sociological concept) was first described as "a process of interpenetration and fusion in which persons and groups acquire the memories, sentiments, and attitudes of other persons or groups, and, by sharing their experience and history, are incorporated with them in a common cultural life" (Park and Burgess [1921] 1969:735). Sociologists, who observed firsthand a dynamic process of immigrant arrival, cultural interaction and exchange, and, ultimately, absorption into the "American mainstream" occurring in American cities, sought to distill the mechanisms producing this phenomenon. Park and Burgess ([1921] 1969) described assimilation as a "typically unconscious" process in which groups merge together, a more complete process of integration than just "accommodation" (in which social attitudes are adapted to prevent conflict between groups but groups do not converge) and/or "amalgamation," or intermarriage (736). Assimilation usually includes amalgamation, but it reaches beyond intermarriage to also include social and cultural convergence. While Park and Burgess saw assimilation as an "unconscious" and, to some extent, inevitable process of

immigrant incorporation into the majority, they noted that some groups assimilated more easily than others, for a variety of reasons. Greater social contact between groups could lead to more rapid and complete assimilation; social and cultural distance could be equally disruptive to the process (735).

Building on Park and Burgess' ideas, Milton Gordon (1964) sought to design a more systematic theory of assimilation, which he produced through the analysis of an imaginary "ideal" case of group assimilation. Based on the manner in which this ideal assimilation was imagined to unfold, Gordon divided the assimilation process into seven "types of assimilation," all of which must be accomplished for complete assimilation: (1) cultural or behavioral; (2) structural; (3) marital; (4) identificational; (5) attitude receptional (absence of prejudice); (6) behavior receptional (absence of discrimination); and (7) civic assimilation. "Cultural assimilation, or acculturation, is likely to be the first of the types of assimilation to occur when a minority group arrives on the scene," but acculturation alone does not necessarily lead to other types of assimilation nor is it sufficient for group convergence (77). According to Gordon, each type of assimilation can be accomplished alone, but it is structural assimilation that holds the key to complete assimilation. As long as groups are impeded by social structures maintaining "separate subsocieties of the three major religious and the racial and quasi-racial groups" (159), the potential for other assimilation—such as marital, identificational, and attitude and behavior receptional—is low. Gordon hypothesized that, unless these structural barriers are broken down, complete group assimilation would remain elusive, though some types of assimilation, especially acculturation, are possible and likely inevitable.

A variety of other theories adding to the assimilation canon have emerged in the past few decades. Many scholars have sought to expand Gordon's (1964) types of assimilation to include other important measures of inclusion and exclusion, such as economic (e.g., Meng and Gregory 2005; Reitz and Sklar 1997), educational (e.g., Boyd 2002; Hirschman 2001; Jiménez and FitzGerald 2007; Telles and Ortiz 2008), and spatial assimilation (e.g., Massey and Denton 1985, 1993; Alba et al. 1999, 2000; Waters and Jiménez 2005). The work of Telles and Ortiz (2008) revealed that assimilation is a more fluid, rather than unidirectional, process, as groups undergoing increased assimilation on some measures (e.g., intermarriage and language) can experience simultaneous dissimilation on other measures (e.g., diminished residential diversity). Bloemraad and de Graauw (2011) also found that conditions beyond the social and cultural context—such as government policies at the local and national levels—can also shape the conditions of reception for immigrants, with the potential to facilitate or impede immigrant assimilation. These and other expansions on Gordon's types of assimilation shifted the focus toward seeing assimilation as the opposite of "segregation, ghettoization, and marginalization" rather than merely difference (Brubaker 2001:543).

Recognizing that some groups in America faced ongoing segregation, ghettoization, and marginalization despite their social and cultural integration on other measures, Portes and Zhou (1993) developed a theory of "segmented assimilation." It asserts that, rather than the traditional notion that all immigrant groups would experience, over time, "growing acculturation and parallel integration into the white middle-class," newly arriving minority groups faced two additional assimilation options: "permanent poverty and assimilation into the underclass," or protection through self-imposed ethnic isolation (to the extent possible) from broader society

(Zhou 1997:82). While immigrants could theoretically follow any of the three assimilation routes, specific group characteristics make some immigrants particularly vulnerable to segmented assimilation and its associated downward mobility, including skin color (as associated with race), geographic location/isolation, and lack of "mobility ladders" (Portes and Zhou 1993:83). Implicit in the authors' theory is the assertion that, rather than consisting of a "unified core of American society" into which all groups can be integrated, American society is actually composed of multiple, separate social structures that are not equally accessible to all groups. Of all the different barriers to "upward" assimilation—including class, education level, national origin, and ethnicity—race has been consistently identified by scholars as the "master status" determining access to positive assimilation opportunity (Kazal 1995; Kim 1999; Waters 1999). While maintaining a strong ethnic immigrant identity could help protect against downward assimilation, many immigrants could still find only certain segments of American society, excluding the White majority, open to receive them.

Immigration scholars have recently begun to examine the intersections between race, ethnicity, gender, and immigration status to determine to what extent unauthorized immigration status—rather than some other trait or characteristic, such as race—acts as a "master status" in determining opportunities and outcomes for immigrants (Dreby 2012, 2015; Enriquez 2015, 2017a; Gleeson 2010; Gonzales 2011, 2015; Gonzales and Burciaga 2018; Rodriguez 2016; Schueths 2012, 2015). Collectively, these scholars find that "illegality" creates significant and long-lasting barriers to legal, social, and economic integration for unauthorized immigrants. While they note that unauthorized status may not always act as the only master status in determining specific outcomes, such as dropping out of school or deciding where to live, it is a

key trait that shapes nearly every choice and outcome immigrants without legal status make while living in the US. (Notably, only illegality acts as a master status; legal immigration status does not play the same central role in determining legally-present immigrants' opportunities and access to integrative processes.) Many of these scholars have also noted the tangential impacts illegality has on the legally present family members of unauthorized immigrants, including emotional hardship (Schueths 2012), altered familial gender and power dynamics (Dreby 2015), and reduced social and cultural capital (Enriquez 2015). Building on these insights, I examine the extent to which family-level immigration status acts as a master status in determining assimilation outcomes for both non-citizen and citizen family members in mixed citizenship couples.

Family-Level Interventions in the Assimilation Process

Many assimilation scholars have identified the mediating role of the family in shaping assimilation processes and outcomes, including how families' efforts to resist the full social and cultural incorporation of their members has protected them from downward assimilation and other undesirable outcomes. A variety of studies have identified this protective effect, challenging the traditional notions of (1) the absolute desirability of immigrant groups' full assimilation and (2) limited or no agency on the part of the immigrants as to if, how, and when they will assimilate. In her study of second-generation Punjabi immigrants in the California Valley, Margaret Gibson (1988) found that the most "successful" immigrant families consciously avoided full assimilation for their children, choosing to preserve many of their own cultural standards and traditions and adopt only some mainstream American cultural practices. This

conscious effort to achieve "accommodation and acculturation without assimilation" helped Punjabi youth succeed academically (and, later, economically) without adopting other American practices—such as an emphasis on extracurricular activity, lack of respect for elders, and sexual promiscuity—that could distract from academic and occupational success.

Zhou and Bankston (1998) observed similar "selective Americanization" behaviors among successful Vietnamese students, who were less thoroughly assimilated with their peers than the unsuccessful, or "delinquent," yet otherwise similar Vietnamese students who had assimilated into "the oppositional culture of low-income, disaffected American youth" (228). According to the authors, assimilating youth are presented with both desirable and undesirable facets of American culture, and "the social controls provided by families within ethnic communities can steer young people toward the desirable aspects of Americanization and away from the undesirable aspects" (228). Portes and Rumbaut (2001; 2006) and Bean and Stevens (2003) also found that first and second generation immigrants' efforts to maintain cultural difference—through efforts such as bilingualism and maintaining an ethnic identity—produced positive outcomes through even the third generation, particularly with regard to economic and educational assimilation. Above and beyond the protective effects against downward assimilation, Kasinitz et al. (2008) found that selective acculturation and the process of slowing down assimilation over a longer period of time actually creates a "second generation advantage" for the children of immigrants, who are able to "select the best traits from their immigrant parents and their native born peers" (20). By being "in between" these different cultures, the second generation can be "culturally innovative" and move back and forth between full assimilation and partial integration, depending on which approach will be to their greatest

advantage in a given situation. This transculturalism enables the second generation to maintain strong ties to their parents and their family culture while also enjoying the positive benefits of mainstream incorporation.[30]

Taken collectively, these studies reveal that, at the micro-level of experience, assimilation processes and outcomes are not purely determined by individual-level traits, behaviors, and decisions, but they are also shaped in significant ways by those same factors functioning at the family-level. Over time, family-level conditions and practices can push individual family members toward integration into the mainstream or pull them away from it. In the case of mixed-citizenship families, this is true for all family members, even those who, before entering into the marriage, inhabited a fully-assimilated position in society. The power of citizenship and immigrant legal status as a master status shapes mixed-citizenship families' integration processes in two opposing ways: the citizen partners' assimilated position can enable them to draw non-citizen family members toward the social, cultural, economic, and legal center of society; but the non-citizen's dissimilated status can prevent not only their individual incorporation, but also pull citizen family members away from that center and toward the social, spatial, economic, and legal periphery of society. These family-level effects of (il)legality shape not only family members' access to social and economic structures that Gordon (1964) deemed essential for full assimilation, but they also shape the identificational, attitude receptional, and behavioral receptional dimensions which are equally necessary for full assimilation.

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[30] Haller, Portes, and Lynch (2011) have argued that the cross-sectional data used by the authors skew toward positive outcomes because many of the second-generation individuals who had experienced negative outcomes would be excluded from their samples (e.g., incarcerated individuals). These authors use longitudinal data tracking youth from ages 13-14 through mid-20s to argue that downward assimilation persists. They also find no evidence of a second-generation advantage.

In this chapter, I examine the role of (a) legal immigration status and (b) the family in shaping integration and assimilation for immigrants and their family members by examining micro-level (dis)incorporation processes. My findings reinforce the work of other scholars highlighting unauthorized immigrant status as a "master status," in this case for immigrants' full assimilation into the mainstream (Gleeson 2010; Gonzales 2015). And, at least for mixed-citizenship couples, unauthorized immigration status in the US serves as a master status in determining *both* partners' ability to assimilate in *both* the US and in the non-US citizen's country of citizenship. Additionally, I find that, at least with regard to some of its dimensions, assimilation processes are driven by conditions at the family level, rather than the individual level. Opportunities for spatial, structural, and social assimilation are all filtered through family relationships and circumstances, enhancing incorporation for some and leading to the exclusion and disincorporation of others. Combined, these findings reveal three important truths about the micro-level assimilation process. First, the family as an institution mediates the assimilation process and has a significant impact on individual opportunities for and processes of incorporation (Enriquez 2015). Second, assimilation is neither unidirectional nor fixed, but rather a fluid process: individuals can move toward or away from the "mainstream," and this can happen as a result of changes in individual or family circumstances (Telles and Ortiz 2008). Finally, integration into one country's mainstream does not preclude ones ability to integrate into that of a second country (Waldinger 2015). In fact, for mixed-citizenship families, greater opportunity for integration in one country enhances opportunities to integrate into the other, too.

Enhanced Assimilation vs. Assimilation Interrupted

During my interviews with mixed-citizenship couples, I identified three different dimensions of assimilation—spatial, structural, and social—in which family-level statuses, decisions, and processes shaped integration for families as a whole and for their individual members. With regard to each of these dimensions, family-level legal immigration status in the US shaped individual family members' movement toward or away from full assimilation within the US *and* within the non-US citizen's country of citizenship.

Spatial Assimilation

For mixed-citizenship families, spatial assimilation has two separate dimensions: (1) living in the country of preference and (2) spatial assimilation within the city or community in which they live. Because mixed-citizenship families are composed of members with at least two distinct citizenships, they have (in theory) at least two different countries in which they could reside and, potentially, belong. But this same membership to a foreign country is offered as justification in US government deportations and family reunification denials, as so asserted in the 2015 US Supreme Court Case, *Kerry v. Din*:

> There is a 'simple distinction between government action that directly affects a citizen's legal rights, or imposes a direct restraint on his liberty, and action that is directed against a third party and affects the citizen only indirectly or incidentally.' *O'Bannon v. Town Court Nursing Center*, 447 US 773, 788 (1980). The Government has not refused to recognize [the US citizen's] marriage to [the non-citizen], and [the US citizen] remains free to live with her husband anywhere in the world that both individuals are permitted to reside. And the Government has not expelled [the US citizen] from the country. It has simply […] denied [the non-citizen] admission into the country. (14-15)

As argued by the majority in *Kerry v. Din*, denying a spouse legal entry to the US does not preclude the citizen's access to her country and all the benefits of her citizenship, nor does it prevent her from being able to live with her spouse. But the implication of this decision (one that is never explicitly stated) is that a citizen in this circumstance is unable to do both of those things simultaneously. These restrictions on family unity and geographic freedom extend to unauthorized families living together within the US, as these families can also be limited in their ability to live in their neighborhood or city of preference due to travel risks and restricted access to home loans and other key social institutions.

"The Best of Both Worlds"

Mixed-citizenship families who had been able to choose where to live because of their family-level legal immigrant status expressed extreme satisfaction with their living conditions and their access to both countries. Enrique and Carolina both grew up in upper class political families in Baja California. Carolina always had a visa enabling her to travel to the US as a tourist; Enrique attended prep school and college in the US and has always lived a binational life. He and Carolina planned to continue living in Mexico after their marriage, but two conditions pushed them to consider living on the northern side of the border instead. First, in order for Carolina to meet the requirements of permanent residency, she would need to live in the US for at least six months of every year of her residency (which would last at least three years before she could apply for citizenship). Second, Enrique had recently changed jobs and his new position required him to travel regularly to different parts of Mexico and the US. Carolina felt that, with two young children, she would be more safe and secure caring for them alone in the US than in

Mexico. They saw a move to San Diego as an opportunity for Carolina to qualify for citizenship and a way to live a more comfortable and secure life while Enrique travels. As Enrique put it:

> I say that living here in San Diego, we have the best of the two worlds. We go to Mexico a lot. I like to eat street food and we get to enjoy Mexico. We go to Ensenada and we go to Mexicali. Then we come here [to San Diego] and we come to the security. Sometimes we forget to close the front door. In Mexico, you would never do that.

And now, years after Carolina naturalized as a US citizen, they continue to live in the US (despite the higher cost of living), because they feel it is the safest and best environment for them, offering their family the most opportunities for success over the long-term.

Mayela and Will also enjoy being able to visit El Salvador while living in the US, where they have chosen to build a life together. Mayela came to the US on a tourist visa and later acquired Temporary Protected Status (TPS) as a result of the ongoing civil war in El Salvador. She obtained permanent residency and, later, citizenship, through her marriage to Will. Mayela and Will have lived in a number of cities in the western US during their marriage as they finished college, Will attended dental school, and, later, he began a private practice. Even though Will speaks fluent Spanish and they have traveled throughout Central America together, Mayela is confident that they are living where they want to be:

> Especially now. We've traveled back to El Salvador a few times and just more recently with [our daughter]. I think that my husband and I could get used to a life down there if we had to move down there, like if we *had* to go back. In fact, we know people from here that are living down there now, American families. You just kind of get used to [the life there], however I wouldn't want to move back, for the safety of my children. So, I don't see myself ever wanting to leave here or anything like that.

Maya also feels a similar satisfaction with her home in the US. Maya's husband, Thomas, died unexpectedly three years ago due to a number of chronic health issues and depression. Maya

was a permanent resident at the time, working at the Mexican restaurant her unauthorized sister and brother-in-law own. Maya, a trained lawyer in Mexico, could have chosen to go back to Mexico and pursue a career there, rather than starting to train as a paralegal in the US. But Maya realized that she had adapted to her American life in ways that made her feel more at home in the US than in Mexico. And, to honor Thomas' wish for her to become a US citizen, she recently underwent the naturalization process. Now, more than ever, she feels like she is where she wants to be:

> Now, as long as I'm here [in the US], yes [I'm where I want to be]. Because I now have in my mind that I'm an American citizen, and even though I'm just renting a house, I feel like it is my house. So, yes, I feel like this is where I belong. When I recently went to Mexico [on vacation], I remembered a lot of things from when I lived there, but I still felt like I needed to come back here [to the US], because my home is here, I am making my life here now. So, I think I feel now that, while I'm here, I am more American, not that I'm American because of these papers, but in the way I'm getting used to so many things here in the United States. And I have my house here, and even though it's not "mine" yet, but I feel like it's my house. I feel like this is my place, even if I go to Mexico and visit my parents, I feel like I need to come back here.

Even after the passing of her husband, Maya feels more at home in the US than in Mexico and sees her future life as one based on American soil, rooted in the home and life she has built there over the last decade. Many of the families I interviewed emphasized the importance of living in the right place in shaping their socioeconomic opportunities and their general familial happiness. Lucy and Javier waited over a year for Javier's fiancé visa because they knew that life in the US had more to offer both of them than life in El Salvador. Additionally, Lucy has Type 1 diabetes and, even though she is a nurse and is extremely capable at monitoring her condition, she felt that it was also necessary for them to live in the US for her to have easier access to high-quality healthcare. Aylin and Jared, who describe themselves as an "international bourgeois" couple,

decided to get married to ensure that they could "be in the country of our choosing together at the same time." Following the election of Donald Trump, Aylin's student visa for her graduate studies suddenly felt very temporary and revokable, which prompted their decision to finally get married:

> **Aylin:** We got married because of the scare that I would not be able to stay here. […]
>
> **Jared:** My feeling, the description I always give is because we wanted to be able to be in the country of our choosing together at the same time, so if that country was Mexico, we wanted to be able to be there, but if we were in Mexico and wanted to come visit my family, we wanted to be able to do that without it being a problem. […]
>
> **Aylin:** [It was] a world that neither him nor myself had ever inhabited, or just that possibility never crossed my mind. [Being together] was always something that was achievable. Of course, I come from a family that works a lot, that has property. Then, all of the sudden, I was like, "Oh man, this is so terrifying!" Then again, getting married allows us now to be in that super privileged world [again].

Aylin and Jared had never worried about deportation or separation, their combined privilege sheltering them from the harsh realities unauthorized immigrants regularly face. Aylin's green card and access to citizenship will protect them once again from that threat.

In addition to having the security and flexibility of choosing the country in which they would like to live, Aylin and Jared—along with the other couples I interviewed with legal status living both within and outside the US—were living in the communities and cities where they wanted to live. None of these couples mentioned barriers to spatial assimilation or an inability to move to their place of choice either within their current city or between cities. They did not have fears about traveling within or between cities, nor did they face barriers accessing home loans and other banking services essential for residential advancement. For each of these couples,

being part of a mixed-citizenship marriage meant twice as many options and opportunities with regard to their options to live, work, and thrive together.

"You Can Visit Them"

But many couples have found that the simple desire to "be in the [place] of our choosing together at the same time" is not possible. Couples living outside the US without legal access to the US—either due to deportation, visa denial, or the inability to afford a visa application—found their opportunities reduced by half (or more), rather than doubled, as a result of their mixed-citizenship status. And, because they were physically cut-off from being in the US together, assimilation into American society (or remaining assimilated) became nearly impossible, at least as long as they tried to stay together as a family.

Sonia felt like Sebastian's deportation forced her to choose between staying spatially assimilated in the US or staying together as a family: "I would mind less living in Mexico if it was a choice that I made, not that I was obligated to make this choice. Because we did try the whole weekend thing where we would come and stay with him on the weekends, *but it did not feel like we were a family when we were doing that*." She recounted that, at Sebastian's final hearing preceding his deportation, the judge said that he would have let Sebastian stay if it were up to him, but he had to follow the law. As a consolation, though, he told Sonia: "You all can go visit him." Sonia felt that this comment ignored all of the pain and hardship that the deportation would bring to their family: "That's something that really stayed with me because if [the judge] had—I don't know if he had a family or not—but I don't think he would have liked someone to tell his kids or his wife, 'They can visit you.' Families are not to be visited, they are to be lived

with." While Sonia tried to maintain her spatially assimilated position in the US and a strong relationship with her deported husband, she ultimately felt that the laws in place required her to choose between the two. Choosing to prioritize the family she had created with Sebastian pushed her and Dulce, their daughter, toward the spatial periphery of American society, as they were forced to live outside of the US and commute back daily for work and school.

Julia experienced a similar disconnect between her personal freedom of movement and the limited movement she and Santiago could enjoy together. And while she still chose, at times, to travel alone in order to be with family in the States, her travel was always accompanied by a profound sense of loneliness:

> I can come and go as I please. So I always travel alone. And the hardest thing with this kind of relationship is, I never have Santiago and family at the same time. *Unless*, like I said, my parents have come here [to Mexico] twice. But my sisters, with their kids, are not going to be coming to Mexico. And, you know, they haven't really seen him since we were married. So it's been five years. He doesn't know any of the nieces and nephews. And if I—when I do go home every year, it's just, I'm alone. Everyone's there with their husbands or everything. And everyone knows I'll be coming alone. So, I do have the freedom to come and go as I please, and Santiago always has let me go and come back or whatever I want to do. But, yeah, I'm usually just with him or I'm only with family. So, I miss a lot, like that unity of family.

This loneliness, and the guilt Santiago felt at having "caused" this separation as a result of his "voluntary" removal from the US, ultimately led Julia and Santiago to divorce.

Even though Salvador and Dina work together every day and live in homes only miles apart from each other, Salvador's visa denial transformed their life from an "eternal picnic" spending evenings in their backyard to a stressful dance for Dina back and forth across borders as she takes her daughters to school in the US, goes to work in Mexico, picks up her daughters from school, takes them to Mexico to see their dad, and then drives them back across the border

to the US to sleep. The time they used to spend together as a family has been replaced by this constant separation and reunification of their family straddled across the border. Antonio also expressed a similar loneliness due to his inability to show his wife where he works, take her to the company holiday party, or travel with her around the US. He talked about how his wife, Lizeth, was constantly puzzled by what he did at work and how he could be both working and using his phone for personal use at the same time. He would like to show her where he works and explain the answer to her question but, since he has not been able to afford to sponsor her for a visa, this huge part of his life and his identity remains inaccessible to her:

> I would like to take her and show her what I do, my work, my friends, my coworkers and all of that. We just had our holiday party at work, and I went, but I took my son and, well, lots of my coworkers take their partners and I would like to take her, too. That's why I decided that now, no matter what, we are going to get her papers in order this year.

Assuming Antonio can meet the sponsorship income thresholds and save up enough money to afford the green card application for Lizeth, this spatial incongruence in their lives can be resolved. But for many mixed-citizenship couples, family-level access to the US is out of reach for decades, if not permanently. As Julia later expressed to me, it was not just the loneliness and separation that burdened her life with Santiago as a collateral deportee, but it was also the powerlessness she felt in having been forced to move outside the US in the first place. Julia decided to stay in Mexico after the divorce, a decision she found to be liberating:

> I just felt like I needed time to actually live in Mexico without being here because of someone else or because of a reason, and I found that really liberating; that I'm not here because I *have* to live here […] To me, that was just the most liberating time, to choose to stay for me, and it wasn't for anyone else.

Families living in the US with undocumented status experience similar spatial limitations. Families discussed limiting their travel outside of their regular routes, and feeling geographically bound to neighborhoods close to the undocumented spouse's place of work in order to reduce the risk of detection. Carmela, who wants to pursue a PhD in engineering, has been debating how to deal with Rodrigo's unauthorized status. There are only three PhD programs in her specialty, and they are all multiple states away. Traveling to any of these schools would expose Rodrigo to a greater risk of deportation, both on the journey and, potentially, in the new, less diverse communities in which these universities were located. As soon as Carmela decided to apply for the doctoral programs, she began the process of applying for Rodrigo's status adjustment to permanent residency. But there is no guarantee that his application will be approved, especially in time for the start of Carmela's doctoral program. When I interviewed them, they had decided that, at least initially, Rodrigo would stay behind.

> We talked about it just the two of us, the different scenarios that could happen. I told him, "If they accept me out of state, you stay here and I'll go by myself first to see what the atmosphere is like, because if I don't like it, I'm not going to stay there forever. Or if there is a lot of discrimination—since most of the states [where I applied] are a little…well, with the exception of Oregon—let me see what it feels like there, and then I'll tell you if it's yes or no. Or I'll come back or you'll come to me. But if you come to me, I don't know if you'll have your papers yet or not. And if you don't, you will have to find a way to figure out how to get there. […] Or, you stay here to work and I will make my best effort there, because I'm going there to work. I know that if I go away for school, I'm going to work. But if I'm going to school just to finish as quickly as I can, then I'm going to dedicate myself 100% to what I'm there to do."

While Carmela is hopeful that Rodrigo's permanent residency application will ultimately be approved, she is also realistic about the implications of his current unauthorized status on their ability to move as a family for her doctoral program. For couples like Carmela and Rodrigo, even

though they are able to live in the US together, their ability to live in the same home in the same city in the US together is often limited to one particular geographic region, rather than the country as a whole. Like families forced to live outside of the US, these unauthorized US-based families found that they had fewer options for spatial assimilation within the US, and no options to move or even travel outside the US unless they never wanted to return. While families with legal immigrant status discovered their mixed-citizenship offered them twice as many options to live, thrive, and belong, families with unauthorized status living both within and outside the US found that their options had been significantly diminished by their unauthorized family-level status.

Structural Assimilation

Structural assimilation can take on many forms, and it includes access to important social, cultural, economic, and governmental institutions and social structures that enable assimilation and integration on other dimensions. Gordon (1964) deemed that structural assimilation is the most essential dimension to full integration, as access to key social structures enhance primary contacts between immigrants and non-immigrants, increasing their potential for assimilation on other dimensions, such as marital, identificational, and attitude and behavior receptional. Once again, legal immigration status is a key determinant of access to these social structures, not only for the immigrant family members but often for their citizen spouses and children, as well.

"We are Free"

Families with legal immigration status in the US can access many of the most important social structures for social, economic, and cultural integration, including higher education, banking systems, and the full labor market. For example, although Carolina and Enrique could send their children to the best private schools in Mexico, they feel like one of the benefits of living in the US is the better education they can provide for their children. Because of their ease of access to these social structures, many families did not specifically recognize this access to social structures in both countries as an important benefit of their mixed-citizenship status. Those who most clearly acknowledged and articulated this benefit were families who had previous unauthorized status in the US and had successfully adjusted to legal immigration status. As June described it, "We felt trapped. Now we are free." June and Stefan were married nine years and had five children before Stefan's permanent residency application was finally approved. The stark difference in their opportunities and access to seemingly basic systems and structures stood out most to them as they pondered the impact of Stefan's adjustment of status:

> **June:** Everything seems so much more open … the opportunities. Like he said, I feel really super rich, too. Like I am on top of the world. But not monetary—money-wise—just in other things, opportunities. We are rich in opportunities.
>
> **Stefan:** We can be more freedom. [sic]
>
> **June:** Yeah, it's free. Now we are free. […]
>
> **Stefan:** I always had it in my mind, "I can't do that. I can't do that."
>
> **June:** You felt trapped, no?
>
> **Stefan:** Yeah. I felt like, "You can't do nothing." The thing is that you have faith, but something is going to go wrong. And now I don't feel like that. I just go with my kids to [a rich neighborhood across town]. And I go and I feel free and I have more time to spend with my kids.
>
> **June:** That is what it is. It's like a lot of weight lifted off. Freedom, that is what we feel right now. Free. Because we felt trapped. Now we are free.

With legal authorization for employment, Stefan was able to secure a job with better pay and regular hours, reducing financial stress in their relationship and giving him more time to spend with his family. They can go camping now without worrying about whether or not Stefan might be stopped by immigration agents. The future they see before them is full of opportunities that were previously closed to them.

Juanita and Heri noted a similar change in their situation after Heri successfully adjusted to a legal immigration status. Juanita and Heri met in high school and have been together ever since. Juanita is the daughter of Mexican immigrants and lived in the same immigrant farmworker community where Heri lived with his brother and mother. But Juanita's father had qualified for legal status through the 1986 Immigration Reform and Control Act, allowing Juanita to naturalize along with her parents while she was still in elementary school. Heri and his brother crossed the border alone when they were young adolescents, desperate to reunite with their mother who had immigrated a year earlier. While Heri was one of the top students in his school, he realized that his ability to access higher education would be extremely limited. Luckily, the passage of the California Dream Act made a college education affordable enough for Heri to continue to pursue his studies. But, after receiving his bachelor's degree, Heri realized that his opportunities to advance socioeconomically outside of education were almost non-existent. So Heri decided to stay in school. He finished a master's degree and is now working on a PhD. Heri and Juanita married after they both graduated from college, and Heri was finally able to adjust his status a few years ago. This change has transformed their opportunities, as Heri can now travel to Mexico to conduct dissertation research, and they are even considering looking

for faculty teaching positions in Mexico, as well as in the US. More importantly, Heri will now be able to legally work in the US, allowing him to use his PhD, rather than forcing him back into the unauthorized labor economy.

Reeves and Erick know firsthand the social, economic, and psychological value of Erick's legal status. They met working at a restaurant in Chicago, and Erick slowly introduced Reeves to the realities of daily unauthorized life. They dated for a while, but then Reeves left again on one of her world-traveling adventures with no expectation that they would date again upon her return. But while Reeves was in Brazil, her thoughts kept returning to Erick. So, after she returned from her trip, she reconnected with Erick and their relationship began in full force. During this time, one of Erick's brothers, Chepo, who had "self-deported" from the US following an arrest, committed suicide. As Reeves explained to me in a follow-up email:

> [Chepo] had been undocumented. His partner and their children remained in the US. I met Chepo when I met Erick, but he had already gone back to Mexico when I returned from Brazil. The night he died, I joined Erick and his family to mourn. His family had said that the reason Chepo killed himself was because he wouldn't see his children again, effectively blaming his partner who they said should have gone with him. (Two of his sons are autistic and getting care through some clinical trial at the University of Chicago, which I think is a pretty good reason not to go to rural Mexico). We all know that depression and alcoholism are the real culprits, but we always look for other reasons. I blame a policy that separates families. Chepo would have had no legal way to immigrate again.

A few years later, Reeves applied for master's programs and was accepted to a program in Boston. She wanted Erick to come with her, and they felt the only way they could do that was to marry and apply for an Emergency Hardship Waiver (EHW) allowing him to avoid the 10-year bar to reentry. So they applied, and Erick went to his consular interview in Mexico and then waited three months in Mexico to find out whether or not his EHW application had been

approved, allowing him to return to the US and to Reeves. This decision to apply included significant risks, and Reeves admitted during their interview with me that, had the waiver application been denied, she would not have moved to Mexico and their marriage would most likely have come to a quick end. Their application was successful, though, and Erick was soon back in Boston with Reeves, with new opportunities abounding for both of them. Erick's successful immigration story, though, is tinged with pain, because of the stark difference between the new life that lay before him and that of his brothers, which had ended following immigration failures. As Reeves explained in her email to me:

> In 2008, when Erick went back to Mexico for his green card interview, another brother, Marcos, decided to go back for the first time in years (decades?) as well. It started out as a celebratory occasion, for both brothers to be home again, especially after Chepo's death. Marcos took a bus from Chicago to Guerrero. Somehow he got off too soon, was assaulted, left for dead, arrested for drunk, released to beg. We didn't hear from him because he had lost the sheet of paper that held the telephone number he would have asked someone else to call his home with (he was illiterate). In between trips to Cd Juarez, Erick visited the morgues in the surrounding states looking for his brother. One day, Marcos showed up again, having hitched a ride with a truck driver who had passed him for weeks and finally gave him a ride. He had lost his life savings, his dignity, and meanwhile his brother was on his way to a more secure life. Two weeks later, Marcos killed himself too. Erick's remaining brother is a US citizen, having married an American woman several years before. It is striking to me that the men in this family had two paths, and these paths were so determined by their options for legally remaining in this country.

Through his relationship with Reeves, Erick has accessed a world that was completely closed to him and his brothers. Erick now works in landscaping at a world-renowned museum in Washington, DC, and he has "primary contact" with "fully assimilated" American citizens through his job and Reeves' work with DC-based international development organizations. The

contrast between Erick's experience and that of his brothers proves the power of "amalgamation" (or intermarriage) as a key step in the assimilation process, as Gordon (1964) had envisioned.

"Everything is on Me"

But not all mixed-citizenship couples experience this same direct trajectory toward social, economic, and political inclusion. As Gordon (1964:130) noted, "A vastly important and largely neglected sociological point about mixed marriages … is in the social structures the intermarried couples and their children incorporate themselves." Many families face continued barriers to structural incorporation into the American mainstream and are forced to navigate around those barriers or incorporate themselves into a different sector of society. The relationship between the citizen and her state grows increasingly complicated when she is married to an unauthorized immigrant. While her individual access to most, if not all, social institutions remains in tact, her partner's limited access to or even exclusion from those same institutions complicates both spouses' ability to progress individually and as a family. And citizens tend to experience that change in access—finding doors closed to their family that had previously been opened to them as individuals—more sharply than their unauthorized spouses, who had always known those doors were closed to them. This difference in perception came through when I asked Trish and Alberto about whether or not they felt like an American family. Alberto said he did, but Trish disagreed:

> I think that, for him, he feels more American because he has more than he did before. And for me it's like, I know what we could have if we had more. And so I worry about things he doesn't worry about because…I don't know why. But, for example, for him to get a license or for him to, you know…all the things are in my name and if he was to have papers, he could make more money and I could

> maybe stay home with the kids more or…you know, I worry about him getting pulled over because if he were to get a license he would have to put his fingerprint. And if he puts his fingerprint, then he has the chance of getting deported because he [was previously deported] at the border [and his fingerprints have been stored in the system]. […] And the car insurance is higher because he doesn't have a license. I don't know, there are just a lot of little things that put more stress on me because I feel more like everything is on me. […] As far as things financially, legally, and things like that, if he had some kind of citizenship then things would be a lot easier. […] People just don't understand why doesn't he find a better job? Or why doesn't he just, you know, get time off or go on vacation? We don't get those kinds of benefits that other regular families do. […] We wouldn't be having this stress right now if he just had this privilege—or I wouldn't have to stress right now. I feel like most of the stress falls on me.

Trish has been able to keep her family somewhat integrated into the US social structure through the access her citizenship affords her. But Alberto's inability to access those same structures holds the family back from progress Trish feels they could otherwise make. And the combined stress of her extra burden and the precarity of Alberto's status has strained both their family relationship and Trish's relationship to her broader community and the country as a whole. Kate noted similar challenges in trying to qualify for a mortgage to buy their home: "He provided a lot of the funding, like the down payment and stuff, but all the mortgage stuff we just did through me. He doesn't really have credit, so I had to do it all." Since Kate worked and earned sufficient income, she was able to qualify for the home loan on her own. But Juliette could not, as she stayed home with their small children while Tenoch worked in construction. So even though Tenoch earned enough for them to qualify for a loan, his lack of credit and Juliette's lack of income made owning a home impossible. Juliette even asked if she could list Tenoch's income as hers, as if he paid her directly, but she was told she could not. So they continue to pay rent prices much higher than what their mortgage payment would be.

Sabrina has encountered barriers in the US and Mexico as a result of Joaquin's inability to travel to the US and access important social and legal institutions. When Sabrina and Joaquin's son, Isaac, was born, they had been living together for five years, but they had not yet married. At the hospital in the hours following their Isaac's birth, Sabrina only listed her information for inclusion on the birth certificate. Now that Isaac is old enough to attend school, Sabrina wanted to enroll him in a school in Mexico, but he needs to be a Mexican citizen before he can enroll in a Mexican public school. Since Joaquin's name is not on the birth certificate, the Mexican government will not acknowledge Isaac as Joaquin's son, which makes Isaac ineligible for Mexican citizenship. Sabrina investigated what she needed to do in order to add Joaquin's name to Isaac's American birth certificate. While it is a relatively simple process, Joaquin must be physically present in the County Recorder's office in order for them to complete the process. Because Joaquin cannot travel to the US and has been permanently barred from ever obtaining legal entry to the US, his name cannot be added to the birth certificate. Basic problems like these with seemingly simple solutions become insurmountable barriers for many unauthorized mixed-citizenship families denied access to key social institutions and structures.

Social Assimilation

Spatial and structural assimilation processes in the US shape immigrants' and their family members' social assimilation, too, both with regard to their own sense of belonging and how other, assimilated members of society perceive them and their place in the broader social fabric. Many of the couples I interviewed who had legal status in the US both felt that they were

American and that other couples saw them as American, too. Mark even felt that his family was "more" reflective of modern America because of its inherent diversity:

> I think [our family] is more a mirror of America than a lot of other families just because that's—there are so many backgrounds in America. That's kind of what we're about now, so our family portrait is much more the picture of an American family than what it maybe used to be 50 years ago.

Ryan expressed similar sentiments, saying that he did feel like they were an American family: "I think more and more that's what America is, right? It's people from all around the world coming to the states." Will also evoked America's immigrant story, past and present, in reflecting on his family's place in America: "I just consider ourselves American, like any other family. Mayela's just first generation; I'm probably 10th generation. So that's that." For many of these couples, their family's diverse backgrounds made them even *more* American, as they compose a microcosm of multicultural America.

But families who had unauthorized status or who had been rejected by the US government felt definitively un-American, despite the fact that they, too, embodied the celebrated diversity of modern America. Camille, whose husband, Giovanni, was deported to Guatemala two years after they married and shortly after the birth of their first child, wants to feel American—and is perceived by Guatemalans as American—but she feels that identity no longer applies:

> **Camille:** When he was deported, so was I. And it's like, sure, they didn't kick me out necessarily. I can come back whenever I want. But they took away my freedom by separating me from my husband. And so now I have to live in Guatemala if I want my family to be together. […] There's no way we can be together unless we all leave the US. That's the thing—they've arranged it so beautifully so that we can't stay where we feel home is.
>
> **JLL:** Do you feel like an American family when you're together in Guatemala?

> **Camille:** No. I mean, yes, in the sense that I want to do things the American way, and [Giovanni] wants to do things in the American way. Except that we live in a house that lets dirt come in under the doors. There's no screens on the windows. We have to hand-wash our clothes. We have to hand-wash our dishes. We don't have a kitchen sink. We don't have running hot water. All these things that are typical in American households are not in our house. And yet we stand out like a sore thumb [in Guatemala] because of the way we speak and the way we dress. I mean, everyone looks at us like Americans. Yet we don't have the money they expect us to have. We're not there just on vacation. We're trying to live and scrape our way through and being dirt poor. Yeah, in so many ways I feel like I should feel American still, but I don't. I don't feel Guatemalan, either. I just feel like no nationality.

Guatemalans immediately identified Camille and her family as Americans. But Camille's daily living conditions diverged so strongly from what Camille understood to be American—and reinforced the painful fact that Camille and her family could not live together in the US—that she could not feel like an American anymore, even if she wanted to. But her family's obvious difference from typical Guatemalan families also prevented her from feeling Guatemalan, either. Julia—reeling from five years of collateral deportation after USCIS advised her husband, Santiago, that they had 30 days to leave the country—still felt American as an individual, but her family's rejection by the US government made it obvious to her that her family was not American, an offense she was slow to forgive:

> It's interesting when you said, like, do you still feel American? I do, but I take it so personally—personally from the government and from the law and USCIS. It's just kind of an ugly monster to me, and it's my home and it's my country, but I feel unwelcome. And now I live here [in Mexico] because I can't live there with who I wanted to. It's a very weird feeling to have that from your country. Unwelcoming. And un-accepting of your decisions. Even if I decided to marry someone who was illegal.

Not only had Santiago been spatially, structurally, and socially dissimilated from American society, but Julia had, too. Although the US government had only expelled her husband from the

country, Julia felt that unwelcome extended to her, too. Christian expressed similar feelings, responding with an unwavering "No." when I asked whether or not they considered themselves an American family. Christian and Sharon's experience with US immigration law had actually been positive, and relatively lucky, at the beginning. Despite their naiveté with the law and some less-than-stellar legal advice, Christian and Sharon compiled a successful EHW application, and Sharon was able to adjust to legal permanent residency. Three years later, when Sharon became eligible for citizenship, they decided to complete the citizenship application themselves. In an effort to be completely honest, Sharon checked the box on the form asking whether or not she had ever claimed to be a US citizen, vaguely remembering that she probably had checked the US citizen box on a Starbucks job application in high school. Because of this admission, Sharon's green card was cancelled and she became permanently ineligible for any legal immigrant status in the US. Although she has not yet been deported and they continue to live in the US, they have been forced to reassume the unauthorized life they thought they had left behind.

> **JLL:** Do you think of yourselves as an American family?
>
> **Christian:** No.
>
> **JLL:** Had you been able to naturalize, do you think you would have?
>
> **Christian:** Yes.
>
> **JLL:** And that would have been the end of the story.
>
> **Christian:** Yes.
>
> **Sharon:** Yes, oh yeah.
>
> **Christian:** I would have never run for Congress. We would never have become immigration advocates. […]
>
> **JLL:** Has it changed the way you feel about your American-ness or how you feel that you belong in America?
>
> **Christian:** Yes, I don't feel like an American; *I actually identify myself as undocumented*. When somebody asks, I tell them we're an undocumented family, and I don't identify myself either. My wife is Mexican-American, and I make sure

> that I identify her as Mexican and rejected by the United States. I consider myself rejected by the United States. There's some of that battle that I mentioned earlier, some of the cynicism mixed with being grateful that I can advocate. Part of me wants to go find an American flag, rip it up, burn it, and take off and go to Mexico and renounce my citizenship. And then there's the other part that's kind of glad that I can stay here and I can fight injustice. That happens. Sometimes I feel like we're stronger [because of this]. I just think of our history and the wars that were fought and kind of this idea that I grew up with about how people fought for my freedom. They didn't fight for my freedom. People talk about on Independence Day, I make posts of Facebook about how our family isn't free and other injustice in America and that kind of thing. There's that kind of mix, and I feel like, because my country and culture is rejecting my family to a degree, that it's rejected me. There's this desire to not want to embrace it, and not want to … I kind of want to reject my own cultural background. […]
>
> **JLL:** [Sharon], was there ever a time when you felt American?
>
> **Sharon:** No. Even today, I don't feel American. Even if God ever provides a way for me to become a citizen, I don't know that I ever will. I feel torn between two cultures. I feel like I've been here long enough. If I were to go to Mexico and be with my aunts and uncles and all of them, I am different enough to where they would not consider me real Mexican. I am different enough. I feel like I am too Mexican to be a real American. I feel torn between both cultures, beyond the papers.

For both Sharon and Christian, their rejection from the US and the stripping of Christian's identity was both indisputable and irreparable. But Sharon also expressed an important product of being trapped between the border that other unauthorized families voiced: she was too American to be Mexican and to Mexican to be American. Esther and Chuy reflected on this dual dissimilation as they discussed the feelings of difference and rejection they have encountered since moving as a family to Mexico following Chuy's deportation:

> **Chuy:** Honestly, I tell Esther, now that I'm here, I used to be proud of saying—when I was on the other side [in the US]—proud to say that I was Mexican, blah blah blah. But you know what? I don't think I'm Mexican, man.
>
> **Esther:** He didn't even know what left and right was in Spanish.
>
> **Chuy**: I don't even know what left and right is in Spanish and you know what? My [American friend] one time told me, he goes, "You don't even know

> Spanish." I go, "What do you mean, I know Spanish." He's like, "Nope." And then, once you're here, you literally see that you're not Mexican. You don't know Spanish—you don't know the proper Spanish.

This difference is as obvious to Esther and Chuy as it is to the Mexicans they encounter on a daily basis. While they can feel some sense of normalcy inside their home, Esther says as soon as they're around other people, "You feel like you don't belong." And Chuy adds: "They [the locals] make you feel like that, too." Their children also faced bullying and other threats when they tried to attend local Mexican schools, which prompted Esther to enroll the kids in US schools and drive them more than an hour each way (plus the border wait) every day for school. The biggest frustration for Chuy is that he was sent back to a "home" he never knew. As someone who was brought to the US with unauthorized status as a young child, Chuy did not remember anything about his first years of life in Mexico, nor did he have any meaningful connection to extended family there. And, he realized when he was in custody prior to his deportation that there are thousands of other deportees being sent back to Mexico with the same level of detachment to what is purportedly their "true" home:

> I met a lot of people when I was in custody that are actually in the same shoes as I was. They were raised over there [in the US], they didn't choose to go across the border. They didn't choose to be in that side. We were taken over there [to the US], and for all the rest of our lives we got used to the American way and then they send you somewhere where they say you were born that you don't even know, you don't even know how life is. It sucks.

When I asked Chuy if he felt that his daily experience had changed now that he was living in a country where he did have citizenship and where he officially belonged, he shrugged. "Honestly, it doesn't make any difference. I thought I would have more privilege here, because you're in your country, or what not. I don't see it as home. I don't see it like—I don't. Home, to me, is the

US, honestly." Esther and Chuy both feel like unassimilated immigrants living in Mexico, even though it is supposedly the country to which Chuy truly belongs.

Sebastian and Sonia also feel like an immigrant family in Mexico. Even though Sebastian lived in Mexico until his mid-teens, he feels like his twenty years in the US transformed him into someone who Mexicans no longer recognize as one of their own:

> It's hard for me because I am Mexican but in my mind I am American because I basically grew up in the US. I lived twenty years in the United States, and I feel—I feel attacked. When I was in the US, there was obviously discrimination because of my Mexican roots. Now that I'm in Mexico, the same thing happens because of what I have lived and where I have grown up. I am Mexican, but my own people see me as different. Why? Because I carry two different cultures with me, and it is difficult for people to understand the schooling I have. Two cultures, two languages. Truthfully, I feel like I'm from a different planet. There are times that I wish people could understand but they obviously can't because they haven't lived it, what I have lived. […] I honestly don't have anything to do [here] in Mexico. Deep down inside, I feel more American, even though I am Mexican. And, if I say it in public, lots of people will criticize me and see the worst in me. But I know they are not going to understand me because I know what I carry inside of me. It's as if I had two different people rolled into one, an American and a Mexican.

Even after being in Mexico for almost a year following his most recent deportation, Sebastian still felt like "an outcast—I feel the looks people give when you are a foreigner." Sonia is even more aware of standing out, as her accent in Spanish exposes her non-native-speaking status, while speaking in English in public calls attention to her difference even more explicitly. Even in places where she feels like she shouldn't stand out, other people notice her difference immediately: "I was attending Zumba classes here and, right off the bat, someone comes up towards me and tells me, 'You're from the other side, huh?'" Sonia and Sebastian still feel like an American family, and a Mexican-American family, but not a Mexican family, even though that is the only place in which they will ever be able to live together as a family. As Sebastian

said, “What I feel like is that I am not in the right place. I don’t feel—I can say it this way, I don’t feel accepted by my own people. And, like I’ve said, I feel inside, deep inside me, that my culture and my roots have also been American, and that I am a mixture of cultures and languages and traditions.” Julia expressed a similar division of self that ultimately contributed to her divorce from Santiago: “I realized that, really, a lot of the emptiness that we’ve had in our relationship, or the hole that I have that cannot be filled is just having—I have two separate lives that cannot come together.”

Many families with legal status in the US also felt that they embodied a mixture of culture and languages and traditions, but rather than having “two separate lives” that they could not unite, these families’ mixture of backgrounds and experiences enabled them to fully incorporate themselves into both nations. In contrast to her experience with Santiago, Julia’s marriage to Sergio has produced the fusion of two lives, rather than their division. As Julia explained, “We’re this great mix of both cultures, both customs, and I think that’s the best way to live. […] It’s just a nice little love melting pot of love and happiness.” Though Julia and Sergio still live in Mexico, his ability to be a part of her full life and her ability to do the same have completely transformed Julia’s experience as a member of a mixed-citizenship marriage.

Jiancarlo and Sondra have experienced a similar merging of worlds and histories and lives. Jiancarlo described to me that the theme of their wedding was *“Union de Desiertos”* [Union of Deserts] because, “we felt that we were from two parts of the same desert, divided by a border. There was a lot of symbolism in the way we even got married, in the sense that it was a union of those two different deserts, the two different families, the two different cultures.” And they feel that unity, of having broken down barriers, even as they travel back and

forth between the US and Mexico. “We live in both [countries] and our ways of life are dual in that sense. It isn’t either/or for us.” Chuck and Melodia also felt equally at home and a part of both countries. Thus, rather than describing themselves as an American or a Mexican family, Chuck said that they are a “completely binational family […] culturally and everything else,” and he added that this sense of belonging held even when they were traveling deep into Mexico or the US, not just in the border region where they live. Melodia agreed: “It’s like both places feel like home.” Erin, who also lives in a border community with her husband, Benjamín, and their daughter, feels the same way: “I almost forget we are being in two countries, I guess. Because I feel like this [Mexico] is home, and I am from the United States and that is home.” For couples with legal status in the US, their full membership in the US has allowed them to feel like full members in both spouses’ countries of citizenship. This holds true for couples living both within and outside of the US.

As Aylin and Jared acknowledged, this privilege is as much a reflection of their class position as it is of anything else. When I asked them how they would describe their family-level nationality, they—like many other couples—struggled to find the right term. They felt neither fully American nor fully Mexican, but Aylin also felt that claiming Mexican-American would associate them with a history of struggle and oppression that they have not experienced. Aylin first suggested “binational, ” but decided that was not specific enough, either:

> **Aylin:** I actually think that we are very much—we’re very bourgeois class. We’re just a very bourgeois couple. Maybe that’s a good way of describing us […]
>
> **Jared:** We’re part of the overeducated class. If there’s the undereducated class, we’re part of the overeducated class.
>
> **Aylin:** In a way, that confers this very weird international citizenship that’s enabled not only because we’re both citizens from these countries [the US and Mexico] but also because we’re specifically middle class citizens—

> **Jared:** Upper-middle class.
>
> **Aylin:** Upper-middle class from these countries. I think that, just—I wouldn't like to say we're Mexican American only because Mexican American couples are not allowed to do this.

Aylin and Jared recognized that their access to this "international citizenship," which was facilitated by their ability to travel freely in each others' countries of citizenship *and* travel together to other countries around the world, was more a product of their social class position in both countries, rather than some inherent feature of their mixed-citizenship union. Aylin's experience differed so significantly from the "typical" Mexican-American story in large part because of her privileged class position in Mexico, which afforded her more opportunities in Mexico prior to her move to the US and enabled her to move to the US with a valid visa. Similarly, Jared's socioeconomic class status in the US qualified him to sponsor Aylin's green card application and solidify their international bourgeois status permanently. The access to a binational—even international—lifestyle that Aylin and Jared and other couples received as a result of their family-level legal immigration status enabled both partners to more fully integrate into each others' country of citizenship, enhancing assimilation for *both* spouses with respect to *both* countries. Families with unauthorized legal immigration status—both those living in the US and those living outside the US—experienced the opposite: dissimilation and disintegration from both countries.

Legal Status as "Double" Master Status

> **Sebastian:** Obviously the themes that we are discussing are very broad and there are so many things I would like you to ask me or to be able to discuss in more detail, but it is not simple. This is life—not just one person's life, but in our case, three lives. And there are many, many families that are in the same situation.

> Together we are, I believe there are millions of people that are going through this situation, and it is a separation of families. A separation of families, and those who are paying the consequences, in this case, is my daughter. Because I see—and she has told me, she has written her true feelings to me—she asks me things that I cannot explain to her, things that are impossible to me. And this makes me feel impotent. It makes me angry and sad to not be able to give her something so simple but, at the same time, impossible for me to give to her in the moment that she asks me for it. It is something so simple but so meaningful for my daughter. When I was living in San Diego, I would wake her up, dress her, and walk with her to school. It is something so simple that I cannot do today.

Sebastian's inability to spatially, structurally, and socially integrate into American society has not only impacted his relationship to his wife and daughter, but also Sonia and Dulce's ability to fully assimilate into American (and Mexican) society, as well. As Sebastian said, his status does not just affect him individually, but it affects his entire family. Sonia and Sebastian's experience is not unique. Their experiences, and those of the other couples discussed here, demonstrate that the process and experience of assimilation is mediated through the institution of the family. Because, as Sonia said, "families are meant to be lived with," the spatial dissimilation of one family member generally leads to the spatial dissimilation of all family members. Conversely, when family-level legal immigration status permits the free movement of all family members, the family as a whole can choose to decide where to live on their own terms. Individual access to social, educational, economic, governmental and other institutions key to structural assimilation also filters through the family. And, as Gordon (1964) suggested, structural assimilation facilitates assimilation on many other dimensions, including social assimilation. Mixed-citizenship families able to assimilate spatially and structurally also felt like they belonged to the US and that other Americans also saw them as part of (and representative of) America. But families barred from fully assimilating on spatial and structural dimensions also

faced exclusions that inhibited them from integrating socially, too. These effects—both positive and negative—impacted all members of mixed-citizenship families, regardless of differences in individual family members' citizenship status.

The family serves as a strong facilitator of immigrant assimilation in families with legal immigration status. But, for families with unauthorized immigration status, all family members were pushed away from the center of society toward its periphery, regardless of their prior assimilated position as individuals. In these instances, assimilated family members of dissimilating families are forced to choose between preserving their most intimate family relationships or maintaining their assimilated status. For the citizen family members in these families, their situation mirrors that described by the majority in *Kerry v. Din*: the government has not imposed a direct restraint on their personal liberty and they, as individuals, have not been expelled from the country. Nor has the government refused to recognize their intimate family relationship with a non-citizen. But while the majority wrote that the government action "directed against a third party […] affects the citizen only indirectly or incidentally," the citizen family members of unauthorized families profiled here would disagree. A spouse's deportation or denial of legal status is not *incidental*, a minor or chance side effect in a citizen's life, it is central to determining every opportunity that citizen can now access and will shape every decision that citizen will make thereafter. It does not only inflict emotional harm or suffering on the citizen, but it spatially, structurally, and socially distances the citizen herself from her country and its society. Denying the spouses of US citizens legal immigration status in the US is a policy of disintegration—forcing either (a) the disintegration of that family, including its citizen members, from society or (b) the disintegration of the family itself. In the case of immigrant assimilation in

the US, unauthorized immigration status is not only a "master status" for immigrants, but for their citizen family members as well.

This master status impacts mixed-citizenship family integration in the US *and* in the non-citizen's country of origin. While one would assume that dissimilation from American society would push mixed-citizenship families toward assimilation in the non-citizen spouses' country of citizenship, I find the opposite to be true. Mixed-citizenship families with legal status in the US—those families who are given full access to assimilation processes in the US—also have higher rates of participation in and integration into their other country of membership. These "binational," "international citizens" are able to build strong relationships with family members, friends, and communities in both countries, and their freedom to move back and forth between countries facilitates spacial, structural, and social assimilation in both places. While assimilation toward the "mainstream" of one country has traditionally been understood as a process accompanied simultaneously by a dissimilation from the previous society of residence, this is not necessarily true, especially in the case of mixed-citizenship families with legal immigration status (Waldinger 2015). These families, which by their nature include a family member with official membership in each country, can use their social and cultural capital and experience as citizens to draw their non-citizen spouses toward the mainstream; this process can happen in both countries simultaneously and to an equal degree.

But families without legal status in the US, weighed down by the barriers and exclusions they face from integrating into American society, encounter similar barriers to inclusion in the other country to which they should, in theory, belong. Unauthorized families living inside the US are spatially dislocated from their other country of membership, making it much harder to

maintain ties with close family members and nearly impossible to create new relationships with others. They are similarly removed from social institutions and other structures that could help them incorporate legally, educationally, and culturally into the non-US society. More surprisingly, unauthorized families living outside the US find themselves with similarly limited access to incorporation into their new country of residence. In some cases, this is due to the non-US citizen's lack of social capital and experience necessary to navigate key social institutions; these individuals often feel like immigrants, too, despite their citizen status. These issues are also compounded by a real or perceived difference—both on the part of the "repatriated" citizen and their "native" counterparts—that only reinforces the fact that these mixed-citizenship families are too American to belong in their new country of residence, even if some family members can claim official membership to that society through citizenship. Family-level unauthorized immigrant status in the US acts as a "double master status" for mixed-citizenship families, inhibiting individual and family integration into both countries of citizenship, not only the US.

The experiences of mixed-citizenship families reveal three key characteristics of assimilation as experienced within the family. First, family is a central institution through which assimilation happens. While individual traits, opportunities, and decisions shape individual assimilation processes and outcomes, these individual-level characteristics are not the sole determinants in assimilation outcomes. Rather, family-level circumstances also contribute in significant ways toward individual-level assimilation; these family-level conditions can enhance assimilation opportunities or diminish them. Second, assimilation is a fluid, rather than unidirectional process: previously dissimilated individuals can progress toward full assimilation and previously assimilated individuals can move away from the mainstream based on changes in

their own individual statuses or due to changes in family statuses. For mixed-citizenship couples, legal immigration status acts as a master status in determining individual and familial access to key dimensions of assimilation, including spatial, structural, and social assimilation. An unauthorized immigration master status at the family level hinders all family members' access to these dimensions of assimilation, pushing all family members away from an assimilated social position. And, finally, for mixed-citizenship families—who possess the inherent capacity to make membership claims in at least two different countries—the master status effect of legal immigration status impacts mixed-citizenship families in their efforts to assimilate in both the US and their other country of citizenship. Families with full legal status in the US identify more opportunities to integrate fully into American society *and* in their other country of membership. Families with unauthorized legal status in the US face more barriers to assimilation in both countries, regardless of the country in which they reside.

Collectively, these findings reveal the central role of the family in shaping individual assimilation outcomes. They also contribute an important first-hand account of the assimilation process. While the vast majority of assimilation literature focuses on multi-generational group-level change and convergence (e.g., Alba 2005; Alba and Nee 1997, 2003; Bean and Stevens 2003), much less research details the process of assimilation as it is experienced individually and within the family. The findings presented here demonstrate more clearly the dynamics of assimilation, as experienced by unassimilated immigrants and assimilated citizens, and the role of key social institutions—especially the family—in shaping assimilation processes and outcomes.

Chapter 5—Together and Apart: Transnational Life in the US-Mexico Border Region

Since the term "transnational" emerged as a theoretical lens through which to understand migrants' ongoing relationships between their home and host communities, scholars have provided hundreds of examples of migrants' efforts linking individuals, communities, and countries together. Transnationalism has come to represent the preservation of relationships—between migrants and the communities they left (Andrews 2014; Glick Schiller, Basch, and Blanc 1992; Smith and Guarnizo 1998), between states and the citizens living beyond their borders (FitzGerald 2009; Smith 2003; Waldinger and FitzGerald 2004), and between migrant parents and their non-migrant children (Abrego 2014; Hondagneu-Sotelo and Avila 1997; Oishi 2005; Salazar Parreñas 2005)—and the creation of new relationships—through hometown associations (Orozco and Garcia-Zanello 2009; Orozco and Lapointe 2004), overseas voting (FitzGerald 2012), economic transactions (de la Garza and Lowell 2002; Mazzucato 2008), and new and extended social networks (Moya 2005). As a result, transnationalism is inextricably linked with processes that unify, connect, preserve, and strengthen relationships that stretch across borders.

Glick Schiller and colleagues (Basch, Glick Schiller, and Blanc 1994; Glick Schiller et al. 1992) utilized the concept of transnationalism in an attempt to explain what they viewed to be a modern phenomenon of migrant behavior in an increasingly connected world. Inspired by examples of immigrants maintaining strong social, economic, and emotional ties with their home countries, the authors argued that these outcomes suggested a need to conceptualize migrant

behavior unbounded from physical space and national borders. They argued that migrants could maintain an ongoing "presence" in both home and host countries through "build[ing] social fields that link together their country of origin and their country of settlement. […] Transmigrants take actions, make decisions, feel concerns, and develop identities within social networks that connect them to two or more societies simultaneously" (Glick Schiller et al. 1992:1-2).

Border regions house a unique brand of transnational life because their geographically-linked binational communities facilitate an even more constant and more concentrated exchange of people, ideas, commerce, and culture than other, more geographically distant communities linked by transnational actors. This geographic proximity makes transnational living more accessible to more individuals living on both sides of the border. But, because of this increased proximity and accessibility, transnational social life in border communities looks very different from that discussed in traditional transnational research. First, most work on transnationalism has studied the behavior of groups of transmigrants who have all emigrated from the same, small community in the home country and who have all settled in the same, relatively small geographic region of the host country (e.g., Mouw et al. 2014; Rouse 1991, 1992; Smith 2005). With these transmigrant populations, transnational actors have overlapping social ties in both locales, and transnationalism often becomes a communal experience. But the experience of transnationalism in the borderlands is often more dispersed and individualized, as transmigrants inhabiting these spaces do not necessarily have a unified interest in or history with either the home or host community. The study of transmigrants living along the US-Mexico border can enhance our understanding of transnational life by exploring how these two differences—enhanced

accessibility and individual-centered transnationalism—shape these transmigrants daily experience of transnational life.

In the US-Mexico borderlands, this geographic and social proximity of transnationalism is most intimately experienced in the family. The movement of individuals across borders and borders across communities has resulted in centuries of strong ties between the United States and Mexico, ties that reach beyond the economy into families and society at large (Almaguer 2009; Gutiérrez 1995; Jiménez 2010). Historically and currently, American and Mexican citizens have met and married—both in the US and Mexico—forming mixed-citizenship families with rights and responsibilities tied to both countries. Within the broad literature on international migration, scholars have chronicled and analyzed the international, transnational, and bi-national intimate relationships of thousands of couples (e.g., Abrego 2014; Boehm 2012; Choi 2016; Dreby 2006; Hirsch 2003; Hondagneu-Sotelo and Avila 1997; Menjívar 1999; Ortiz 1996; Pedraza 1991; Salazar Parreñas 2005; Smith 2005). Borders play an important role in these studies as dividers of families, cultures, genders, and economies; sometimes borders are blurred as a result of migration while in other cases they are reinforced. These studies have been extremely productive in informing our understanding of family dynamics across borders and the reach of the state into intimate relationships, as well as the ways in which gender norms are challenged through the absence (and reappearance) of spouses, the geographic relocation and reunification of families across borders, and expanded access to work opportunities outside of the home. These works highlight that the transnationalization of intimate relationships can alter the shape and substance of intimate family relationships. While illuminating, these studies focus on families whose members' locations on either side of borders and their movement across borders (from south to

north, at least initially) is held relatively constant. For many transnational families living along the US-Mexico border, though, their position along the border and within and between countries is constantly in flux. How does the border—and the opportunities and constraints it represents—shape the daily experiences of "everyday transnational families," whose movement across and between nations is constant?

Utilizing the case of mixed-citizenship families in the US-Mexico border region, I seek to expand our understanding of the transnational experience by studying the transnational experience of both "voluntary" and "involuntary" transnational families living in this border region (Cardoso et al. 2014). These couples, composed of members with origins on both sides of the border—living in socially, economically, and geographically transnational communities along the border—provide a different and important case to study the micro-level experience of transnational life (Portes, Guarnizo, and Landolt 1999). Using data from twenty-four in-depth interviews with mixed-citizenship couples living on the Mexican side of the US-Mexico border, combined with ethnographic observation, I find that participating in transnational acts—through cross-border work, commerce, social relations, politics, culture, and more—can be both a unifying and dividing process. Transmigrants moving regularly between California and Baja California have broader access to economic, academic, and social opportunities and tend to organize their cross-border lives in a way that maximizes their individual and familial advantage. But the border—as both a physical and symbolic divider—reinforces the social, geographic, and economic divisions between the two countries and even between members of the same mixed-citizenship families. I find that the border impedes transnational action and weakens its effects in three ways: first, through its power to physically separate people and places; second, through the

disciplining process of crossing the border and proving worthiness; and third, through the punishments imposed upon those deemed unworthy of entry. Because of these intrusions by the border into transmigrants' lives, transmigrants' regular movement across borders leaves them with a sense of isolation and of being "unknowable" to the individuals and communities they move between. Transmigrants who move easily and regularly across borders find that, despite the allure of "being in two places at once" and inhabiting a unified "transnational social space," the reality is more complicated, compartmentalized, and divided. While they daily participate in the act of creating and inhabiting transnational spaces, the physical, emotional, social, political, and economic shifts they experience as they move between these spaces reinforces the barriers between communities and family members, rather than their transnational connectedness. Furthermore, the disciplining and punishing effects of the border and border crossing processes "reproduce political subordination" and reinforce the ultimate authority and overwhelming power of the state in shaping transnational life (Auyero 2012:2).

Methodology

Between 2016 and 2017, I conducted in-depth, semi-structured interviews with 24 mixed-citizenship couples (48 total participants) living in Mexican communities adjacent to the US-Mexico border between California and Baja California, including couples living in and near Tijuana, Tecate, and Mexicali. Couples who, at the time of marriage, had distinct citizenships (one spouse with US citizenship and one spouse with Mexican citizenship) qualified for the study.[31] I interviewed couples with all types of US immigration statuses. Participating couples

[31] Couples in which one or both spouses naturalized following marriage were included in the study.

include those with no US immigration status (i.e., have never lived in the US and do not currently possess any immigrant or non-immigrant visa; 7), those with authorized status (possessing a current immigrant or non-immigrant visa; 10), and those with a history of deportation or voluntary removal (7).[32]

To the extent possible, I sought to ensure participant variation in other important individual and familial characteristics, including gender, class, age, ethnicity, sexual orientation, and parental status (Abrego 2008, 2011; Colon-Navarro 2007; Dreby 2012, 2015; Jiménez 2010; Kymlicka 1995; Menjívar and Abrego 2012; Menjívar and Bejarano 2004; Salcido and Menjívar 2012; Vasquez 2015; Waters 1999).[33] Of the 24 couples, Ten included a male US citizen partner and a female non-citizen partner. Thirteen were composed of a female US citizen partner and a male non-citizen partner. One included a female US citizen partner and a female non-citizen partner. The class and educational background of both the US citizen partner and the non-citizen partner varied across the couples (and, often, within couples), with the following distribution: working class (4), mixed working-middle class (7), middle class (9), mixed middle-upper class (2), and upper class (2). Of the non-citizen participants, five did not finish high school, 11 had graduated from high school, six had some college experience (up to and including receiving a bachelor's degree), and two had a master's, professional, or doctorate degree. Of the citizen participants, one did not finish high school, eight had graduated from high school, 12 had some college experience (up to and including receiving a bachelor's degree), and three had a master's,

[32] This study is part of a larger project that includes interviews with 55 mixed-citizenship American couples (with non-US citizen partners from Mexico or Central America) living anywhere within or outside the US.

[33] Because federal immigration law does not recognize unmarried cohabiting couples for family reunification purposes, members of these types of mixed-status couples did not qualify for inclusion in this study. Married mixed-citizenship couples, engaged couples applying for a fiancé(e) visa, and divorced individuals formerly in a mixed-citizenship marriage were included in the project.

professional, or doctorate degree. Participants' ages ranged from early twenties to mid-sixties, with most participants between the ages of thirty and forty-five. Most of the couples had similarly-aged partners, although one couple had partners with an age difference of over twenty years. Of the US citizen partners, 18 were Mexican-American and six were non-Latinx White. Most couples had been married between five and ten years at the time of the study, though the length of their marriages ranged from being newlyweds of less than a year to having been married for more than thirty years. Additionally, one couple was engaged to be married and applying for a fiancée visa. At the time of the interview, 20 couples had children.

Since 2009, I have lived in and travelled regularly between California and Baja California—from 2009 to 2012, I lived in San Diego, CA, USA; from 2012 to the present, I have lived in Tecate, BC, Mexico. During my time living in both of these communities, I met mixed-citizenship couples through work, school, church, neighborhood meetings and parties, and at their places of employment. Of the 24 couples participating in this study—who were interviewed between 2016 and 2017—I was acquainted with one or both partners of 11 couples prior to the interview. I was linked with the other 13 couples through other participants' recommendations, suggestions from individuals in my personal and professional networks, and responses to a request for participants posted in Facebook groups whose membership included residents of these border communities. Given that citizenship is an invisible status, it was quite difficult to identify eligible couples without drawing heavily on my own contacts and networks. Many couples—particularly those with current or prior unauthorized status in the US—expressed feeling vulnerable in speaking about their mixed-citizenship marriages. While a few eligible couples ultimately chose not to participate in the study, the vast majority of couples I identified

did participate, which I believe was due in part to most of them being linked to me through a relationship of trust.[34]

I recorded all interviews, which generally lasted between one-and-a-half and two hours. I conducted all interviews in person in the couples' respective homes (with the exception of three interviews, which I held in my home). I asked the couples about how and where they met, their experiences with the formal immigration process (in the US and/or Mexico; if couples had not sought legal immigration status, they were asked to explain that decision), their day-to-day routines, what kinds of activities they engage in on both sides of the border, how they describe their familial nationality, and where they feel they most "belong." Couples were interviewed together in person; each couple received $10 for participating in the interview. I also conducted extended, multi-day observation of two couples as they went through their regular routines. Observation activities included following each spouse through a regular day, from shortly after they awoke until shortly before they went to bed. I went with them to work, shopped for groceries, prepared meals, ran errands, watched TV, and spent time together as a family. I use this ethnographic data, as well as my experience living in a mixed-citizenship relationship in this border region for more than nine years, to provide additional detail and context to the interview data.

Following the work of migration scholars such as Dreby (2012, 2015), Gonzales (2011, 2015), and Menjívar and Abrego (2012), I employed an inductive analytical strategy to look for

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[34] While I exercised the utmost caution to protect the identities of my participants—including the use of pseudonyms for all participants and, in some cases, changing other potentially identifiable information about participants (such as their place of employment)—and I assured them I would do as much before asking them to participate in the interview, a small number of couples still felt uncomfortable participating, either due to concerns about confidentiality/revealing their immigration status or because of discomfort in discussing the details of their intimate family relationship with a third party.

trends and recurrent themes across interviews. I used the online qualitative data management program, Dedoose, to manage my data analysis efforts. After the interviews were transcribed, I read through each interview individually and coded them for themes. Once I coded all interviews separately, I compared similarly coded portions of the interview across the study population to identify common trends, which I discuss below.

Everyday Transnationalism

Vicente wakes up at 4am every weekday. He's always the first one awake. Before he takes his shower, he wakes up his wife, Herlinda, and their youngest daughter, Stephanie, who then help wake up the two older boys, Jonathan and Luke. While Vicente showers, Herlinda irons his dress shirt and slacks and packs lunches for Vicente and the two younger children, Luke and Stephanie, who are both in high school. By the time I arrive at their house at 4:30, everyone in the house is awake and rushing to make sure everything is ready for our impending departure. Vicente's voice grows progressively louder as he reminds the children that it is time to go. By 4:45, Vicente, Stephanie, Luke, and I are in the car and on our way to the border. The oldies station plays in the background and the air conditioner blasts, overpowering the summer heat that has lingered overnight. Though the Serrano's house is only three blocks away from the border fence, we have to drive a few miles east to the border crossing, where we take our place in line about a mile back from the border checkpoint. Cars form a single-file line as far ahead as we can see, and soon the view behind us is the same. Vicente turns off the car, but keeps the radio going. Luke and Stephanie are already asleep in the back seat.

The border crossing here opens at 5am, but it takes a while for the momentum to reach

us. At 5:20, taillights ahead of us light up and engines start to turn. A driver a few cars in front of us sleeps a little too peacefully; we go around him with a friendly honk, hoping it will wake him, and make our way toward the checkpoint. The line moves quickly today, and we're through the border checkpoint and on our way by 5:40. The unpredictability of the border wait compels Vicente to maintain this strict early morning timetable, even if on some days, like today, it means he and his children will get to school and work over an hour before they need to arrive. Some days the wait lasts hours and the 45-minute drive from the border to the high school is a race against the clock. But usually they arrive with time to spare.

After Vicente drops the kids off, we drive another 15 minutes to the middle school where he teaches seventh grade math. Vicente is almost always the first teacher to arrive at school and parks in the same spot every day. We have over an hour to set up his classroom and chat before the students arrive at 8:15. It's only the third week of school, but Vicente already has his students trained to stand up anytime a visitor enters the room and to shout 'Go Bulls!' at the end of the morning announcements. Though we've travelled thirty miles northwest from Vicente's house to get to his school, it is still only a few miles north of the border. Many of his students speak Spanish as their first language—some of them make the daily commute from Mexico, too.

On our lunch break, we sit outside at a picnic table in the school garden with some of Vicente's coworkers and talk about our victories of the week, which range from helping kids get excited about reading for fun to simply surviving a long workweek. As I observe Vicente, his classroom, his interactions with students and coworkers, I am keenly aware that, despite the fact that this is his twelfth year in the same classroom, Herlinda has never seen what I am seeing. She has not read the school rules posted on the back wall of the classroom or made small talk with

other teachers. She has not seen how Vicente stands out in this crowd—he's the only teacher wearing a shirt and tie—and the way his strict discipline in his wardrobe (which he says is to remind students that he takes his responsibility toward helping them learn seriously) carries over into every other aspect of his classroom and work ethic, including staying on campus until 3:25 (as his contract stipulates) despite the fact that almost all the other staff leave earlier on Fridays. Vicente takes the last half hour or so to do some grading, and then we start the commute home. The Serrano's oldest son, Jonathan, who works at a fast food restaurant near Vicente's school, has already picked up the kids from high school, so we run errands without them and then head back home. We're back at the Serrano's house at 4:45, twelve hours after we left this morning, which Herlinda says is a record (though she also notes that we forgot to do some of the errands on Vicente's list, an oversight that might account for our 'early' arrival).

This is Vicente's routine every day, and has been for the last twelve years, ever since Herlinda was deported on his fiftieth birthday. And while Vicente is grateful that he was able to maintain his health and retirement benefits as a teacher in the California schools system (before Herlinda's deportation, he taught at a school in central California) and that his US citizen children can attend school in the US, he acknowledges the burden of their situation and the strain each family member endures as a result.

Vicente's days are non-stop, from border wait to commute to school to errands to home, with few opportunities to rest his body or brain. Herlinda's days, on the other hand, are mostly empty, and she struggles to fill her time while the rest of her family go about their lives in a place that is completely inaccessible to her. Though she wakes up at four with everyone else, she stays behind in a too-quiet house after the cars pull away. During the week, Herlinda teaches an hour-

long religion class to high school students from her church from 5:30-6:30am, which keeps her moving after Vicente and the kids head to school. After her students leave, she waters the fruit trees and other plants in their front garden and plays with their big Alaskan husky for a while. And then? Sometimes she naps for a bit before making breakfast and then doing the laundry and other household chores. Other days she visits with friends who live nearby. On the day I spend with her, we drive a few blocks to refill water jugs with filtered drinking water and spend the rest of the morning chatting, watching TV, passing the time.

Stephanie is home sick from school. She was sent to the nurse's office the day before with a fever, but no one could pick her up from school early since Herlinda cannot cross the border and Vicente was at work. Moments like these—in which Herlinda is available to fulfill her familial duties and yet unable to do so—serve as reminders of her forced dislocation from her husband's and children's lives, the product of harsh penalties linked to her deportation following previous undocumented residence within the US. Herlinda feels that, in many ways, her banishment from the US has left her impotent in her ability to fulfill her responsibilities as a stay-at-home mom. When her children were younger, they attended elementary school in Mexico, and Herlinda's days were filled with school runs, volunteering in the classroom, making costumes for cultural celebrations, and a variety of opportunities to actively involve herself in her children's lives. But now, as much as she would love to be involved, Herlinda is both physically and socially removed from her children's daily lives, despite the fact that they live in the same home and eat dinner as a family every night. Herlinda has never met her kids' friends at school, their teachers, nor the parents active at school activities. She could not attend Jonathan's high school graduation. She cannot pick up a sick child early from school. Additionally, because

of concerns over availability, quality, and cost, Vicente does most of the grocery shopping and buys the kids' clothes. So, apart from packing lunches and making dinner, Herlinda's ability to contribute to the family's daily routine and ongoing needs remains limited by her restricted movement through the borderlands her family inhabits.

At about 3:30 in the afternoon, we make a quick trip to the corner market to pick up a few ingredients for tonight's meal. Back at home, Herlinda prepares dinner, which she likes to have ready by five, though she is never quite sure when everyone will get home. Vicente and the boys arrive home at 6:15 and head straight to the dinner table, where we enjoy a typical family meal in which Vicente and Herlinda try to coax the kids into talking about what they did that day; the kids scarf down dinner in order to escape to their rooms and take advantage of free internet to text their friends. An observer walking in on the Serranos during dinner or observing the rest of their evening routine would confuse this family for any other 'normal' family. And yet, the juxtaposition of Vicente and Herlinda's daily routines—coupled with the fact that I, a relative stranger, had easy access to their lives in a way that Herlinda did not—underlined the disconnection, isolation, and injustice of their complicated life between borders.

Vicente and Herlinda's experiences as a transnational family in the US-Mexico border region are not unique. All study participants raised issues of separation, waiting, and/or disconnection when discussing their personal and family lives in the border region, regardless of their immigration status and ability (individually and as a family) to travel within and between both countries. And, through their stories, it became clear that the border itself plays an essential role in imposing and enforcing the alienation and separation that these transmigrants and their families experience daily. Whether or not they regularly cross the border, transmigrants living in

Baja California along the US-Mexico border experience the intrusion of the border on their lives in three specific ways: through the physical and symbolic presence of the border; through the act of crossing the border; and through US immigration laws and their associated punishments embodied by the border to which some transmigrants and their family members are subject.

Living with the Border

For those living along the Mexican side of the US-Mexico border, the border is a physical structure imposing itself upon the landscape, *la linea* cutting its way across the top of every border city. It is also a social structure that enables the mobility of some and stifles that of others, an arbiter of opportunity discerning eligibility of passage on an individual basis, often separating members of the same family. When asked what the border means to them, many respondents first recalled the long lines and the time they spend on a daily basis physically waiting there. But, upon further contemplation, most also cited its symbolic significance in their lives, as a "barrier" and an "excluder." Genoveva, whose husband is a US citizen but who has not yet been able to apply for her legal entry to the US due to the costs associated with the legal permanent residency application, feels excluded and judged. The border, which her husband crosses daily to remodel kitchens, is there "to differentiate [between people]. 'You are this, and we are that. You are this way, and we have these things.'" Genoveva has not yet qualified for inclusion in the selective world of the United States, despite her eligibility as the spouse of a US citizen; the income thresholds for legal permanent residence imposed by the US government are beyond her young family's current means. The border taunts her, "You are not rich enough to belong here." Her husband, Felix, feels her absence differently: while he can familiarize himself with the spaces in

which she moves, the world he in which he spends most of his waking hours is completely foreign to her, despite its geographic proximity.

For Mateo, who lives in Tijuana with his wife and children while waiting out a 10-year bar before he is eligible to apply for permanent residency, the border physically and emotionally prevents him from being fully present in the lives and memories of his children:

> Like it or not, […] we live from our memories. All of our children, my children, are growing up, but there's a part of their lives in which I am not present. I am not a part of those memories, which is half of their life, their life in the United States. I am not there. […] Daddy is here [in Mexico]. It is half of their lives, and I am present in their memories here [in Mexico], but there? Erased. […] You want to be with your children and you want to do so many things with your children, and the fact that you cannot be part of something in their lives hurts. It hurts a lot.

The border not only shapes the landscape in which Mateo and his family live, but it also embeds itself in their minds, "erasing" Mateo from all US-based family activities and the memories those activities generate. In these ways, the border penetrates the intimate lives of mixed-citizenship families, enabling at least some family members easy access to both countries, but at the cost of the exclusion of others—not only from present activities, but from the memories that are carried into the future. His wife and children adjust accordingly, restricting their trips to the US in order to limit the amount of time their husband and father is absent in their lives. But necessity—doctor's appointments, grocery shopping, work—often requires their separation. As Mateo's wife, Yuliana, stated, the border represents "two dreams," and only some families are allowed to pursue both. The border transects the lives of transnational families, an ever-present reminder of the invisible hierarchy based on citizenship and legal immigration status to which these families are subject, isolating those who stay behind from those who cross.

Esther and Chuy have also struggled to adapt to their new normal now that Chuy, who

was deported two years ago, cannot inhabit all of the spaces in which the rest of his family moves.

> **Esther**: He gets really, "Why you always in San Diego," but he doesn't understand I have be in San Diego for the kids. I have to go my doctors appointments and can't leave them alone a lot. In Oregon, we were always together. If I had something, he would take me. We were always more united over there than we are here because here, I have to cross over. I have to leave him here alone.
>
> **Chuy**: I would take the kids to school. I would take them to the doctors. I would take care of anything that had to do with the kids.
>
> **Esther**: And now it's me, me, me, and he feels like we have taken him out of that part, but it's like I wish I could take you with me. I wish could tell you, "Go with me here," but we can't.

While Chuy will sometimes ride in the car with his family as they wait in the border line, they all know that he will not be able to travel with them to their destination and take care of them like he used to, stripping him of the duties he most proudly fulfilled as a husband and father. The power of the border to exclude cuts across identities and relationships as clearly and definitively as it cuts across the landscape.

This power of the border to transect identities and relationships reaches beyond those who have been deemed unworthy of admission into the US and impacts the way US citizen transmigrants understand both sides of their cross-border lives. For many of these transmigrants, their "north of the border" and "south of the border" lives feel like two separate worlds. Sabrina works with local law enforcement just 30 minutes north of the border, and her coworkers hear about her husband all the time. But in her ten years on the job, she has only told three of her coworkers that her husband lives in Mexico and cannot cross the border with her.

> No one at my work knows that my husband can't travel to the US. No, because I know cops […] I think like a cop, and I know it's taboo to them. So it's been hard

> … I've been at my job for ten years and they don't know that my husband is—I don't want to say he's an illegal, because I don't think that he's illegal, no not at all, but they have no idea that my husband—because I talk about him like if he was there […] But, no, they don't know. I don't keep him a secret. Like, they know I'm married and I have pictures of him at my desk, but they don't know that he doesn't cross. Because I don't want them to ever insult him or ever say something and then me get pissed and end up losing my job.

So Sabrina talks her way out of invitations to weekend barbecues and after-work happy hours. Many other participants also noted their efforts to avoid all commitments outside of their essential work functions, feeling an urgency to return to their families waiting at home for them. Sonia, whose husband, Sebastian, was recently deported and faces a permanent bar from legal immigrant status in the US, feels like her life has been reduced to the basics in order to ensure she and her daughter can spend some time with Sebastian: "I just feel like most of my time is sucked in to working and my commute—that is why I had to stop my, for example, going to the gym, kickboxing, just walking at the mall without feeling that pressure that I have to go back home." The transmigrant children of these families who study in the US also refrain from most after-school (and before-school) activities, unable to accommodate late afternoon and evening activities with their long commutes home. Similarly, they cannot invite friends over after school. Their lives and relationships at home are completely disconnected from those they develop at work and school. As Esther put it, "We're just lonely here. They [our children] are getting tired of it. They want family members; they want friends and stuff. Right now you hear [our daughter] laughing. She's on her phone with either one of her cousins or one of her friends. […] And that's what they miss already."

Couples in which both partners can travel across the border often feel this disconnect, too. Joel and Joanna both feel the strain of their daily separation while Joanna is at work in the

US. Joel, who works in a Mexican bank and has a tourist visa allowing him to travel to the US, spends most evenings at home alone, waiting for Joanna to make the long commute back. Joanna feels similar pressure to rush back home, though even on the best days she is usually gone for more than twelve hours. Although Joel's work day lasts an hour and a half longer than Joanna's, he usually has an extra 2-4 hours alone while Joanna travels to and from work. Joel waits about a half hour after Joanna leaves for work in the morning before he goes to the bank, "and then I work all day. I leave work at 6pm and then I just wait for her. And, like she said, every day is different. […] Sometimes I go visit friends while I wait for her or I'll go and see my sisters and visit with them while [Joanna] is on her way home." Daniel and Pachita also agree that the border directly impacts their relationship and the time they are able to spend together:

> **Pachita**: If the border didn't exist, he could be here [after work] in less than an hour and leave at least an hour later in the morning. But now he leaves so early and gets home at seven or eight at night, just to eat, shower, and sleep. […]
>
> **Daniel**: More than anything, it's the time that I lose—nearly two hours in the morning and an hour and a half at night. That's almost four hours a day—three to four hours driving—and that's time I lose out on being with my family. […] And the fact that I'm not at home as much does put stress on our marriage.

The common theme in all of these families' experiences is their experience of waiting, particularly those partners who do not or cannot engage in regular travel across the border. This constant experience of "powerless waiting" is a significant component of the transnational experience, both for those who stay behind and for those who cross (Auyero 2011:26).

Crossing the Border

The actual process of "crossing" the border centers on powerless waiting and challenges the notion of borders as sites of globalization, cosmopolitanism, and the fluid movement of

people and goods. The (often prolonged) act of waiting, the unpredictability of both the wait time to inspection and the duration of the inspection, and the moment of "inspection" when border agents assess and (dis)approve individuals for entry into the US, serve to reinforce the political and social divisions between the two countries (Vila 2000:9). The process of crossing borders creates "moments in which differences can be powerfully reinforced and opportunities for transnationality systematically denied" (Cunningham 2004:329). For members of mixed-citizenship families, the state-defined differences between individual family members reassert themselves each time one or multiple family members cross through a border checkpoint. When Hector explains to his children that he cannot go with them to visit family, run errands, or spend the day together in the US because he does not have "papers," his five year-old looks around the house and brings him scraps of paper in an attempt to resolve the problem. But Hector's older children understand what having no papers really means—that he is not welcome in the US—and that distinction between themselves and their father is reinforced each time they cross the border without him.

The act of crossing the border is also rife with indignities that reinforce the power of the state (and its agents) and the impotence of those crossing, even those with permission to enter. Its unpredictability, both in terms of the wait time to be inspected by an agent and the amount of time the agent will take to inspect you (and your vehicle), can cause extreme frustration (among other emotions which you must suppress unless you want to spend even more time waiting). Vicente told me of a time when the car in front of him (accidentally?) screeched its tires while pulling into the gate to speak with the border agent after a very long wait in line. The agent sent the car to secondary revision, where cars and their occupants undergo a lengthy and detailed

inspection. As Vicente drove up to the gate, he heard the border agent talking on the phone to the agents in secondary and telling them what had happened, instructing them "to make the driver wait an hour to teach him a lesson." Sonia also recalled the three times she has been sent to secondary as particularly frustrating events that threw off her plans for the rest of the day. After expressing her frustration, one agent told her, "This is what you need to expect. It could happen to you again. And you are making the choice of crossing the border, so expect it." Of course, Sonia's interpretation of her situation differs, as she feels forced into crossing the border every day—rather than choosing to cross—because it is the only way she and her daughter can live as a family with Sebastian.

Even for families in which non-US citizen family members have legal access to the US through a tourist visa or legal permanent residency, the process of crossing the border reinforces the precarity of that status, as entry to the US "is always conditional and dependent on the discretion of the customs agent who decides whether or not a person can cross" (Sarabia 2015:236). Regardless of citizenship status, all individuals wishing to cross into the US must respond to questions about what they plan to do in the US and why they were in Mexico. Sometimes the border agent simply asks if you are bringing anything back from Mexico and then waives you through. But other times agents question you extensively, sometimes about matters that have little to do with the act of crossing the border itself.[35] Enrique and Carolina, both from upper-class political families in Baja California (Enrique inherited US citizenship from his mother, who was born in Los Angeles), recounted the vulnerability they feel when they cross the border, even though both of them are now US citizens:

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[35] As Muriá and Chávez (2011) note, "Even those who cross the border to work legally are often questioned extensively for living a life of ambiguity, residence in Mexico but employment in the US." (358).

> **Enrique**: I hate crossing the border because you're at the mercy of the guy that's there. You're at the mercy of that guy and that guy. He's in a bad mood that day, he can screw your life.
>
> **Carolina**: Remember that lady who hated you in Calexico?
>
> **Enrique**: Yeah.
>
> **Carolina**: She would always ask him the same questions.
>
> **Enrique**: She would go like, "So why are you driving a US car if you live in Mexico?" I go, "Because I'm a US citizen." "Yeah, but if you live in Mexico, you have to drive a Mexican car." "But then I cannot cross into the US with a Mexican car." You know? […] During the inspection, that person [the border agent] can do whatever she wants.
>
> **Carolina**: Then if you get mad, they get worse. […] They get super crazy. I'm always very calm and very quiet and I only answer the questions and I don't say anything, I have my bag closed because if they can see something, they can ask you for it. I tell the kids to be very aware of what they're asking them and put all the windows down. I take off my sunglasses. I'm very proper. I always get hit on. My kids, Juan Angel, he gets like, "What is that man doing?" Once this guy was singing to me, like a song. I was just looking at him like, "I could report you for this. I'm not going to do anything about it because I don't want to have any problems until I cross the border. Just give me my passport."

While Enrique and Carolina generally do not face such treatment in their daily lives, they have learned to respond to perceived mistreatment at the border with submission rather than express their true feelings. The risks associated with reacting to even inappropriate behavior far outweigh the potential satisfaction they might feel in pushing back. Chuck and Melodia discussed similar frustrations they feel and cost-benefit analyses they conduct when enduring the unpredictable process of waiting and undergoing inspection at the border. For Chuck, especially, the long wait and the probing questions contribute toward a challenge to what he feels is his entitlement as a US citizen: the right of return to his country.

> **Chuck**: It's an intolerance thing, though. We recognize that. I mean, it should be okay to have to wait to get across, and I'm very intolerant with the border guys, too. You know, I get this attitude of, "Who are you to tell me I can't come back into my country?" Especially when they don't speak English very well. It's a lack

> of tolerance, but I recognize it for what it is, you know? I've learned to calm myself down, though, about that—not say anything, because then I get in trouble.
>
> **Melodia**: Because they can make your life miserable if they want to.
>
> **JLL**: Have they ever given you problems?
>
> **Melodia**: Before I became a resident, they did. I mean, one time they even dumped everything I had in my bag and checked in my wallet piece—like, card by card. I had, you know, a little bit of paper. They checked everything. Yeah, we've had some that have been really nasty with us—with me, mostly. Another time I was in secondary [inspection], and I was painting my nails, and this lady came. She pounded on my car, "You can't be doing that!" "Why? I'm inside my car." "No. You can't be painting your nails in your car." I'm like, "Okay." They get so ridiculous.
>
> **Chuck**: Well, it's a small taste of power [for them].

Due to the extreme imbalance in power between border agents and border crossers, those who cross must meekly submit to the will of the border agent in order to avoid problems and cross the border as quickly as possible. I recently endured an encounter with a border agent who threatened to revoke my husband's visa, falsely asserting that he was not legally allowed to use a tourist visa as the spouse of a US citizen.[36] During the exchange, she also questioned my good citizenship, requesting, among other things, proof that I had paid my US hospital bills related to my daughter's birth a year earlier. I was livid, but my husband caught my eye and reminded me that our situation would only worsen if I tried to challenge her authority. I, like my respondents, was forced to recognize in this moment that, even as a citizen, I was being scrutinized and categorized and that, while my eventual entry to the US was guaranteed, the ability of my family to cross with me depended on my "good" citizenship, not just the fact of my citizenship itself (Chauvin and Garcés-Mascareñas 2014). I joined thousands of other border crossers afflicted with "a constant fear of arbitrariness, because it is hard to predict when an inspector decides who

[36] Revoking his visa would not only temporarily prevent his legal entry to the US but could also disqualify him from legal permanent residence or any other legal immigrant or non-immigrant status he sought in the future.

poses a risk" (Muriá and Chávez 2011:365). And, as other scholars have noted, these decisions are based not only on one's official legal or citizenship status, but a number of factors, including gender, age, ethnicity, and phenotype, as "border policing and US immigration law enforcement is […] based on a larger project of policing Mexicans as potentially 'illegal' migrants" (Sarabia 2015:239). "Legitimate mobilities" can be converted into "illegitimate mobilities" in an instant, significantly affecting mixed-citizenship families' opportunities and movement in both the immediate and long terms.

This process of categorization and re-categorization, surveillance and (dis)approval creates an "extended regime of spatial and social segregation based on class and race differences, a scenario where selected peoples and areas keep their global connections […] while others remain disconnected," even within a single family unit (Muriá and Chávez 2011:359). Border agents serve as semi-autonomous judges whose approval must be sought each time citizen and non-citizen family members seek to participate in transnational activities across the border. These agents' actions shape the transnational social spaces border-crossing transmigrants inhabit while simultaneously regulating the movement of others within and across that same social space. The distinctions these agents employ to demarcate those who qualify for entry from those who do not inscribe themselves, over time, onto different family members, marking them as separate and other rather than one and the same (Dreby 2015). And the required wait for inspection at the border serves as a "temporal process in and through which political subordination is reproduced" (Auyero 2012:2).

Enduring the Border

The border exercises power through forcing some mixed-citizenship families to wait on a third dimension—in addition to waiting to cross the border and waiting for family members to return from their cross-border travel, some families are also forced to wait years, even decades, for the possibility to inhabit their transnational spaces together (Auyero 2012; López 2017a). Punishments meted out upon US immigration law violators are often arbitrary, harsh, immediate, and long-lasting. Sabrina and Joaquin, who met at a party in their border town eleven years ago and fell in love almost immediately, have lived with the border dividing their lives ever since. Joaquin, who moved to Baja California from Jalisco when he was fourteen, has never lived in the US and appears to be a prime candidate for a family reunification visa. But, when Sabrina's family came down for a visit ten years ago, they convinced Joaquin that he should go back with them across the border. Sabrina and Joaquin protested, but they insisted. At the border, the driver claimed all the passengers in the car were US citizens. When Joaquin could not produce evidence of his citizenship, they were sent to a secondary review station to be processed. Though Joaquin never personally claimed to be a US citizen, the immigration officers interpreted others' claims that he was a citizen as sufficient evidence to mark his record as having posed as a US citizen. This accusation *permanently* disqualifies Joaquin from gaining any kind of legal status in the US.[37] For the past ten years, Sabrina commuted daily to her job in local government in a city about forty-five minutes away from the border. When their son, who recently started commuting with Sabrina in order to attend kindergarten, asked why he had to leave his house in the dark and

[37] Sabrina and Joaquin have consulted immigration attorneys in the hopes of challenging the accusation or finding some other way to petition his permanent bar to legal entry to the US. Multiple attorneys have told them not to waste their money trying—applicants accused of illegally posing as a US. citizen have practically no hope for relief under current law. See footnote 17.

come home in the dark every day, Sabrina and Joaquin decided that something had to change. Sabrina bought a home near her job; now she and their son live in the US during the week and do their best to visit Joaquin in Mexico on the weekends. Joaquin noted the blessing and the curse of their current arrangement: "They are only forty-five minutes away. We are lucky we can be so close to each other. But we still cannot be together as a family." When they feel down about their situation, Sabrina reminds herself that at least *she* can move freely across the border to visit Joaquin. She has undocumented friends whose spouses were deported, and these couples are unable to ever see each other in person, even if they only live forty-five minutes away.

Vicente and Herlinda, who know this separation all too well, hope their plight will soon end. After waiting out Herlinda's ten-year bar to legal reentry to the US, she and Vicente are now in the process of applying for her legal permanent residency. Her application has moved extremely slowly through the system, delayed for more than a year in internal review before US Citizenship and Immigration Services (USCIS) even granted her an interview. At her interview, she was told she would have to submit a *carta de perdon*—a letter of forgiveness—explaining what she had done and why she was sorry she did it. While everything else in her application appears to be in order, a final determination on whether or not she will receive a green card depends upon that letter and if the immigration agent finds it to be satisfactory (though what qualifies as satisfactory remains unclear). When I spoke to Vicente about this new twist in their story, he told me about the letter he wrote, which he will submit along with Herlinda's letter. In it, he acknowledges his own mistakes and takes responsibility for Herlinda ever having undocumented status (she entered the US without inspection after they were married). He has accepted the punishment that accompanied their error, harsh though it may seem, and explains

the extent to which they have striven to be law-abiding citizens every day of their decade-long ordeal. As Vicente put it, "We have served our time." They broke a law and faced the consequences associated with the violation of that law. And now they have satisfied those consequences. And yet, that still might not have been enough. The Serrano family's fate remains in the subjective hands of an as-yet-unknown USCIS agent in Ciudad Juarez, whose willingness to be persuaded of Herlinda's regret will determine whether or not Herlinda can see her younger children graduate from high school; finally visit Vicente's classroom; meet his coworkers; be a part of her family's *whole* life—an opportunity that will transform Vicente's and the kids' lives as much as her own. The indefiniteness of US immigration law, the unpredictability of its enforcement, the exaggerated punishments associated with violation of civil immigration law, and the uncertainty of if and when those punishments will ever end—these are the conditions that introduce isolation, frustration, and loneliness into the lives of mixed citizenship families, regardless of status, especially those transmigrant families who encounter the border and its restrictive power on a regular basis.

For many of these families, even families who aren't directly subject to the harsh penalties of deportation, the border intrudes into the most intimate spaces of their lives, dividing them from their spouses and children every day. A number of respondents discussed the routines they put in place to minimize the effects of separation. To fight the loneliness that Joaquin felt most starkly when sleeping alone, he changed jobs to work on the night shift. Now he sleeps from pure exhaustion and no longer spends nights awake and alone missing his wife and son. Salvador works with his wife every day, and his daughters come to visit him most afternoons before going back across the border to sleep before they attend school in the US the next day.

Even though he sees his family constantly, he has struggled at nights when he is left alone again. "I have a TV routine now. There's a channel that plays *The Simpson's* all day long, so I just watch that […] and I set the TV to go to sleep at midnight and it turns off and that's how the day ends." For Sebastian, who is home with his family at night and on the weekends, he has had to implement strategies to fend off loneliness during the day, especially in the hours after he and his wife trade cars at the border:

> She arrives [to the border line] at about 6:30am, we change cars. They head to the US and I stay here in Mexico. I go to the gym, back home, I clean the house, make breakfast—everything a stay-at-home mom has to do, but I do it. Wash clothes, wash the dishes, make the beds, clean everything in the house. When I have free time, I color to keep my mind occupied, because during all of this time I am thinking about the US.

Inherent in these families' extended subjugation by the state through powerless waiting is the implication that the state has ultimate control over transnational activity and shapes transnational life as much as, if not more than, the individuals and families living as everyday transnationals.

Discussion and Conclusion

Thousands of mixed-citizenship families live along the US-Mexico border and navigate the complex physical and social geographies of the borderlands, as well as the limitations placed upon their family members' free movement across these material and abstract planes. Rather than experiencing "the best of both worlds" or "liv[ing] as if there are no borders," these families negotiate the opportunities and restrictions of border life with the border as a central, unyielding presence shaping their movement on a daily basis (Marquez and Romo 2008:2; Waldinger 2015). While Vicente may participate daily in transnational processes—through his labor, his

commercial habits, his physical travel across borders, and his social relationships—the fact of Herlinda's inability to participate similarly in these processes serves as a constant reminder of their divided lives. Though Herlinda may be part of a transnational family, her link to transnational processes is limited solely to Vicente and their children.

For these families, the border is a looming physical presence, placing significant demands on commuters' and their families' time and physical and emotional health. The border is "the ultimate structural constraint on opportunity, choice, and social action," dividing these families and then allowing for their reunification on a daily basis (Chávez 2016:3). Some scholars have noted a normalization or even erasure of the border as a divider of people and territories in the minds of regular border crossers, claiming that "familiarity and constant border crossings render the wall null in their eyes," allowing them to "'forget' that a wall even exists" (Sarabia 2015:233; Malagamba-Ansótegui 2008). The concept of transnational social space also suggests an erasure of the physical and legal boundaries separating the communities linked by transmigrants (Faist 1998, 2000; Glick Schiller et al. 1992; Levitt and Glick Schiller 2004; Pries 2001). But the surveillance and sorting performed at the border reinforces its physical presence and symbolic power to shape opportunities and outcomes, so much so that it also "reshapes the geographical and social landscape" of surrounding border communities (Muriá and Chávez 2011:355).

Much of this reshaping stems from the multi-dimensional systems of powerless waiting imposed by the border. The physical landscape in every Mexican border town has been designed (and redesigned) to accommodate the long lines of cars and pedestrians waiting for inspection by US border agents. Social relationships, especially those between mixed-citizenship family members, have also adapted to incorporate the waiting each family member endures as a "side-

effect" of their family's transnationalism. And families subject to lengthy bars to legal reentry must wait for years until they can (potentially) regain the power of self-determination to choose when and where to live as a family. Together, these complex systems of waiting serve as "temporal processes in and through which political subordination is reproduced" (Auyero 2011, 2012:2). And while all transmigrants are subject to these waits, those with fewer resources and less evidence of "good citizenship" experience longer waits on more dimensions (Guerrero 2016; López 2017a). Through these obligatory systems of waiting, the US immigration system slows transmigrants' movement and their efficacy as boundary-blurring actors.

The experiences of mixed-citizenship couples living along the US-Mexico border demonstrate both the power and vulnerability of the border as a symbol of state power. These couples experience and understand the border as a physical presence in their daily landscape and in their intimate family relationships. Rather than understanding it solely as a symbol or metaphor for separation, sovereignty, or differentiation, these individuals make sense of their familial experience along the border in terms of a physical and geographical barrier that places limitations on their own bodily movement and ability to participate fully in each other's lives. These couples' experiences also reinforce previous scholars' claims that the border is not solely a line to be crossed, but a site of inspection, classification, and discretionary judgment in which border agents are empowered to reinforce prejudices and perceived differences, even when individuals have already qualified for legal entry to the US (Cunningham 2004; Sarabia 2015). Though mixed-citizenship couples embody globalization and the movement of people, goods, ideas, and love across borders, they often cannot access the benefits of globalization and an international lifestyle as a family. Mixed-citizenship couples also highlight the borderlands as a

place in which intimacy, family, and the freedom to choose whom to love challenges both nations' efforts to assert sovereignty and exercise selectivity in determining their membership. As single family units composed of individuals from different countries, these families are not fully immigrant families, nor are they fully native families, and their attempts to belong in both countries challenge the "different (imagined, narrativized, fragmented) identities" that the border is intended to represent and reinforce (Vila 2004:335). In this way, mixed-citizenship families embody transnationality and its challenges to state authority.

The experience of these families' transnationality is, surprisingly, quite the opposite of its outcomes. Transnational actors maintain and strengthen relationships with and between individuals living in distinct worlds, unifying individuals, families, and communities who would otherwise be disconnected; instead, the transnational actors assume that burden of disconnection. These transmigrants' experiences represent yet another "paradox" of the border (Papadakis 2018). Border-dwelling mixed-citizenship couples live each day with the border and its contradictions, navigating the constraints and opportunities it presents in their individual and family lives. While these families—and particularly the family members who move back and forth across the border regularly—embody "transnationalism" as it is described in the literature, their day-to-day experiences do not resonate as life across, beyond, or through borders, but rather a life between borders, one bifurcated by the border and the sovereign powers it represents. As Mahler (1998:76) argues, "mobility"—specifically the "movement of bodies across space"—"constitutes a centrepiece of transnationalism." And the restrictions the border places upon these mixed-citizenship couples' mobility—even on the mobility of those purportedly allowed to move "freely" across space—are superimposed upon every experience transmigrants

and their families have on both sides of the border. The sovereign power of the state transects every transnational social space, both physically and symbolically (Waldinger and FitzGerald 2004).

While the open and closed nature of the border enables mixed-citizenship families to "creatively and strategically gain access to a binational livelihood," such cross-border living comes at a cost (Chávez 2016:154). These transmigrants' transnational social space(s) may appear to be composed of "unbounded, discontinuous, and interpenetrating subspaces," but not all subspaces are equally penetrable by everyone, nor can they be inhabited simultaneously (Marquez and Romo 2008:16). Though a cross-border lifestyle may appear to offer the "best of both worlds" to mixed-citizenship couples—enabling immediate access to both countries and their respective economies, cultures, and amenities—the experiences of the couples studied here reinforce the notion that, no matter how hard you try, you cannot be in two places at once. Rather than cosmopolitan, international, *trans*national families, these mixed-citizenship families are "*entre*-national families," trapped between two nations without fully inhabiting either one. These couples undergo the border-imposed "processes of fragmentation, dislocation, translation, and cultural negotiations" in ongoing and intimate ways (Malagamba-Ansótegui 2008:236). While familial separation may be short-term—just a few days or hours at a time—these families are still immigrant families, stratified across borders, living, breathing, learning, and working in different worlds. They are in one place and in two worlds at the same time, sharing a home and a dinner table, carrying on with the mundane intimacies of family life, but always with a border among them. Rather than "liv[ing] as if there are no borders," these families live with the border as a constant presence in their personal lives and intimate relationships (Marquez and Romo

2008:2). It is a line that has allowed them to be together—to become a family—and yet it simultaneously inserts itself between them, keeping them both together and apart.

Chapter 5, in full, is under consideration (revise & resubmit) for publication at the *Journal of Ethnic and Migration Studies.* The dissertation author was the primary investigator and sole author of this paper.

Chapter 6—Conclusion: The New (Un)American Family

Throughout the dissertation, I have shown that the class-based preferences built into the US family reunification system shape the lives of mixed-citizenship couples in drastically different ways. Punishments directed toward poor US citizens and unauthorized immigrants from lower socioeconomic backgrounds prevent those families from accessing family reunification and serve, in practice, to create a primarily class-based immigration system in the US, rather than one designed to preserve and reunify families. Many scholars and advocates have attacked current calls for an immigration overhaul toward a points-based, skills-focused system as an abandonment of the family values that have been the focus of American immigration policy since its outset, but my research shows that existing immigration laws already enforce a preference for higher class, more highly-educated, and better-resourced immigrant applicants and citizen sponsors. If these laws were truly designed to help Americans reunify with their non-citizen partners, the vast majority of families meeting the definition of a mixed-citizenship couple should, in theory, have access to family reunification. But as I have shown in the previous chapters, many legitimate mixed-citizenship families are systematically excluded from accessing this crucial citizenship right. Thus, rather than being a system of family reunification for all Americans and their non-citizen family members, the current immigration system uses family relationships as a way to facilitate the legal immigration (or adjustment to legal immigrant status) of middle- and upper-class non-citizens and the partners of middle- and upper-class US citizens. This prejudice written into the law not only punishes specific families deemed "unworthy," but it

also serves, over time, to shape the American public in ways that disproportionately exclude certain kinds of immigrants, recategorizing some individuals and their family members as "un-American." These class-based distinctions are further exacerbated through the process of engaging these laws—a citizen-driven process that introduces additional opportunities for better educated and resourced families to work the law to their benefit and further their systemic advantage.

The drastic differences and long-term effects produced through the US family reunification's class-based preference were best explained to me by my friend, Juliette. I've known Juliette for nearly a decade, and I have observed her relationship with Tenoch grow and evolve through dating, marriage, four children, and many jobs, homes, and other life changes. Through it all, the most significant condition of their family relationship was Tenoch's undocumented status. I have known Tenoch since 2008 and Juliette since 2009, and when I first interviewed them in 2012, they had been married for two years and had begun working with a lawyer to begin the application to adjust Tenoch's status. They were hopeful that his application would be approved within a year or so. Despite the challenges presented by Tenoch's undocumented status—including limited employment opportunities and unstable work, self-imposed travel restrictions, and the constant droning fear of deportation—Tenoch and Juliette thought of themselves as a normal family. Juliette said that, when she talked on the phone to her sister who had been married for 10 years, she realized that "things aren't that much different. But the concern—like, my sister doesn't have to worry if her husband is getting sent to Norway (which is his—he's half Norwegian, but he's a citizen, born here). So, that's the only difference, I

guess: normal American families don't have to worry about if someone is leaving—getting kicked out of the country."

Tenoch's application was not approved, and they later learned that the "lawyer" who had been helping them was a fraud who had stolen thousands from them and other families seeking assistance with immigration cases. In the meantime, Juliette developed a case of severe anxiety and depression as her fears of Tenoch's vulnerability to deportation grew. It reached a critical juncture shortly after the birth of their third child, when Juliette recognized that she was having suicidal thoughts. Understanding the significance of these thoughts and in desperate need for relief, she sought professional help and began a long and ongoing process of therapy and treatment. Ironically, Juliette's mental health crisis—which grew directly from the constant stress of being an undocumented family—actually improved her family's eligibility for relief from the threat of deportation and the opportunity to adjust Tenoch to a legal immigration status.[38] Armed with extensive documentation of her condition, along with letters from doctors, psychiatrists, and others, Juliette applied again for the Emergency Hardship Waiver and, in the summer of 2017, they received word that their application had been approved. This was the most important step toward successfully adjusting Tenoch's status, but Juliette still had to find someone willing to act as the financial sponsor for Tenoch, as Juliette—unable to work as a result of her mental health issues and her family childcare needs—did not earn sufficient income to sponsor him. Luckily,

[38] US citizen's spouses with undocumented immigration status who entered the US without inspection must prove that their US citizen relatives would suffer "extreme hardship" above and beyond the hardship one would expect as a result of deportation in order to qualify for a waiver to the 10-year bar to reentry. As a result of Juliette's mental health crisis, she was unable to work and also struggled to be the primary carer of their children. Her (and their children's) need for Tenoch as the financial support of the family and as a crucial carer in the home strengthened their claims of extreme hardship as compared with their first application, when Juliette was the primary breadwinner and their family experienced good physical and mental health.

Juliette's sister earned just enough money to qualify as a sponsor and was willing to accept the legal responsibility associated with that role.

In September 2017, Juliette and Tenoch drove 28 hours to Ciudad Juarez and, after a few heart-pounding days of medical examinations and interviews, Tenoch received final word that his application had been approved. We spoke shortly after they had returned home, and Juliette noted the huge weight that had been lifted from her shoulders, but she also acknowledged the lingering effects of more than seven years of life in an unauthorized family. While they were both hopeful for this new, less fearful future, they recognized that they were only now starting to get their feet under them after so many years of being pushed down and held back.

Juliette shared her insights with me regarding the class-based inequalities of the US immigration system after helping transcribe[39] another interview I had recently conducted with a young mixed-citizenship couple who split their time between the US and Mexico. Ernak and Grace both had PhDs and worked in academia at the same university in a small town in the American midwest, and they had been married for five years. They met in Mexico City at a church party while Grace was conducting her fieldwork for her doctoral research. Ernak already had a tourist visa to the US and had been offered a fellowship at a prestigious American university where he would study the following year. When I asked them about their experience applying for Ernak's permanent residency, they mentioned complications with timelines (the fellowship in the US and another in Paris, dissertation defenses, the unpredictable academic job

[39] The original transcription service I had engaged for my Spanish and bilingual interviews stopped replying to emails, phone messages, etc. without warning when I was well into my data collection and analysis. As I was telling Juliette about my situation, she told me that she had done work previously as a medical transcriptionist and would be up for the job if I was interested. Given that I had already interviewed her multiple times, I was not concerned that her exposure to other interviewees' responses would impact her participation in the study. I also made sure that she did not know any of the participants whose interviews she transcribed.

market, and post-graduate plans) and finding the right time to adjust from a temporary to permanent visa status. But they never expressed any doubt regarding whether or not Ernak's green card application would be approved. After listening to Grace and Ernak recount their experience with the US immigration system, Juliette sent me a series of text messages expressing her reaction:

> Wow. Hearing the difference in emotional experience with the system from this couple who seem ok financially and had proper visas through school, etc., compared to mine and that of my friends is night and day. We—and my friends—had similar experiences where our husbands had multiple entries and either lost a hard to get visa or never had a chance in hell to get one. We are all lower income families hovering around the poverty level for our household sizes. And to hear this couple discuss the bureaucracy as a nuisance with disdain but really otherwise unaffected is mind boggling. I am currently helping a friend out emotionally (as much as possible) because she is so afraid. The depression and anxiety that followed me is also what I've heard from others. It's so intriguing to see the class difference, education difference, opportunity from home country difference. Astounding. […] It's like the United States became the high roller club, and based on the hand you were dealt you get special treatment.
>
> I would have loved to speak so gracefully and with more confidence about our outcome while waiting for it all to play out. So often I felt that I was lacking faith. But really it's all about not wanting to have forms of oppression placed on your future because of obeying and sustaining the law, being subject to corruption. A major part of wanting to "get right with the law" was propelled by wanting the best for our family, but also my religious understanding about being in good standing with the law. I thought/hoped it would be an easy process since all we wanted was to pay our dues and reconcile. [But] it's thrown in your face over and over again that privilege is not on your side.

Juliette recognized in these conflicting encounters with the same legal system a trend that I had noted in my interviews with mixed-citizenship couples and my analysis of the laws governing these couples' access to family reunification: there is no such thing as an even playing field. As Juliette described it, families' access to family reunification and legal status had more to do with "the hand [they] were dealt"—their luck at having not been born into poverty *and* at having

previous or current access to more education, higher income jobs, etc.—than their claim to a purportedly universal citizenship right. As shown in Chapter 2, the law itself includes multiple preferences for middle- and upper-class citizens and non-citizens while simultaneously imposing barriers that limit lower-class citizen and non-citizen partners' access to family reunification. But the findings in Chapter 3 also demonstrate additional junctures in the family reunification process in which socioeconomic status, education, and social and legal capital can further impact families' ability to successfully "reunify" through the US immigration system. And Chapters 4 and 5 detail some of the long-lasting impacts of these divergent legal outcomes (or undetermined statuses) on mixed-citizenship families, including increased sense of belonging or alienation with both partners' countries of citizenship and the fragmented experience of everyday transnationalism. Collectively, these findings reveal three important traits of citizenship and immigration, both with regard to the statuses themselves and the laws associated with those statuses: (1) citizenship (or the lack thereof) has family-level effects that impact individual and familial opportunities and experiences; (2) citizenship and immigration laws reinforce and exacerbate inequality within and between families through both the design of the laws and their implementation; and (3) the treatment of citizens and immigrants under the law produces effects far beyond the intended targets, shaping formal and informal relationships between individuals, families, communities, and states and altering, over time, broad understandings of who does and does not "belong."

First, while citizenship remains an individual-level status, one's possession of it can lead to family-level benefits and one's lack of it can result in family-level restrictions and penalties. Family reunification policies stand as a testament to the long-accepted belief that citizenship

should not be a barrier to family. These policies extend the benefits of citizenship beyond the citizen to her immediate family—spouse, children, parents, siblings—enabling those relatives to access some of the benefits of citizenship and, ultimately, acquire citizenship for themselves. But my research also demonstrates that the opposite also holds true: non-citizen status reaches beyond individuals to affect their family members both physically and emotionally (Bloemraad and Sheares 2017; Enriquez 2015; Luibhéid et al. 2017). For many US citizens in mixed-citizenship families, the promise of the family-level benefits of citizenship is replaced with the suspicion and punishment that accompany their increasingly criminalized immigrant family member(s). These family-level effects of citizenship status—positive for some families and negative for others—not only impact families' access to opportunities, but also individuals' relationships to their state. Thus, not only the *effects* of citizenship but also the *experience* of citizenship is filtered through the family. Citizenship is therefore not a purely individual status, but one that is refracted through the mediating institution of the family.

Second, US citizenship and immigration laws reproduce and compound inequalities by using certain ascribed and achieved characteristics to determine whether or not citizens and their non-citizen spouses qualify for family reunification. As discussed above, class preferences and penalties written into these laws impede otherwise qualified families from accessing family reunification. These laws not only punish lower class families for their current (or, in some cases, former) undesirable socioeconomic status, but they also make it much harder for these families to secure the opportunities and conditions that would enable them to improve their class position over time. And because the income and other "binding ties" requirements associated with securing a tourist visa to the US apply worldwide, these class preferences impact would-be

migrants from all over the world in a similar way. In practice, Mexican and Central American unauthorized migrants married to US citizens bear almost all of the impacts of the punishing elements of the IIRIRA and other immigration laws, but this is due to geographic proximity and the porous borders that enable unauthorized migration, rather than a specific clause in the law to target immigrants with a certain racial or national origin profile. ***For both citizens and non-citizens seeking family reunification through the US immigration system, class is the predominant factor in determining their access.*** But other intersecting identities and statuses, including race, national origin, gender, and education level, can serve to mitigate or exacerbate the class-driven inequalities that form the foundation of US immigration law (Enriquez 2017b). I find that the value of citizenship—both to the citizen and to the state—is mediated by each citizen's positionality within society. In practice, some citizens can access all of their citizenship rights while other, "less worthy" citizens cannot. In this way, non-privileged US citizens possess a lighter version of US citizenship, with only limited access to the purported rights and benefits of that citizenship. Citizenship has the potential to serve as an equalizer among otherwise unequal members of a state, but US family reunification laws—as written and implemented—demonstrate the power of law to suppress this equalizing potential of citizenship and, instead, sustain and intensify between-citizen inequalities (Enriquez 2015).

Finally, US immigration laws and their targeted enforcement have contributed to a narrowing of the definition of who "belongs" in the US and which families can qualify as "American." Through the bars to reentry, IIRIRA redefined the American family by effectively excluding mixed-citizenship families in which one partner entered the United States without inspection from realizing the benefits of married family life with legal immigration status in the

United States. The disproportionate burden placed upon mixed-citizenship families by the bars to reentry have marked families with less-educated, lower-income Mexican and Central American spouses as unworthy of membership in an official American family. Furthermore, the IIRIRA-imposed minimum income thresholds marked some US citizens as unworthy of forming an official American family with a foreigner. This new, narrower definition of the American family —wealthier, whiter, better educated, non-Latino, and headed by a US citizen male—has not only precipitated the "othering" of some immigrants but also their citizen family members and, in some cases, their broader co-ethnic community (Reiter and Coutin 2017). These laws have marked all of them as less-than and unqualified to enjoy the benefits of American citizenship as a family. Furthermore, preventing some families from accessing family reunification has ripple effects. Initially, it redefines which families are "American enough" to qualify for family reunification. Then, by extension, it also prevents the immigrant spouses who were denied family reunification from sharing those same benefits with their noncitizen parents, siblings, and children (Hawthorne 2007). This burden is not spread proportionally across nations of origin, socio-economic classes, and racial and ethnic backgrounds. Rather, the composition of American citizenry is, over time, skewed toward a richer, whiter, better-educated membership. These policies have produced a narrowed definition of both who "deserves" to be American and which Americans "deserve" to enjoy the full rights of their citizenship.

This political and cultural backlash against some mixed-citizenship families also highlights the inherent challenge these families pose to states seeking to exert ultimate control over their membership and borders. As single family units composed of individuals from different countries, mixed-citizenship families are not fully immigrant families, nor are they fully

native families, and these families' attempts to belong in both countries call into question the social, political, cultural, and moral separations that international borders are designed to reinforce. Citizens who choose to marry non-citizens wrest control from the nation-state in deciding who belongs and who does not, challenging the state to either declare the entire family unit a welcome member of society (even if the non-citizen might not otherwise qualify for membership as an individual) or dismiss the family altogether, including citizen family members who have always "belonged."[40] Mixed-citizenship families create unreadable family bodies, "challeng[ing] the ability of states to identify persons of 'their own' from others" (Muriá and Chávez 2011:361). Additionally, mixed-citizenship American couples living outside the United States also challenge assumptions of US superiority and a preference for the American lifestyle that is embedded in family reunification laws and enforcement practices. In every case, these families represent the enduring power of love and family in the face of governmental opposition and, sometimes, oppression. Mixed-citizenship families reveal the conflict between family membership and state membership in which states are obliged to sort their members as both families and individuals, exposing the hypocrisy of a system that legally favors and privileges families in some situations while blatantly ignoring family relationships and stability in others (Das Gupta 2014).

Policy Implications

My findings, in general, are unsurprising. Families allowed to access family reunification generally thrive in the US, bringing all family members—citizen and non-citizen—closer to the

[40] This is especially the case when the non-citizen spouse has not been officially authorized to enter or remain in the country where the couple meets.

center of society and increasing their individual and cumulative sense of belonging to and active participation in American society. Families denied access to family reunification experience the opposite: dissimilation from other Americans, alienation from local and national community and, in some cases, physical dislocation from the only place in which they feel they belong. Assuming the US government wants to enhance its relationship with its citizens and their family members, rather than to alienate them, a handful of policy solutions could help to reduce the devastating disparity in the treatment of mixed-citizenship American families and incorporate more of these families into American society.

Bars to Reentry

One option—though its effects would reach far beyond mixed-citizenship couples—is to repeal the multiyear bars to legal reentry currently applied to almost all undocumented immigrants upon leaving the United States. Though the bars to reentry were designed to discourage undocumented immigrants from attempting to settle in the US, they have had little effect as a deterrent (Lofgren 2005; Lundstrom 2013). Repealing the bars to reentry would help many mixed-citizenship families adjust to legal immigration status without facing the severe penalties currently imposed. A more limited approach would involve changing current law to allow all undocumented spouses of US citizens to adjust to legal status from within the United States. If readmission through a port of entry remains a necessary bureaucratic or symbolic step, arrangements could be made to allow such processing at international airports based within the United States once applicants receive final visa approval, satisfying the letter of the law without invoking the bars to reentry.

Minimum Income Thresholds

The minimum income thresholds required for citizen sponsors of non-citizen applicants for permanent residency should be repealed. Failing that, the potential earnings of the non-citizen spouse being sponsored should be included toward meeting the minimum income thresholds. Disqualifying American citizens from family reunification because they earn low wages perpetuates income inequality and punishes US citizens for circumstances that are often beyond their control. It also prevents them from increasing their family income and economic opportunities by prohibiting their reunification with an additional wage earner.

Repeal Permanent Bans for Claims of Citizenship Violations

The permanent bar to legal entry to the US associated with "falesly claim[ing] to be a US citizen for any purpose or benefit under [… any] federal or state law" exceeds its intentions and severely punishes many mixed-citizenship families (USCIS 2018:Vol. 8, Part K.1.A). While part of the determination of a false claim requires an immigration officer to ensure that the non-citizen "made the false representation knowingly," the burden of proof for immigration officers is low and the ability for non-citizens to challenge the accusation of a false claim is near impossible (USCIS 2018:Vol. 8, Part K.2). Although the law is designed to deter individuals from making false citizenship claims, it works in effect to punish individuals who found themselves in a situation in which they could be accused of making a false citizenship claim, whether or not that was their intention. The permanent bar to legal admission to the US associated with this charge most severely burdens mixed-citizenship couples who, as a result, are permanently prevented from living together legally within the United States, essentially forcing the exile of US citizen

spouses and children or the dissolution of the family. While making a false claim to citizenship is a serious offense under some circumstances—such as fraud and willful misrepresentation, conditions to which this rule was previously limited—lawmakers should *at minimum* create a waiver similar to the Emergency Hardship Waiver which would allow non-citizen spouses of US citizens subject to this permanent bar to appeal for relief. A return to the narrower definition of false claim of citizenship, which was limited to fraud or willful misrepresentation, would further remedy the current policy failures, but this should be in addition to the creation of a waiver, rather than in lieu of one.

Updated/Modernized Standards for "Legitimate" Relationships

Since Congress passed the International Marriage Fraud Amendments in 1986, technological advancements have drastically altered the ability of individuals from different countries to meet and develop deeply intimate relationships without ever physically sharing the same space. Similarly, couples living on different sides of the country (or in different countries) can maintain intimate relationships and "see" each other many times a day. And, as many of the families I studied who were forced to separate or live dislocated lives across borders prove, legitimate marriages and families often look very different from the limited definition of "legitimate" marriage enshrined in the IMFA. Lawmakers should update the IMFA to reflect these advances in modern love and family to create a more inclusive and accurate definition of "legitimate" mixed-citizenship marriage.

The effects of IIRIRA, IMFA, and the other laws governing mixed-citizenship marriage in the US have proven similar to many US immigration laws that, intentionally or not, marked specific kinds of immigrants—based on their race, national origin, and/or class—as unwelcome (Kanstroom 2007; Lee 2013; Luibhéid 2002; Ngai 2004). The discriminatory effects of these policies reach far beyond individual immigrants to their families and communities. As policymakers consider every policy option—including the continuation of IIRIRA, IMFA, and other associated laws in their current form—they must remember that laws targeting immigrants affect citizens, too (Menjívar et al. 2016). As the unauthorized population in the United States continues to drop, policymakers should shift their attention away from punishing undocumented immigrants and toward supporting and preserving American families, including those with an unauthorized spouse and/or low incomes (Warren 2016). Developing policies that provide opportunities for mixed-citizenship American families to succeed will reduce the unauthorized immigrant population while generating significant benefits for these families and the communities in which they live (Bloemraad 2006; de Graauw and Bloemraad 2017).

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