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UNIVERSITY OF CALIFORNIA
IRVINE

Children of Immigrants: Unravelling the Effects of Immigration Policy and Enforcement
Activity on Second-Generation Americans

DISSERTATION

submitted in partial satisfaction of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in Criminology, Law & Society

by

Gabriela Gonzalez

Dissertation Committee:
Susan Coutin
Keramet Reiter
Caitlin Patler
Kristin Turney

2021

DEDICATION

To my father, Serafin Gonzalez

and

To my mother, Leticia Martinez

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	iv
CURRICULUM VITAE	vi
ABSTRACT OF THE DISSERTATION	xiv
INTRODUCTION	1
CHAPTER 1: Unpacking (Il)legality: Undocumented Consciousness Formation Among Latino U.S. Citizen Children in Mixed-status Families	23
CHAPTER 2: Collective Penalty: Experiences of Exclusion and Punishment Among Latino Mixed-Status Families	60
CHAPTER 3: Ni de Aquí ni de Allá: Stratified Citizenship and Belonging Among U.S. Born Latinos in Mixed-status Families	105
CHAPTER 4: Creating Activist Identities: Strategies of Resistance Among Latino Mixed-Status Families	140
CONCLUSION	188
REFERENCES	205

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I would also like to express my sincerest appreciation to my dissertation chair and mentor, Dr. Susan Coutin. Susan, your support over the years has been invaluable to surviving and thriving in the Ph.D. program. Your enthusiasm for my work from day one has inspired me to keep going and push the boundaries of disciplinary thinking. Thank you for the critical feedback on not only drafts but also early ideas (before I even knew what to make of them), conversations about methodological and ethical considerations when working with sensitive populations and overall moral support in the completion of this manuscript. I am also grateful for your dedication over the years to reminding me that in doing this type of research, and completing my degree, I needed to take care of myself. I will always be grateful for your encouragement.

Thank you as well to the members of my committee. Caitlin Patler, our partnership began almost as soon as I started my doctoral program and I immediately felt your excitement about supporting my graduate career. Working on the detention study sparked the early idea for this dissertation and provided me with the tools and emotional bandwidth to undertake a project on immigration during a particularly punitive era of enforcement. Our collaboration and writing on other ventures has challenged me to think critically about the novel contributions of this research and the connections outside of my own discipline. Thank you for the patience, extensive feedback and general career advice. Keramet Reiter, you have been a phenomenal mentor to me during my time at UCI. Through your invitation to join an amazing team for the Washington study I developed not only a new scholarly interest in extreme forms of punishment, but also a trusted colleague who has and I believe will continue to champion my research. From the development of my second year paper, to proposing the dissertation and now completing it, thank you for pushing me to step outside of my comfort zone theoretically, methodologically, and professionally. Kristin Turney, your expertise on the consequences of confinement helped shape the early foundations of this project. Thank you for providing the nudge I needed to start writing. Your feedback and support helped me navigate the process with confidence.

I am also thankful to fellow doctoral students who made the dissertation process manageable and enjoyable. Thank you to Janet Muñiz, a dear friend and colleague who has been on this journey with me from day one. Our conversations about navigating the academy as Latinas have been invaluable. Thank you as well to members of my cohort Kristen Maziarka, Kasey Ragan, Marina Bell and Dallas Augustine who at different stages of the project have assisted me in thinking through the theoretical and methodological development; I am also appreciative for our virtual writing groups that got me to the finish line. Thank you as well to Melissa Barragan, a wonderful mentor and friend throughout my graduate education. The advice you provided over coffee and brunch on funding, fulfilling departmental milestones, publishing and career guidance was instrumental to my success.

Critical research funding for this project was provided by the Ford Foundation and the UC Irvine Newkirk Center for Science and Society. Writing was made possible by generous support from the University of California, Office of the President and the John Randolph Haynes and Dora Haynes Foundation.

Finally, I must express profound gratitude to my parents for providing unconditional support and cheer throughout my doctoral journey. My father, Serafin, has been my number one fan from day one. When I decided to pursue a doctoral degree, he and my mother, unaware of what exactly that was, were nonetheless enthusiastic for me. At every step of the way he was there to remind me that I was a fighter, and that I had the potential, I just needed to believe in myself. I am also grateful to my magnificent mother, Leticia, for her care and patience. The gift baskets, home cooked meals during visits, quality time together and daily reminders of how strong I am mean more than she can ever know. Esta tesis está dedicada a ellos. Mil gracias por su apoyo mis lindos padres. ¡No solo es mi logro, es nuestro logro!

CURRICULUM VITAE

GABRIELA GONZALEZ

EDUCATION

- 2021 Ph.D., Criminology, Law & Society, University of California, Irvine
- 2019 M.A., Social Ecology, University of California, Irvine
- 2013 B.S., Justice Studies (with honors), dual minor in Mexican American Studies and Sociology, San Jose State University

RESEARCH INTERESTS

Punishment & society | incarceration | immigration | social control | race & ethnicity | inequality

PUBLICATIONS

- Reiter, K., Ventura, J., Lovell, D., Augustine, D., Blair, T., Barragan, M., Chesnut, K. Dashtgard, P., **Gonzalez, G.**, Pifer, N., and Strong, J. (2020). Psychological Distress in Solitary Confinement: Symptoms, Severity, and Prevalence, United States, 2017-18. *American Journal of Public Health, 110*(S1), 56-62
- Gonzalez, G.**, & Patler, C. (2020). The Educational Consequences of Parental Immigration Detention. *Sociological Perspectives, 1-20*
- Strong, J., Reiter, K., **Gonzalez, G.**, Tulbitz, R., Augustine, D., Barragan, M., Chesnut, K., Dashtgard, P., Pifer, N., and Blair, T. (2020). The Body in Isolation: The Physical Health Impacts of Incarceration in Solitary Confinement. *PLoS One, 15*(10), 1-20
- Patler, C., & **Gonzalez, G.**, (2020). Compounded Vulnerability: The Consequences of Immigration Detention for Institutional Attachment and System Avoidance in Mixed-Immigration-Status Families. *Social Problems, 1-17*
- Augustine, D., Barragan, M., Chesnut, K., **Gonzalez, G.**, Pifer, N. and Reiter, K. (2020) Reflections on Team Research in Carceral Settings in *Prison Stories: Women Scholars' Experiences Doing Research Behind Bars*, Lexington Books
- Gonzalez, G.** (forthcoming) Who has the power? Manipulating and Reclaiming Social Support in Solitary Confinement. *Punishment & Society*

MANUSCRIPTS IN PROGRESS

Barragan, M., Augustine, D., **Gonzalez, G.**, and Reiter, K. Everyday Dilemmas in Studying Disciplining Institutions (in progress)

Reiter, K., Tulbitz, R., **Gonzalez, G.**, Augustine, D., Barragan, M., Chesnut, K., Dashtgard, P., Pifer, N., and Strong, J. Does Gang Membership Pay? (in progress)

OP-EDS, BLOGS AND PUBLIC WRITING

Anda, S., and Gonzalez, G. 2020. “Ya Basta con las Deportaciones! Celia is Here to Stay.” Voice of OC

Gonzalez, G., and Anda, S. 2020. “Community Members Continue to Support Celia’s Fight to Remain Free!” Voice of OC

FELLOWSHIPS, AWARDS & GRANTS

Fellowships

2020-2021 University of California President’s Pre-Professoriate Fellowship
2020-2021 Haynes-Lindley Doctoral Dissertation Fellowship
2020 Ford Foundation Dissertation Fellowship (Honorable Mention)
2018-2019 Newkirk Center for Science and Society Graduate Student Fellowship, University of California, Irvine
2017-2018 Faculty Mentor Program Fellowship, University of California, Irvine
2016-2019 Ford Foundation Pre-Doctoral Fellowship

Awards

2021 Gil Geis Award for Excellence in Research, Department of Criminology, Law & Society, UC Irvine
2020 Smith Pontell Award for Outstanding Accomplishments in Graduate Study, Department of Criminology, Law & Society, UC Irvine
2019 American Association of Hispanics in Higher Education Graduate Fellow (Alternate)
2019 The Lee Student Support Fund, The Society for the Study of Social Problems
2019 Law & Society Association, Junior Scholars Workshop Attendance and Travel Award
2018 Latino Excellence and Achievement: Graduate Student Leadership Award, School of Social Ecology, University of California, Irvine
2017 School of Social Ecology Poster Competition, University of California, Irvine (Honorable Mention)
2016 Graduate Student Mentoring Award, School of Social Ecology, University of California, Irvine
2013-2014 Ronald E. McNair Scholar, San Jose State University

Small Grants

- 2019 University of California, Irvine Associated Graduate Students Travel Grant
 2018 University of California, Irvine Associated Graduate Students Travel Grant
 2017 Law & Society Association International Meeting Graduate Student Travel Grant
 2013 The Ohio State University Graduate Recruitment Initiative Travel Grant
 2013 Summer Undergraduate Research Program, UC Irvine, Research Grant

RESEARCH EXPERIENCE

- 2018-present **Principal Investigator, *Unravelling the Effects of Immigration Policy and Enforcement Practices on Second Generation Americans*, UC Irvine**
 This study utilizes interview and observational methods to investigate how the U.S.-citizen children of undocumented immigrants manage and negotiate the legal and social paradox of growing up in mixed-immigration-status families
- 2016-2019 **Research Assistant *Washington Prison Study* (PI: Keramet Reiter, Ph.D.), UC Irvine**
 This study investigates Washington state's reduction in the use of solitary confinement. I conducted and analyzed prisoner interviews, administered psychological assessments, and reviewed administrative data and medical histories. This research resulted in three co-authored manuscripts
- 2016-2017 **Research Assistant *Jail & Family Life Study* (PI: Kristin Turney, Ph.D.), UC Irvine**
 This study investigated the impact of father incarceration on multiple areas of family life. I conducted interviews with incarcerated men, and their children, partners, and mothers
- 2015-2016 **Research Assistant *Immigrant Detention Study* (PI: Caitlin Patler, Ph.D.), UC Irvine**
 This study examined the long-term effects of immigration detention on non-detained family members. I conducted interviews to analyze the housing, employment, health, and educational outcomes of spouses and children of formerly detained immigrants. This research resulted in two publications
- 2015-2016 **Research Assistant, *Race & Justice Studies Program*, UC Irvine**
 I researched and developed a proposed program structure and curriculum to establish a new campus-wide Race and Justice Studies graduate emphasis

TEACHING EXPERIENCE

Teaching Associate, University of California, Irvine

- 2020 Prisons, Punishment and Corrections, (undergraduate • remote course • 45 students)

Teaching Assistantships, University of California, Irvine

- 2016 Intro to Criminology (undergraduate • lecture based course • in-person and online • 400 students)
- 2016 Juvenile Delinquency (undergraduate • lecture based course • 110 students • delivered guest lecture • facilitated review sessions)
- 2015 Critical Race Theory (undergraduate • 110 students • facilitated review sessions)
- 2015 Race & Incarceration (undergraduate • 110 students • facilitated review sessions)
- 2014 Miscarriages of Justice (undergraduate • lecture based course • 110 students • facilitated review sessions)

PEDAGOGICAL TRAINING AND CERTIFICATIONS

- 2020 Division of Teaching Excellence and Innovation Summer Remote Teaching Institute for Grads and Postdocs, University of California, Irvine
- 2020 Inclusive Excellence Certificate, University of California, Irvine
- 2019 Teaching Excellence, Associate Level Certification, University of California, Irvine
- 2017 Course Design Certificate, University of California, Irvine
- 2017 Public Speaking Certificate, University of California, Irvine
- 2015 Mentoring Excellence Certificate, University of California, Irvine

INVITED TALKS

UC Irvine Invited Talks

- 2017 “Parental Immigration Detention and its Consequences for Children’s Educational Experiences” Department of Criminology, Law & Society, UC Irvine
- 2018 “Educational Consequences of Parental Immigrant Detention” Sociological Studies Workshop, UC Irvine
- 2019 “Tracing the Impact of Immigration Enforcement on Mixed-Status Families” Newkirk Center for Science & Society, UC Irvine

Other Campus Invited Talks

- 2017 “Immigration Detention Family Study: Examining the Educational Outcomes for Children of Detained Immigrants,” San Jose State University

Guest Classroom Lectures

- 2019 “Mental Health in Solitary Confinement” Invited Lecture, Department of Criminology, Law & Society, UC Irvine
- 2019 “The Politics of Exclusion” Invited Lecture, Department of Criminology, Law & Society, UC Irvine

- 2020 status “Governing Through Fear: Immigration Enforcement and the Impact on Mixed-Families” Invited Lecture, Department of Sociology, California State Polytechnic University, Pomona
- 2021 “Solitary Confinement” Invited Lecture, Department of Humanities & Social Sciences, Northwest Missouri State University
- 2021 “Qualitative Methods: Conducting Research with Vulnerable Populations on Sensitive Topics” Department of Sociology, Pitzer College

CONFERENCE PRESENTATIONS

- 2021 Intergenerational Punishment: Shared Experiences of Exclusion Among Mixed-Status Families. Annual Meeting, Law and Society Association (virtual)
- 2020 (cancelled) The Children Left Behind: The Hidden Costs of Immigration Enforcement on U.S. Citizens, Annual Meeting, American Society of Criminology, Washington, D.C.
- 2020 (cancelled) Governing Through Fear: Immigration Policy in the Lives of U.S. Citizens, Annual Meeting, The Society for the Study of Social Problems, San Francisco, CA.
- 2019 Deconstructing the Power Dynamics of Prison Research, Annual Meeting, American Society of Criminology, San Francisco, CA.
- 2019 Understanding the Effects of Enhanced Immigration Enforcement on Mixed Status Families. Annual Meeting, Society for the Study of Social Problems, New York, NY.
- 2019 Exploring the Typology of Prisoner Relations. Annual Meeting, Law and Society Association, Washington, D.C.
- 2018 Measuring Mental Health in Solitary Confinement. 74th Annual Meeting, American Society of Criminology. Atlanta, GA.
- 2018 Reflexivity During Interviewing in Solitary Confinement, 45th Annual Meeting, Western Society of Criminology. Long Beach, CA.
- 2017 Parental Immigration Detention: Consequences for Children’s Educational Experiences. Annual Meeting, Law and Society Association, International Meeting. Mexico City, Mexico

- 2017 Arts-in-Corrections: Beyond Traditional Prison Programming. Social Ecology Poster Session, University of California, Irvine, Irvine, CA.
- 2016 Arts-in-Corrections: Beyond Rehabilitative Programming. 72nd Annual Meeting, American Society of Criminology. New Orleans, LA.
- 2016 Examining the Impacts of Parental Immigrant Detention on Youth's Educational Outcomes. 6th Biennial West Coast Law & Society Retreat, University of California, Irvine, Irvine, CA.
- 2015 Understanding the Effectiveness of Arts-in-Corrections: A Proposed Model of the Theory and Mechanisms Behind the Benefits of Arts Programming in Prisons. 71st Annual Meeting, American Society of Criminology. Washington, D.C.

LEADERSHIP AND UNIVERSITY SERVICE

- 2020 Peer mentor, Chican@/Latin@ Staff Association, UC Irvine
Assisted first-generation college freshmen with navigating university life
- 2019 Coordinator, Job Market Preparation Workshop, Sponsored by the department of Criminology, Law & Society, UC Irvine
Organized a workshop and panel series for ABD students going on the job market
- 2015-2019 Co-facilitator, Recruitment, Department of Criminology, Law & Society, UC Irvine
Served on panels, met with students and answered questions about grad life
- 2018-Present Co-facilitator, Ethnography Lab, Department of Criminology, Law & Society, UC Irvine
Support students interested in learning about and conducting fieldwork-based projects. Topics discussed include crafting an ethnographic project, methodological and ethical issues that arise doing ethnographic research, writing and analyzing fieldnotes
- 2017 Panelist, "Interdisciplinary Talks," Department of Chicano/Latino Studies, UC Irvine
- 2015-2017 Lead Organizer, Race and Justice Research Symposium, Department of Criminology, Law & Society, UC Irvine
Developed and facilitated a daylong event for undergrads to learn about doctoral studies, conducting social justice research, and receive advice about preparing competitive applications
- 2015-2017 Chair, Chican@/Latin@ Graduate Student Collective, UC Irvine

Promoted a supportive intellectual environment for Latinx graduate students by arranging writing sessions, practice advancement talks, and collaborated with faculty to host professionalization workshops

- 2015-2017 Peer Mentor, Summer Undergraduate Research Fellowship Program, UC Irvine
Guided undergraduate students on building a research agenda and scholarly identity, and served on panels about applying to graduate school
- 2015-2016 Graduate Student Representative, Social Ecology Climate Committee, UC Irvine
Worked alongside graduate students and faculty to develop strategies of improving climate conditions amongst graduate students in the School of Social Ecology
- 2015-2016 Chair, Criminology, Law & Society Graduate Student Diversity Committee, UC Irvine
Developed and organized reading groups, conducted assessments of diversity and climate
- 2015-2016 Peer Mentor, Criminology, Law & Society Department, UC Irvine
Mentored first year graduate students. Provided advice on coursework, suggestions on conference presentations and mental and emotional support
- 2015-2016 Invited Panelist, “Know-How Session,” Sponsored by the Graduate Division, UC Irvine
Served on panels regarding the graduate application components and process
- 2015 Peer Mentor, Competitive Edge Research Program, Graduate Division, UC Irvine
Mentored incoming doctoral students from underrepresented backgrounds. Provided feedback on research presentations and facilitated transition into graduate education
- 2014-2015 Member, Comps Committee, Criminology, Law & Society, UC Irvine
Compiled reading lists and funneled questions for students taking comprehensive exams

COMMUNITY ENGAGED RESEARCH, LEADERSHIP, AND SERVICE

- 2019-present Steering Committee Member, Orange County Rapid Response Network
Provide support and orientation to community members navigating criminal and immigration cases including knowledge distribution, communication with legal counsel, court accompaniment and development of defense action plan. Organize and carryout fundraisers, outreach and education events, and host know your rights forums
- 2018-present Legal Volunteer, UCI Law School

Assist victims and persons involved in the criminal justice system by providing interpretation during legal clinics, facilitate legal counsel and the distribution of resources

2018 Legal Volunteer, Central American Resource Center
Assist attorneys in supporting casework and transcribing legal documents

CERTIFICATIONS

2018 Correctional Program Checklist, Corrections Institute, University of Cincinnati
2017 Brief Psychiatric Rating Scale, Semel Institute, University of California, Los Angeles

PROFESSIONAL AFFILIATIONS

2017-present Law and Society Association
2019-present The Society for the Study of Social Problems
2020-present American Sociological Association
2021 American Society of Criminology

LANGUAGES

Spanish: Native speaking and reading skills; proficient writing skills

ABSTRACT OF THE DISSERTATION

Children of Immigrants: Unravelling the Effects of Immigration Policy and Enforcement Activity on Second-Generation Americans

By

Gabriela Gonzalez

Doctor of Philosophy in Criminology, Law & Society

University of California, Irvine, 2021

Professor Susan Coutin, Chair

The United States has undergone an unprecedented increase in interior immigration enforcement in the past two decades, an increase that may have adversely impacted the US-born children of undocumented immigrants. Current estimates suggest that more than six million US-born children (minors) live in households with at least one unauthorized parent—that number increases when accounting for young adults—and that these children are personally connected to the struggles of their parents. The pervasive fear of removal and the experiences of detention and deportation that some families endure may yield significant negative consequences for U.S.-citizen children in mixed-immigration-status families. This dissertation explores how punitive immigration policy and enforcement activity influence the upward mobility prospects for the second-generation. Combining 35 semi-structured interviews with over 150 hours of fieldwork I conducted with youth and members of mixed-status families, I examine how parental legal status vulnerability impacts the entire family, what it looks like on a daily basis, and how communities respond to the deportation regime. Through this analysis, I find that immigration policy influences U.S. citizens' unique contextual experiences and disrupts the social mobility and integration processes of the second-generation and the Latino community writ large. The intellectual contribution of this dissertation is to understand how the U.S.-born children of undocumented immigrants manage and

negotiate the legal and social paradox of being afforded legal protections by the same entities that have the power to deny their parents basic human rights, and to explain how immigration policy shapes this group's consciousness, sense of belonging, and legal mobilization. Using a qualitative research design, this study provides insight into how immigration law functions as a mechanism through which social inequality is maintained and reproduced onto citizen members of mixed-status families.

INTRODUCTION

Anti-Immigration Policy and its Impact on Mixed-Status-Families

It's kind of like an iffy thing having undocumented parents and having a sister that is a DACA recipient, that pressure kind of takes a toll on you. Even though I'm obviously legally here. I'm a U.S. citizen. I still feel nervous and I feel all the emotions they are feeling just because I am a part of it. Even though obviously nothing's going to happen to me, I'm always with that 'well what if [a deportation] happens?' It's really hard.

-Dulce, 21, U.S. Citizen

Restrictive immigration policies at the federal, state and local level and detention and deportation rates in the United States skyrocketed over the past decade. In 2018, Immigration and Customs Enforcement (ICE)—the agency responsible for apprehending undocumented persons living in the country—detained nearly 400,000 immigrants (Singer 2019). Forced familial separation has thus become a looming threat facing the six million U.S.-citizen children (minors) who currently live in households with at least one undocumented parent (Warren & Kerwin 2017), and for millions of adult children like Dulce, who although they are no longer legally dependent on their parents, still continue to experience the ramifications of anti-immigrant policies. Given the interconnectedness of undocumented persons to their US-born children, the especially punitive nature of immigration policy and enforcement practices that have unfolded in recent years will likely yield negative and long-lasting impacts for thousands of mixed-immigration-status families (families whose members include persons with different

citizenship or immigration statuses).

This dissertation examines how the second-generation¹ children of undocumented immigrants grapple with immigration policies that frame their own lives in the context of their parents' "illegality." In particular, my research considers the following questions: How do U.S.-citizen children with undocumented parents experience the law that surveils, criminalizes and threatens to imprison their parent(s)? What are the consequences of these experiences? And what strategies do families adopt to navigate the landscape of heightened immigration enforcement? A small but growing body of work documents the consequences of parental detention and deportation on young children (Dreby, 2012; Rojas-Flores, Clements, Hwang Koo & London, 2017; Brabeck et al., 2014; Yoshikawa & Kalil, 2011; Lovato et al., 2018; Martinez-Aranda, 2020), however, few studies have sought to examine the long-term consequences for U.S. citizen children of undocumented immigrant parents as they transition from childhood and adolescence into adulthood. Given the intensification of local, state and federal immigration policies threatening to separate mixed-status families, enforcement activities may be impacting this population more severely than previously understood and yielding negative consequences for patterns of social mobility amongst this population. Drawing from in-depth interviews and observations with members of Latino² mixed-status families in southern California, I investigate the lived effects of immigration law and enforcement strategies on U.S. citizens who, due to their

¹ The term "second-generation" refers to persons born in the United States, with at least one foreign born (immigrant) parent. In this study, all second-generation youth were children of undocumented immigrants.

² While the term "Latinx" has gained popularity in higher education settings and among college-educated persons (see Salinas, 2020), the language I use in this dissertation is representative of how respondents identify and describe themselves. The participants involved in this study (some of which attend and/or work in higher education and are aware of the growing use of "Latinx") purposefully identify themselves, their families and community as "Latino" or place-specific identities (more on this in chapter 3). To respect their agency, I have chosen to retain the terminology they use.

birthright citizenship, should be protected from the impacts of legal status vulnerability. This investigation into the shared experiences of exclusion for members of mixed-status families during an era of punitive immigration and criminal justice reform allows me to illustrate how targeted enforcement creates and sustains patterns of inequality specifically among the Latino population in the United States.

This work contributes to the literature on the effects of immigration policy and enforcement tactics in several ways. First, it examines how U.S. citizens with undocumented parents come to develop consciousness around illegality. Immigrant “illegality” (De Genova, 2002) is the process by which nations create categories of excludable subjects (for political, economic and social gain of the nation state); it also refers to how these individuals then survive their exclusion. Through in-depth interviews and participant observations, I examine how the second-generation learn about and interpret the significance of having (or not having) papers. In doing so, this research allows for a better understanding of the meanings that U.S. citizens prescribe to citizenship and belonging, and how they navigate their parents’ illegality over time.

Second, this research explores when and how immigration law influences the experiences and future prospects of U.S. citizens with undocumented parents. I argue that illegality by nature, and not as an unintended consequence, disintegrates and negatively impacts the incorporation pathways of U.S. citizens with undocumented parents. To explain how these social and legal contexts intersect, I introduce the concept of “collective penalty.” My research shows that restrictive immigration policies that exclude the undocumented from economic prosperity, overall social mobility and a pathway to legalization inherently disenfranchise their U.S. citizen children. In four empirical chapters, I weave together the stories of families with varying levels of legal system interaction to show how US-born children manage and negotiate the legal and

social paradox of being afforded protections by the same legal entities that have the power to deny their undocumented parents basic human rights.

The children of undocumented immigrants are a demographic group of growing size and importance in the United States. At the start of the 21st century, one in ten children in the nation lived in a mixed-status family. In the state of California alone, three in ten children were members of a mixed-status family (Fix et al., 2001). In response to this substantial and growing segment of the population, immigration reforms in the United States have primarily been punitive in nature thereby increasing the number of mixed-status families without legal avenues to regularize their immigration statuses. For the millions of U.S.-citizen children living in these families, their experiences in childhood, adolescence and into adulthood is wrought with instability and are likely to shape their life trajectories.

Incorporation Trajectories of the Second-Generation

There has been long-standing interest in the children of immigrants and their experiences of incorporation in the United States. Classic assimilation theory, which is largely based on the experiences of European immigrants in the first half of the 20th century, suggests a linear path of incorporation in which each subsequent generation will leave behind aspects of their immigrant culture and incorporate into the American mainstream (Alba & Nee, 2003; Gordon, 1964). In doing so, this framework predicts, educational levels will increase with each subsequent generation, indicating a generally upward path to mobility (Alba & Nee, 2003). In contrast to this model, segmented assimilation theory emerged at the turn of the 21st century to describe the more complex and nuanced experience of immigrants who migrated after passage of the Hart-Cellar Act of 1965 (Portes & Rumbaut, 2001; Portes & Zhou, 1993; Portes & Rumbaut, 1990).

This legislation abolished the national origin quotas that heavily favored white European immigrants and opened the door for migration from Latin America, Asia, Africa and the Middle East (Kasinitz et al., 2004). Segmented assimilation theory posits that unlike their European counterparts, this new wave of immigrants faces different conditions that constrain integration into the American mainstream. First, these new immigrant groups had to negotiate their place in the U.S. racial hierarchy as their skin color presented a visible and automatic barrier to integration. Second, the post-1965 wave of immigrants entered a deindustrialized economy that widened the gap between unskilled labor and professional jobs, making economic and social mobility more varied (Portes & Zhou, 1993; Zhou, 1997).

Recent scholarship on the undocumented and 1.5-generation immigrants in the United States has pointed to the growing importance of legal status as an additional barrier to incorporation (Abrego & Gonzales, 2010; Gonzales, 2016; Gonzalez et al., 2014). Indeed, immigration policy plays a significant role in shaping the everyday lives and overall incorporation pathways of the foreign-born population. Categories of exclusion determining who deserves to migrate and stay in the country significantly influence immigrants' economic, political and social integration into the mainstream. Moreover, legal status stratification may be operating as a mechanism of disintegration for both undocumented persons and their children, given that, as I argue, "illegality" transcends generational lines. The following section examines this phenomenon by assessing the nation state's role in creating the "deserving vs. undeserving" immigrant dichotomy. By producing categories of excludable persons, the state radically shapes the incorporation trajectories of immigrants and multiplies the number of mixed-status families that must contend with illegality.

Crimmigration, Mass Detention and the Deportation Regime

The targeting of undocumented persons with criminal convictions today accounts for the vast majority of immigration apprehensions. More than 87% of the over 150,000 immigration arrests inside the U.S. (excluding border apprehensions) in fiscal year 2018 targeted persons with a criminal record (ICE, 2018)—for which the majority of charges consisted of immigration, drug and road traffic violations. Political leaders have long relied on frames of criminality to justify exclusions—predominantly along racial and ethnic lines—in immigration law and enforcement tactics. The narrative of “good vs. bad” immigrant has been weaponized against communities of color to create both negative outsider perceptions and within-group animus about who is deserving of a path to legalization. How then, did the United States, a nation of immigrants, arrive at these patterns of criminalization?

Crimmigration, a term coined by legal scholar Juliet Stumpf (2006), refers to the merging of immigration law with criminal law, through the expansion of policing enforcement within the country. While immigration law is civil in nature, and being in the country without legal status itself is not a criminal act, criminal justice reform in the late 20th century opened the door and widened the net for criminal charges with immigration-related consequences. Beginning in the 1980s, the federal government passed crucial pieces of legislation that significantly limited immigrant rights in the criminal justice system and began tapping into local resources to aid in immigration enforcement. One such law that has been particularly damaging to the immigrant community is the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).

IIRIRA, signed by then President Clinton, has played a significant role in contemporary immigration policy. Primarily, the law expanded the scope of criminal convictions by elevating

several violations from misdemeanors to “aggravated felonies,” or categorically more serious offenses, and applied the definition retroactively. Today, any noncitizen (including green card holders) with convictions not classified as deportable offenses prior to the passage of IIRIRA may be retroactively eligible for deportation (Golash-Boza, 2012). Complicating matters, IIRIRA blocked access to federal assistance for legal permanent residents (LPRs), eliminated waivers previously afforded to noncitizens with criminal convictions to challenge their deportation, and restricted judicial review of immigration cases (Kanstroom, 2007). A second key feature of IIRIRA was its intensification of federal enforcement practices within the interior of the country through a series of policing initiatives. For instance, section 287(g) of the Immigration and Nationality Act amplifies the powers of local law enforcement authorities. By establishing an avenue for collaboration between federal immigration and local law enforcement agencies, it allows state, county or city police officers to perform the functions of federal immigration officers, including the authority to check the legal status of persons who have been arrested (Armenta, 2012). As a result, even encounters with police over traffic violations (running a stop sign, broken taillight) may place someone in deportation proceedings. More recent enforcement action has continued this pattern of criminalization. Introduced in 2008, the Obama-era Secure Communities program expanded the collaboration between the federal government and local law enforcement agencies through the use of modern-day technology. When someone is arrested and booked into the criminal justice system, their fingerprints are taken and uploaded to an FBI database that is automatically shared with federal agencies including the Department of Homeland Security. Through this technology, immigration officials have faster and increased access to people’s information and their backgrounds. In many ways then, IIRIRA facilitated the expulsion of noncitizens.

The attacks on U.S. soil on September 11, 2001 aggravated national security concerns and both invigorated pre-existing, and generated new, anti-immigrant sentiment. The events of this one day redistributed funding and resources into immigration enforcement, which, among other matters, led to the creation of the Department of Homeland Security (DHS) and one of its main enforcement agencies—ICE (Juárez et al., 2018). In direct result of the passage of IIRIRA and intensified interior enforcement post-9/11, deportations steadily increased from 114,432 per year in 1997 to a record-high of 433,034 per year in 2013 (DHS, 2017). While these rates have slightly declined since then, deportations remain high, with a reported 267,258 removals in 2019 (ICE, 2019) and over 185,000 in fiscal year 2020 despite the global pandemic (ICE, 2020).

Beyond the hundreds of thousands of individuals impacted by deportation each year, many more immigrants are detained in prison-like facilities as they await a review of their deportation cases. In Fiscal year 2019, a record-high of 50,000 persons experienced immigration detention—a nearly eight-fold increase from 1994. The criminalization of immigration through aggressive policing tactics in communities of color allows for large-scale privatization of detention (Juárez et al., 2018). Approximately 65 percent of the detainee population is housed in privately owned or managed detention facilities (Department of Homeland Security, 2016); the remainder are confined in county jails or federally owned facilities. Congressionally mandated detention quotas allow lawmakers, government bureaucracies and private corporations to benefit from the warehousing and cheap labor of ethnic and racial groups in carceral facilities (e.g., Davis & Shaylor, 2001; Douglas & Saenz, 2013; Golash-Boza, 2009; Welch, 2000).

Finally, despite being categorized as administrative in nature, detention is experienced as punitive (Chacón, 2014; Hereen, 2010; Gilam & Romero, 2018; Gómez Cervantes et al., 2017). Detention centers, like other carceral facilities, are extremely overcrowded; have poor or

inadequate access to medical treatment; insufficient amounts of nutritious food, hygiene supplies, telephones, and legal services for detainees; and subject detainees (who are not serving sentences) to invasive operational practices such as pat downs, strip searches and cell inspections. Perhaps most astonishing is the matter of deaths within detention facilities. Reports based on available data reveal that more than 200 deaths occurred inside detention centers between 2004-2020 (Nowrasteh, 2020) many of which were suicides. Of those who are granted release on bond pending the outcome of their immigration cases, many immigrants are enrolled in Alternatives to Detention (ATD) programs, such as the Intensive Supervision Appearance Program (ISAP) or are released with GPS electronic monitoring devices—for which they are financially responsible (Martinez-Aranda, 2020). These mechanisms of social control illustrate how the state employs tools of legal violence (Menjívar & Abrego 2012) that transcend physical confinement and continue to punish noncitizens deemed undeserving of legalization.

Effects of Immigration Enforcement on U.S. Citizen Children

The intensification of immigration enforcement through policing tactics both within and outside of the realm of law enforcement produces alarming consequences not only for undocumented immigrants themselves, but also for their children. A small but growing body of scholarship highlights the consequences of parental detention and deportation for U.S. citizen children (Dreby, 2015; Rodriguez, 2016; Gulbas et al., 2016; Amuedo-Dorantes, 2017; Rojas-Flores et al., 2017; Vargas et al., 2019; Martinez-Aranda, 2020; and Gonzalez & Patler, 2020). These studies generally conclude that familial separation affects children’s mental health. For instance, studies examining the impacts of parental deportation find that children demonstrate internalizing (sadness, loneliness, anxiety) and externalizing (anger and aggression) symptoms,

social withdrawal and problems sleeping (Allen et al., 2015; Chaudry et al., 2010; Gulbas et al., 2016). Research investigating the outcomes for children whose parents have been detained or deported finds that this population may be more likely to experience emotional disorders including attention deficits, anxiety, and psychological distress such as trauma and higher post-traumatic stress disorder (PTSD) symptoms, as compared with peers whose parents had no involvement with immigration enforcement (Zayas et al., 2015; Rojas-Flores et al., 2017).

Children with undocumented parents who have not experienced familial separation also experience adverse effects of punitive immigration policies. Growing up with an undocumented parent impacts children's cognitive and language skills in early childhood. Compared to peers whose parent are not navigating immigration issues, children of the undocumented display lower levels of cognitive development and emotional wellbeing (Yoshikawa, 2011), and higher levels of anxiety and depression around the fear of familial separation (Allen et al., 2015; Brabeck & Sibley, 2016; Gulbas et al., 2016; Delva et al., 2013; Brabeck & Xu, 2010; Ortega et al., 2007). Academically, these youth are more likely to experience linguistic isolation, limited English proficiency and have less access to learning opportunities. Given undocumented persons' subjectivity to lower wages, they experience reduced socioeconomic mobility, poverty (Yoshikawa, 2011; Capps et al., 2016) and food insecurity (Kalil & Chen, 2008). Finally, fear of interacting with agencies that are suspected of information-sharing with ICE has been linked to reduced enrollment in needs-based programs that U.S. citizen children are eligible for. Combined, these penalties place children in mixed-status families at a structural disadvantage when compared to peers with documented or U.S. citizen parents.

Despite the robust evidence documenting how immigration policy and enforcement activities shape the developmental trajectories of young children, we still know very little about

the experiences of U.S. citizen children with undocumented parents as they enter adolescence and navigate adulthood. My research seeks to contribute to this growing body of knowledge. By investigating the experiences of U.S. citizens with undocumented parents, this dissertation examines both the immediate and long-term implications of growing up with parents who are legally vulnerable to forced and permanent familial separation.

The Study

This project is situated in the geographic backdrop of Los Angeles and Orange Counties for multiple reasons. First, according to latest estimates, of the nearly 11 million immigrants that are concentrated in the Los Angeles metropolitan area alone, two million are undocumented (Passel & Cohn, 2019). Second, Los Angeles has a high percentage of mixed-status families. Approximately 20% of the population (or 1 in 5 Angelenos) are either undocumented themselves or live with a family member who is undocumented, and nearly 60% of children in Los Angeles County have at least one foreign-born parent (USC, 2020). Considered a traditional immigrant destination, Los Angeles has a robust infrastructure of support for the foreign-born population consisting of community-based organizations that cater to the Latino immigrant community (including legal and health services), businesses that provide native-foods and items, and Spanish-language media. These factors have largely made the city a relatively safe-haven for immigrants.

In contrast to Los Angeles' largely welcoming environment, Orange County has traditionally been less receptive of immigrants—despite the large concentration of foreign-born persons settled in certain areas of this region. Orange County is a politically red bubble in the mostly Democratic liberal-leaning state of California. When the California Values Act (SB 54), a

law which prevents the use of state and local resources to assist in federal immigration enforcement, went into effect in 2018 some cities including Huntington Beach—which has historically had a noticeable white supremacist presence—were disgruntled with the measure and took legal action against the state over the policy. In addition, Orange County supplies the federal government with a substantial proportion of the state’s federal detainee population. One report found that 75% of immigration arrests of Orange County residents occur through transfers from local jails (Avila et al., 2019), transferring more residents to ICE than even Los Angeles which has three times the population. Situating my research in these two settings allowed me to capture variation in familial experiences with immigration policy and enforcement activity based on context of reception.

Researching Vulnerable Populations

Understanding the meanings of illegality and citizenship precarity calls for a methodology deeply rooted in the cumulative effects of immigration law. Although large scale survey research has produced demographic and empirical data on the immigrant population, survey questionnaires are limited in their ability to capture the complexity or nuances of mixed-status families (Dreby, 2015) nor the lived experiences of the second-generation with undocumented parents. In addition, these types of analyses cannot adequately unearth the multiple ways in which parental legal status vulnerability influences short- and long-term mobility opportunities for differently situated members of mixed-status families. Qualitative, in depth study of this population, on the other hand, can produce richer and deeper knowledge about the intricacies of family life under the context of parental illegality.

My research on mixed-status families involved an ethnography of communities through observations at community-based organizations wherein I analyzed how immigration enforcement activity informs mixed-status families' understanding about illegality and shapes their response to the threat of familial separation. To gain nuance about these experiences, I also conducted 35 interviews—primarily with youth and young adults—to study how the threat of parental deportation shapes different areas of their lives (e.g., family, school, community). Although I did immerse myself in my field sites first to establish rapport with the communities I was to study (as is customary in ethnographic work), both methods of data collection occurred simultaneously and complemented one another. Continuing observations throughout the interview process provided a context within which I could better understand the issues that surfaced in interviews and equally, the interview setting provided room for me to inquire about events and experiences that occurred during fieldwork. Ultimately, drawing on multiple sources of data provided a rich description about participants' lived experiences and the forces that shape and constrain inclusion and social mobility.

Ethnography

I chose my field sites because of their similarities and also differences in key ways that were central to my analysis. In 2019 I began fieldwork at “El Centro”³—a large nonprofit organization in Los Angeles that offers legal services for immigrants and works to foster community activism on issues including education reform, workers' and immigrants' rights and economic justice. At El Centro, I became involved with the Youth Leadership Program (YLP), a curriculum focused on developing the organizing skills and civic consciousness of middle and

³ All names of respondents and field sites have been changed to protect true identities.

high school students. In this six-month biweekly program, students are exposed to lectures and activities on how to advocate for and organize around social issues facing their community. As a volunteer, I assisted YLP program coordinators with curriculum prep, facilitation and educational field trips such as town halls related to proposed education measures in the city and the annual May Day march for worker's and immigrants' rights. I conducted observations in YLP for most of the spring and summer of 2019 and as a result of my time spent with this group, I learned about the broader political and social consciousness of young second-generation Latinos, and I was able to document how they respond to issues of structural inequality.

Between 2019-2020, I conducted fieldwork in a second space—the “Orange County Coalition for Immigrant Justice” (hereafter OCCIJ). The OCCIJ is an alliance of organizations and individuals committed to fighting immigration enforcement in Orange County. After completion of a training series I was invited to become a volunteer with the participatory defense (PD) space—someone who assists persons facing criminal and/or immigration charges. As non-attorneys, PD volunteers attend weekly meetings, learn about where in the process a community member's case is and strategize about next steps. Sometimes this includes demystifying the court process for families (e.g., explaining what happens at a master calendar hearing vs. a bond hearing), how transfers from the criminal justice system to ICE custody occur, suggesting questions to ask their attorneys about case strategy, assisting them in collecting letters of support and connecting families with legal partners who may be able to take their case pro-bono, among others. At weekly meetings, I listened to and documented families' stories of frustration and desperation with the deportation regime that threatened to permanently separate them and their loved ones. I observed how families internalized messages about criminality, deportability and belonging. Through this process, I was surprised to learn about the strategies of resistance

families adopt to challenge their loved one's confinement by creating a narrative of belonging that is in direct tension with state frames of criminality. This ethnographic approach allowed me to follow cases as they unfolded and provided unique exposure to families' decisions on strategies to pursue.

Both field sites focused on community-driven leadership, yet each took different approaches. YLP's focus was on developing youth agency and providing young people with the tools to create systems change. OCCIJ's focus was on empowering adults facing charges, and their loved ones, to impact the outcome of their cases. My involvement in both spaces thus allowed me to analyze the way different members of mixed-status families understand, experience and respond to punitive immigration policy.

I wrote detailed fieldnotes after each meeting which included a description of the event or activity, information about conversations that were brought up pertaining to illegality and reflective notes about how members of mixed-status families raise concerns about issues facing the immigrant community. In particular, I paid attention to how respondents discuss the ways in which their lives are shaped by the immigration enforcement context. My fieldwork at El Centro concluded at the end of 2019; at OCCIJ, I stayed on until mid-2020 to capture the shift in immigration enforcement patterns and community organizing strategies as the world experienced a global pandemic.

Immediately following shelter in place orders in March of 2020, all activities at the OCCIJ shifted to remote/virtual. Bi-weekly in-person meetings were held via online platforms and community members were invited to call in on meeting days at specific times to discuss their cases and strategies for moving forward. The pandemic brought about multiple concerns with regard to deportation defense work. Attorneys, community organizers and activists alike

wondered what ramifications a global pandemic would have on detention and deportation practices, considering that detention facilities are not built to abide by such social distancing and health and safety regulations. Organizers experienced barriers to deportation defense work with non-detainees including concern that community members would be less inclined to participate in participatory defense and share intimate details of a loved one's case over the phone with individuals they had not previously met before. To that end, several strategies were deployed including designating specific call-in times per family and passwords to prevent zoom-bombing, continued outreach on social media, preparation and distribution of personal protective equipment and a shift in resource allocation given the newfound economic crisis many undocumented persons faced. Remaining in the field through this time period thus allowed me to better understand community members' unique struggles with detention and release.

Interviews

To better understand how immigration laws impact mixed-status family members' lives I conducted 35 interviews.⁴ The sample consists of (21) youth and young adults ages 11-30 who have at least one undocumented parent; (2) interviews with parents of US-citizens and (12) expert interviews with educators, service providers and community organizers who work with the undocumented population. Youth interviews are further broken down by variation in experiences with the legal system. In total, (11) had never had contact with ICE—but were nonetheless fearful of familial separation; (4) had a parent formerly detained and currently

⁴ There were multiple barriers to data collection experienced in the course of this study. In Orange County specifically, interview recruitment confronted a significant hurdle. In 2019, a group of families with whom I had attempted to set up a meeting to discuss the purpose, goals and procedures of the study fell through. The gatekeeper that I had been in contact with informed me that after several weeks of considering it the families were simply too afraid to speak about their experiences given the current intensification of immigration enforcement under the Trump administration.

fighting their immigration case; (3) had a parent deported; and (3) had experienced reverse migration to Mexico and had since returned to the United States.

To be eligible to participate in my study, youth needed to be at least 11 years old, U.S. citizens and have at least one undocumented immigrant parent who migrated from Mexico or Central America. In cases where youth were under the age of 18, I obtained both child and parental consent. Once youth showed interest in participating in an interview, I provided them with a recruitment flyer to share with their parents, asked them to provide a parent's contact info and to inform their parent to expect a call from me shortly. I then called the parents myself and during this phone call I explained the study, my relationship with their child through my involvement with YLP, answered any questions and finally acquired oral consent. Recruitment took multiple forms. First, in Los Angeles I worked with the YLP program director whose support of my research increased my credibility and facilitated the recruitment process. After four months of volunteering, and nearing the end of the curriculum, I made an announcement to YLP students inviting them to participate in the study. In addition, Citlali shared my flyer through the YLP alumni list serve and several participants contacted me directly. Second, I used my professional connections, called upon Latino student resource centers in colleges across southern California⁵, and used social media to publicize the recruitment flyer. This sampling and recruitment method grew my sample from Los Angeles to Orange and San Diego Counties and allowed me to assess variation in experiences by age (pre-adolescence, adolescence and young adulthood). Lastly, in Orange County I interviewed families who have participated in the OCCIJ's programming. After months of establishing rapport with members in this space, I had a

⁵ While my attempt was to obtain a varied sample, this strategy mostly yielded college-going young adults.

meeting with the OCCIJ's core group of volunteers, explained the goals of the study, and obtained approval to invite certain families to participate in an interview.

The interview guide consisted of open-ended questions about eight broad topics: identity, awareness about parental legal status, perception of the legal system, legal consciousness, sense of belonging, civic engagement, legal mobilization and health and finances. For respondents who had experienced parental detention, there were additional questions asked about the circumstances including legal representation, financial costs, and updates on the case. During interviews, the primary challenge was to help participants recall specific instances where they thought immigration policy and enforcement activity affected their day-to-day lives and future prospects—the central focus of this dissertation. To identify these impacts, I asked detailed questions about their understanding of parental legal status as they were growing up, how their parents' status impacted their ability to work and travel, and other daily activities as well as their views on deportability.

I conducted interviews in person at a location, date and time of the respondent's choosing. This included the youth center at El Centro (without others in earshot distance) and public locations such as coffee shops, shopping centers, outdoor seating areas on campuses, and on few occasions, interviews were conducted over the phone at the respondent's request. Interviews were primarily conducted in English though there was some "Spanglish" in most of the interviews and one interview with a monolingual Spanish-speaking respondent was conducted fully in Spanish. While I was able to interview multiple members of a family in a few instances, these interviews were always conducted individually as opposed to in a group, which allowed for confidentiality as well as the triangulation of multiple perspectives within family units.

Interviews ranged between 25 minutes to two hours with the average interview length about one hour and fifteen minutes. Respondents received a \$20 gift card as compensation along with Know Your Rights “red cards” (index cards that help people assert their rights and defend themselves when ICE agents attempt to enter the premises) and a list I compiled of resources including food banks, housing/rent assistance, medical assistance and legal resources in southern California. After each interview, I wrote extensive field notes containing detailed observations about the respondent and setting, as well as a summary of the main themes and particularly striking points that surfaced during the conversation. Interviews were audio recorded (with respondents’ permission) and transcribed verbatim by a professional transcription service.

All interviews were analyzed through a systematic and iterative coding process using Atlas.Ti qualitative software. I first created a codebook derived from the literature on legal status vulnerability, immigrant families, U.S. immigration enforcement, and consequences of deportation. Before applying codes, I systematically read through each transcript to capture new themes based on respondents’ narratives and experiences. I then revised the code tree and grouped codes by broad theme (i.e., “impact of parent’s legal vulnerability,” “legal consciousness,” “identity,” “risk management strategies” and “parental detention”). This generated a list of 14 code groups and 116 individual codes. I then completed line-by-line coding of the data which subsequently surfaced patterns of themes.

Chapter Outline

In the four empirical chapters that follow, I analyze the experiences of Latino second-generation youth with undocumented parents in southern California. Chapter 1 begins by tracing youth’s childhood experiences with uncovering the meaning of illegality, deportability and the

consequences of being undocumented. In particular, I focus on how youth first discover a parent does not have papers (usually during early childhood) and when this discovery becomes significant, a process I call “undocumented consciousness.” This awareness about the significance of legal status is fundamental to how children with undocumented parents make sense of their experiences of growing up in a mixed-status family and understand their identities and social positions within the family and society. While youth often learn that a parent doesn’t have papers as young as five years old, the significance of this information crystalizes later in their adolescence as they begin to make connections and ascribe meaning to why the family cannot travel abroad, why a parent cannot access certain type of work and why they cannot disclose to friends and colleagues that their parent is undocumented. Through these experiences, youth learn that they are “different” from other families where parents do have legal or citizenship status.

In chapter 2, I move from describing youth’s undocumented consciousness to analyzing how parental legal status vulnerability shapes their daily experiences and future opportunities. Here, I introduce the concept of “collective penalty,” a shared experience of exclusion, which sets mixed-status families apart from others and leads them to experience disintegration. Specifically, I highlight how punitive policies and enforcement activity disrupts traditional processes of upward mobility for the second-generation. Past scholarship has argued that draconian immigration agendas create “unintended” consequences for the second-generation. While I agree that these laws impact the lives of all family members regardless of legal or citizenship status, I dispute that they impacts are unintended. Instead, I argue that given the gendered and racialized processes of immigration enforcement in the past thirty years, the federal government, states and municipalities knowingly and willingly continue to implement policies

and adopt enforcement strategies that harm the entire family and the Latino community at large. Illegality thus inherently transcends generational lines and governs the second-generation's own experiences (school, work and home) and future prospects through a racialized process.

In chapter 3, I build on this idea of collective penalty by discussing how the racialized nature of immigration policing influences U.S. citizens' sense of belonging and national identity. In spite of their birthright citizenship, these youths' "Americanness" is challenged through incidents of discrimination and practices of othering. Skin color, language and accent are observable markers that may initially exclude this population. Parental legal status adds an invisible layer of difference highlighting the state of limbo they, too, exist in—legally included but socially excluded. Experiences of otherness thus alienate U.S. citizen youth and create new lines of inquiry regarding how immigration policies shape their own social identities and positions in US society.

In Chapter 4, I conclude this empirical analysis by investigating the strategies of resistance members of mixed-status families adopt when threatened with the imminent deportation of a loved one. The deportation regime has significantly limited the incorporation experiences of the undocumented population forcing many into hiding and avoiding even crucial medical services out of fear that service providers will share their information with ICE. Increasingly, however, undocumented persons and their families are pushing back against enforcement practices that target them for removal. I find that for some families who endure the detention of a loved one and are now facing deportation, this experience forces them out of the shadows and into the public eye as they fight for their freedom. Drawing on observations from one grassroots organization in Orange County, I discuss how leading a deportation campaign

allows immigrants and their families to build their knowledge base, strengthen their undocumented consciousness and grow into their activist identities to fight draconian policies.

This dissertation concludes by considering the constraints that the second-generation U.S. citizen children of undocumented immigrants continue to face well into the 21st century. As current immigration policies continue to produce mixed-status families with parents in precarious legal positions, the need for comprehensive immigration reform becomes clearer. Unless the United States creates a pathway to legalization for the millions of undocumented persons currently in the country, and enacts humane policies that will not allow a recurrence of this situation, generations of Latino and other families will continue to suffer the harms of a racialized system of exclusion that exacerbates existing inequalities. I offer thoughts about how to create more humane and effective policy solutions, including the termination of state-federal collaborations, ending mandatory detention and pushing forward legislation for comprehensive immigration reform.

Chapter 1

Unpacking (II)legality: Undocumented Consciousness Formation Among Latino U.S. Citizen Children in Mixed-status Families

I was very young, maybe eight or nine years old when I figured out that my parents weren't legal citizens. I think it might have been an experience where I asked my mom if we could travel somewhere and then she said we weren't able to because they don't have papers so they can't really board a plane and if they do board they can't come back into the United States. At the time I just wanted to go and visit my grandparents who live in Mexico. The majority of my family is in Mexico. So, I just wanted to go visit them. My mom sat me down and she didn't really go into detail she just said we weren't able to come back if she left and honestly, I didn't understand it. It wasn't until I was older that I came to understand what she meant.

-Mateo (26), Los Angeles, CA

Currently, more than six million children under age 18 are U.S. citizens living in mixed-status households with at least one undocumented family member—most often a parent (Capps et al., 2016). This figure increases when accounting for young adults like Mateo who despite their adult age are still fundamentally linked to their parents. Legally, the U.S. Constitution affords birthright citizenship to anyone born in the nation regardless of their family's legal status.⁶ Substantively, however, as immigration laws have become increasingly punitive, U.S. citizens in mixed-status families are likely to experience adverse effects of growing up with

⁶ In moments of heightened xenophobia, discussions about eliminating birthright citizenship for children of undocumented immigrants (derogatorily referred to as “anchor babies”) are touted by politicians, however, no attempts to date have been successful.

parents who are susceptible to deportation (Abrego, 2019). Although undocumented migration has persisted since the early 2000's, Congress has consistently refused to pass comprehensive immigration reform to legalize the more than 11 million unauthorized immigrants living in the interior of the country. On the contrary, in this time period the government has devoted significant resources to apprehending, detaining and deporting this population. As a result, undocumented immigrants are placed in a vulnerable legal position—locked out of legal protections and constantly fearful of deportation and permanent familial separation. A burgeoning body of literature examines the legal consciousness of undocumented immigrants (Abrego, 2008, 2011, 2018; Menjivar and Lakhani, 2016; Gonzales & Chavez 2012), yet less is known about how their U.S. citizen children learn about and ascribe meaning to parents' legal category. Laws restricting undocumented immigrants' ability to regularize their legal status perpetuate mixed-status families and split parents and children into conflicting statuses—parents excluded from aspects of society and simultaneously their citizen children included. Therefore, as Mateo's quote highlights, this population struggles to conceptualize and navigate their own citizenship and their parent's illegality within the context of their (nuclear) mixed-status family.

Creating Illegality

Categories of legality and illegality are politically constructed. They are a function of laws that determine which persons are eligible for legal admission and regularization of status and which are not. Illegality is also contingent upon political, social, and economic interests of the nation state (De Genova, 2004; Menjivar, 2006; Chavez, 2007; Armenta, 2017; Abrego et al., 2017). When beneficial to the economy, the narrative surrounding immigrants in the United States has assumed a positive tone, presenting these individuals as “hard-working” and

“deserving.” To satisfy the nation’s economic demands, restrictions on migration have eased during these periods. Equally, no longer in the nation’s interests, the narrative around immigration adopts a negative tone classifying immigrants as “job stealing,” “undeserving” and even “criminal.” In line with this ideology, policies are enacted to end protections for guest workers, limit the influx of even legal migration and crack down on interior enforcement. In this process, Latinos are disproportionately targeted and deemed deportable. Indeed, as rates of Latin American, and Mexican migration in particular, significantly increased in the wake of the later decades of the 20th century, both federal legislation and administrative policies began to limit opportunities for persons from these countries to migrate in accordance with the law. In addition, the government placed an emphasis on detecting and deporting those who were found to be living in the country without authorization, subjecting them to excessive forms of policing. The disproportionate targeting of Latinos—including their surveillance, apprehension, detention, and deportation—has led some scholars to coin this practice a “gendered and racial removal program” (Golash-Boza & Hondagneu-Sotelo, 2013) where Latinos, and Latino men in particular, are associated with illegality and their removal justified.

Immigration laws today operate as a weapon of social control by legitimizing the state’s punitive treatment of undocumented persons and other noncitizens. Although deportation rates consistently rose and peaked in 2013, a much greater pool of the population is negatively impacted by draconian policies and aggressive enforcement efforts in communities of color. Indeed, De Genova (2002) argues that *deportability*—the state of being liable to deportation—itsself is made more powerful because the *threat* of expulsion extends to the entire unauthorized population, while in practice, only a fraction will actually be placed in removal proceedings. The threat remains ever-present and may even intensify as administrations transition in and out of

office and immigrants' fears, in turn, are justified in light of the harm unleashed by highly aggressive removal tactics (ICE showing up to communities with literal tanks, arriving in large numbers to carry out one arrest, deceiving their way into homes with "police" gear).

Undocumented persons are thus placed in a state of "liminal legality" or "legal limbo" fraught with uncertainty and fear about their futures in the United States (Mountz et al., 2002; Menjivar, 2006; Abrego & Lakhani, 2015; Hasselberg, 2016; Coutin et al., 2017). This fear extends well beyond law enforcement and immigration agents to individuals, agents, and de facto enforcers in the labor, education, health and housing sectors who immigrants fear may seek to verify their immigration status.

Today undocumented immigration has become a social fabric of contemporary American Society. Public officials and the media have constructed immigration as a national political crisis, one that can only be solved via tougher enforcement strategies and increasingly restrictive immigration laws (Armenta, 2017; Amuedo-Dorantes & Pozo, 2014; Juárez et al., 2018). This strategy, however, has done quite the opposite of deterring migration significantly. The effects of militarizing the U.S.-Mexico border in the late 1990's and early 2000's (coupled with increasing rates of violence in migrants' home countries) has forced migration patterns to shift. Now, unauthorized migrants who migrated back and forth between Mexico and the U.S. for seasonal work are establishing roots in the United States and forming families, as returning to their countries of origin means facing a dangerous and potentially even deadly crossing. According to one report, between 2014-2019 alone 2,403 deaths occurred at the U.S.-Mexico border (United Nations, 2019). Consequently, the population of undocumented immigrants in the United States has significantly increased over the past two decades and approximately 60% of undocumented persons currently living in the country have lived here for more than a decade—trapped, with

few (or in some cases no) opportunities to regularize their legal status (Armenta, 2017; Chavez, 2008).

Immigration Policy and Consciousness Building

The growth of the Latino immigrant population has been accompanied by anti-immigrant rhetoric and legislation linking foreign-born persons to illegality and criminality. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 significantly altered the definition and scope of “aggravated felony” by reclassifying minor violations (including driving under the influence or simple assault) as deportable offenses. Since then, a number of violations have been added to the list of what constitutes a removable offense, yet none have been removed, illustrating the ideological merging of legal status with criminality. The convergence of immigration law and criminal law has thus resulted in the condition of undocumented immigrants’ deportability (De Genova, 2002; Menjívar & Kanstroom, 2013). Moreover, by blocking the undocumented population from opportunities for relief and criminalizing both their actions as well as their mere presence in the United States, the criminalization of immigration constitutes a form of racialized legal violence (Menjívar & Abrego, 2012).

Given their precarious legal status, undocumented immigrants must then look to the law to understand their place in U.S. society—distinguishing what legal rights and social services are accessible to them and what they are restricted from. As Abrego (2011) argues, “their social location, based on gender, generation, and other markers, shapes their legal consciousness and informs how they assert their agency.” In her study of legal consciousness and claims-making behavior among undocumented immigrants, Abrego (2011) finds key differences between the first- and 1.5-generation. First-generation undocumented immigrants migrated as adults and

mostly participate within the social institution of labor. As such, their legal consciousness is rooted in fear of deportation and deters them from making work-related claims. The 1.5-generation, on the other hand, migrated as children and were formally integrated into schools; thus, they develop a legal consciousness rooted in stigma given that their legal status hinders their educational trajectories.

Roberto Gonzales's work complements this theoretical framework by describing the process by which undocumented youth "learn to be illegal" (2011). In a comprehensive study of the 1.5-generation, Gonzales finds that this group becomes aware of their legal status during their late teen years as they are preparing to undertake adult responsibilities such as obtaining employment, a driver's license, purchasing a car and attending college. As this population prepares to transition into adulthood, "the technologies of biopolitics and the practices of governmentality become achingly apparent in their lives. They come face-to-face with illegality, a condition that they had been partially protected from by their age and by their parents" (Gonzales & Chavez, 2012). The defining moment for this group comes when they attempt to assert their position in the American mainstream via work, driving, voting and face barriers in doing so.

Prior scholarship has found that the condition of illegality extends beyond the undocumented person onto U.S. citizens in mixed-status families (e.g., Abrego 2016; Rodriguez 2018). In the case of the second-generation children of immigrants, they too are likely to live under the constant threat of a parent's removal and its subsequent consequences. How then, do the U.S. citizen children (who legally have full membership and rights) with undocumented parents navigate the juxtaposition of their own inclusion and exclusion? I draw on prior conceptualizations of illegality and legal consciousness (Abrego, 2011; 2018; Gonzales, 2011;

Gonzales & Chavez, 2012; Muñoz, 2018) to explore the ways in which U.S. citizen children in mixed-status families come to understand, experience and embody the condition of parental legal status vulnerability. Specifically, I discuss how youth find out that a parent is undocumented, and when and how the significance of illegality crystalizes. Drawing on the legal consciousness literature, I develop the new analytical lens of *undocumented consciousness*, an understanding of parental legal status vulnerability and the ways in which it impacts a family unit's daily experiences and future prospects.

Undocumented consciousness is the understanding of law as giving rise to legal policies and socially adopted practices that exclude undocumented persons from integration into the US mainstream. In the context of mixed-status families, US-born children become keenly aware about their parents' deportability and that interactions with legal actors, state officials or institutions may lead to a parent's arrest, detention and deportation. The threat of permanent familial separation yields a pervasive sense of fear among even US-citizen members of mixed-status families. This fear, coupled with their experiences of growing up in a mixed-status family and witnessing the inequalities their parents bear, in turn, drives the second-generation's awareness of social justice issues around immigration laws including the challenges faced by and impact of such an identity (e.g., being undocumented or member of a mixed-status family). In addition, this group's undocumented consciousness also influences their political awareness connected to other social issues (e.g. poverty) which keep marginalized individuals in subordinate positions. As a result of growing up with the looming threat of familial separation, and as these youths grow and mature they adopt an attitude toward the law and legal entities that influences their notions of immigration laws as fair and legitimate. Ultimately, these experiences may propel them to take a stance against systems of oppression—a path I discuss in chapter 4.

In this chapter, I examine youth's experiences in their families and peer groups to uncover how their undocumented consciousness develops and crystalizes as they transition from childhood through adolescence and into young adulthood. I show how the second-generation undergoes its own process of "learning to be illegal" via their parent's immigration status. Furthermore, in contrast to Gonzales' findings that undocumented youth "awaken to a nightmare" in their late teen years (2011), my data suggest that the second-generation learn about a parents' undocumented status during early childhood by witnessing their undocumented parents' (in)access to the labor market, travel and the overall power of immigration law in either allowing someone to achieve or blocking them from reaching their goals. The contribution here is to document how in a similar vein as race and ethnicity, class and gender, undocumented status also functions as an axis of stratification not only for the undocumented but for their relatives; and although youth themselves have the security of citizenship, their lives are inherently and negatively impacted by their parents' legal exclusion. I contend that the pervasiveness of illegality in mixed-status families' lives has come to function as a master status—or primary identity—one that is constructed by the law and that in turn shapes one's relationship to the law (Englceren et al., 1999; 2018; Valdez & Golash-Boza, 2020). While legal status does not completely dispel the significance of other traits, I find that parental illegality operates as the predominant attribute in my sample's family and individual identities and experiences.⁷ By examining how U.S. citizens with undocumented parents become aware of and ascribe meaning to undocumented status, this work lays the foundation for understanding the racialized effect of immigration enforcement and its consequences on the entire family—the basis of chapter two.

⁷ For an analysis of axes of difference that influence pathways of incorporation amongst the 1.5 generation, see Gonzales & Burciaga, 2018

Process of Discovery

For most of the participants in this study, the discovery of parental illegality came at a relatively young age by learning about a parents' blocked opportunities for employment, travel restrictions, and general apprehension toward law enforcement. The Galvan family, composed of Estella (mother), Fernando (father), and Itzel (age 15), from Los Angeles is a case in point. Itzel was eight years old when she discovered that her father did not have papers. When Itzel began asking questions about Fernando's ability to find work, Estella had a formal conversation with her daughter about why her father could not obtain stable employment:

My mom works at the airport and when I was little I asked her "why doesn't my dad work in places like you do?" She said, "It's because he doesn't have papers." My dad's a construction worker. He doesn't work for a company, you can say he's self-employed. My mom explained how my dad didn't always have work because sometimes the economy would go down, so people wouldn't hire him. My dad would sometimes be at home. He would do things that I guess a woman should be doing, but since he couldn't work, he had to do those things.

By discussing her father's difficulty with accessing steady employment, Itzel identifies how gender roles are reversed in her family. While Latino men are culturally expected to be, and oftentimes are, the main breadwinners in a family, and he earns a higher income working in construction than Estella does in her job, Fernando's legal status prevents him from steady income and instead relegates him to assisting with household chores—tasks, Itzel notes, are typically assigned to women. On the other hand, as a Temporary Protected Status (TPS)

recipient, Estella qualifies for a work permit. Although she is not on a pathway to citizenship, and every 12-18 months she undergoes a period of uncertainty as she renews her permit, Estella has far more opportunities for secure employment, benefits and even retirement than Fernando because of her ability to provide proof of work authorization. Consequently, Estella has been the main provider in the family for years, keeping them financially afloat.

Respondents like Mateo, quoted in the introduction, also mentioned finding out about a parent's undocumented status through their collective inability to travel. Undocumented immigrants face barriers in travelling both domestically and internationally. Within the U.S., individuals without status risk being pulled over and subsequently arrested by law enforcement (regardless of whether or not they are able to produce a valid driver's license, which many states allow even without citizenship or legal permanent resident status). Foreign travel is even more complicated given the increasing difficulty of crossing into the United States without inspection. As the nation has cracked down on immigration enforcement, it has fortified its borders and forced migrants attempting to cross into even more remote parts of the desert exposing them to extreme heat temperatures, starvation and dehydration. Travel outside of the U.S. for family weddings, to visit grandparents, or for vacation was thus not an option for families in this sample.

Other times respondents were made aware of their parents' undocumented status in a more serious manner. For instance, Jasmine Rodriguez, a 25-year-old college student from northern San Diego county described how she was socialized not to disclose her parent's legal status to anyone, in particular immigration officers:

I was made aware about my parents' immigration status when I was like five years old.

The reason I say that is because my siblings and I were always told *the rules*: If

[immigration officers] come to the house and knock, you don't open the door. I was told that [ICE] comes in this type of vehicle, they look like and dress a certain way, and they ask about your parents. My parents were adamant about "don't open the door, don't say anything."

Getrich (2019) writes that state power in borderland communities has been a tangible reality for immigrant and mixed-status families, framing the conditions of their everyday lives irrespective of individual family members' legal or citizenship status. While not directly in a border community, Jasmine and her family live a mere 40 miles north of the U.S.-Mexico border. The close proximity coupled with increased enforcement patrols made Jasmine's parents keenly aware of their deportability. In response, Mr. and Mrs. Rodriguez prepared their children to be vigilant about ICE presence in the area even if the children were still too young to fully understand why authorities would be looking for their parents in the first place. In a similar vein to the conversation Black parents are forced to have with their Black children about police violence, punitive immigration policies have forced undocumented Latino parents to hold conversations about illegality, deportability and the threat of familial separation with their children—the intensification of immigration enforcement demands it. These conversations not only influenced Jasmine's awareness that her parents were somehow different from other parents, but also, by preparing her to evade detection, influenced her understanding of the law and law enforcement officials.

Not all parents choose to formally disclose and discuss the nature of their legal status with their young children. Some respondents became aware about their parents' illegality by picking up on cues such as parents having visceral reactions to law enforcement presence or

taking extra precautions when travelling outside of their home city. For example, 21 year-old Dulce Garcia, a San Diego county native recounts the calculated routine her family took in order to visit her grandparents in southern California near the Temecula immigration checkpoint, approximately 70 miles north of the U.S.-Mexico border:

I remember my parents would wake us up at like four in the morning and they would talk about “we have to leave early because I heard that at that time [immigration] doesn’t stop people.” That’s when I realized we leave early so we won’t have to get stopped at a checkpoint. So I think that’s when I started getting to me like, okay, maybe this isn’t the same everywhere.

Legal status remains a taboo subject for Dulce’s family. Mr. and Mrs. Garcia never had a formal conversation with their children about being undocumented nor what that meant, and even as an adult Dulce has never openly asked her parents about their status. Instead whenever she had questions regarding immigration or her parents’ legal status, she would consult with her older siblings. Despite not being open about the subject with one another, Dulce was still able to sense the vulnerability around her parents’ presence in the United States. By leaving early to evade detection, she drew a relationship between space, mobility, and deportability. Specifically, Dulce began to track certain spaces as “danger zones” (the checkpoint) which increased the likelihood of deportation while associating others as “safe zones” (her hometown) where her parents could move about more freely. In doing so, she begins to build an awareness around how immigration laws and enforcement practices constrain undocumented persons’ movements and daily routines.

Legal Consciousness

After discovering a parent's legal status, how then do youth interpret what undocumented status and illegality mean? At which point in time does this discovery become significant? And how do youth make sense of immigration law in structuring their own lives? Legal consciousness or the way people come to understand the law is a result of continual lived experiences (Merry, 1990). Research on the legal consciousness of differently situated marginalized populations including the welfare poor (Sarat, 1990; Gustafson 2011), undocumented Latinos (Abrego, 2011), houseless women participating in the illegal drug economy (Levine & Mellema, 2001), and persons on community supervision (Werth, 2012) underscores how the law is experienced and interpreted by individuals as they engage, avoid, or resist the law and its meanings. Embedded within images of the law (e.g., age restrictions on alcohol consumption, voting regulations, compliance with the penal code), is an understanding of the law as a mechanism of social control which determines the way one lives their life (Ewick & Silbey, 1991). Within the legal consciousness framework, the law is pervasive in everyone's life as even those who actively avoid or resist the law, legal rules, and legal meanings have a relationship to it (Sarat, 1990; Gustafson, 2011). In this vein, law gains power not only through lawmakers who seek to give it meaning, but also through individuals who are governed by it and who also seek to give it meaning in their own lives (Muñiz, 2012).

Getrich 2019 suggests that illegality is produced both within the legal and formal realm as well as in the social and informal realm. Through discourse, social actors construct and reproduce social boundaries, establishing an "us vs. them" mentality (Nevins, 2002; Chavez, 2008). Awareness about immigration law and undocumented immigrants is thus created, legitimized, and reproduced both by the nation state and within society through social

institutions. Persons whose lives are influenced by immigration law therefore have their own ways of comprehending which are grounded in everyday life experiences (Getrich, 2019).

Past scholarship on the legal consciousness formation of undocumented groups has illustrated the ways in which unauthorized immigrants come to understand, experience, and embody illegality (e.g., Abrego & Gonzales 2010; Abrego, 2011; Gonzales et al., 2011; Gonzales et al., 2013). This literature generally concludes that illegality yields social exclusion, discrimination, and stigmatization and that legal status vulnerability often prescribes daily routines (e.g., Abrego, 2011; Abrego, 2016; Enriquez, 2015; Gonzales, 2011; Gonzales & Chavez, 2012). Undocumented immigrants must therefore look both to and outside the law to understand what possible rights they have (e.g., worker's rights, protections against violence, and access to education) and their place in society. In a punitive immigration era characterized by an expanding system of immigrant detention and deportations, the disproportionate implementation of immigration policies along race and ethnicity and class lines produces legal consciousness for mixed-status families based in fear (Abrego, 2011; Abrego & Gleeson, 2013; Castañeda, 2019).

Undocumented Consciousness

Interviews indicate that youth's undocumented consciousness begins to form at a relatively young age and deepens as they grow older and interact with multiple institutions. During our conversations, youth's undocumented consciousness first surfaced by the ways in which they discussed a parent's crossing history (whether they crossed the border with or without inspection, were successful in crossing on the first attempt, the length of their journey, etc.). Through their parents' experiences, youth come to understand why persons migrate in the first place and that not every immigrant's journey looks the same.

Javier Flores, a 21-year-old U.S. citizen and Los Angeles native shared the relative ease by which his father, Julio, arrived in the U.S. Javier's paternal grandparents—both Nicaraguan nationals—obtained permanent residency decades ago, and as legal permanent residents they began the sponsorship process for their children. Given his parents' status as green card holders then, Julio qualified for a U.S. visa in the 1980's and became a legal permanent resident shortly after when Congress passed the Immigration Reform and Control Act (IRCA) of 1986. IRCA, or amnesty, as many refer to it, was the first major legislative reform to immigration in decades and ultimately legalized around 2.7 million undocumented immigrants who were able to prove that they had entered the country prior to 1982. As a result, persons like Julio who were living in the United States on temporary—or without any—authorization and could prove they had been employed were able to adjust their immigration status. Given his parent's footing, Julio did not have to bear the heat of the desert or face the deadly current of the Rio Grande to enter the United States without inspection. Today, Julio is a naturalized U.S. citizen and is in the process of adjusting his wife's legal status.

In a similar regard, 26-year-old, Los Angeles native Sammy Rivera also categorized his mother's journey to the United States as straightforward. Sammy's maternal grandmother, Eva, made a living by renting out properties she owned in Honduras. With this income she had the means to travel back and forth between Honduras and Los Angeles during the 1980's, when immigration policies were more relaxed. In the mid-1980's Eva made the move to the U.S. permanent, bringing Sammy's mother Carolina—then a minor—along with her; although she remains undocumented to this day, Carolina, too, evaded the dangerous and long foot trek across multiple borders (Honduras-Guatemala, Guatemala-Mexico, Mexico-U.S.).

These relaxed migration journeys were unique cases in the sample. Given the poverty, hunger and pressures faced in Latin American countries, most youth explained that their parents were forced to leave their homes in Mexico or Central America at a young age and migrate north to the United States. Despite one parent migrating with relative ease, Javier and Sammy were keenly aware that not everyone was so fortunate to enter the U.S. as smoothly, and both juxtaposed one parent's journey with the others' experience. In his account, for instance, Javier detailed how his mother was forced to swim across the Rio Grande and then smuggled to her destination in the back of a truck, cramped alongside other families, for hours, without access to food, water, or fresh air—all to evade capture by immigration officials.

By learning about their parents' crossing histories, youth's undocumented consciousness begins to take shape. That is, through their parents' migration accounts, youth come to realize that not everyone has the same opportunities to migrate and why in spite of the dangers millions of persons still attempt to cross each year. For youth with Central American heritage, civil war and threat of violence left their families no choice but to flee and seek refuge elsewhere. Furthermore, by comparing parents' trajectories to one another, youth begin to form their own conceptions and ask questions about the role of class, race and ethnicity, country of origin and other factors at play in immigration law. While some parents had the opportunity to migrate willingly and with required documentation (e.g., visas), youth realize the same opportunity is not afforded to others whose choice was much more forced due to economic pressures and/or violence. Oftentimes traumatic stories of parents' dangerous migration journeys coupled with lived experiences of exclusion in the U.S. led youth to challenge the notion that only those who migrate "legally" have the right to stay.

Respondents' undocumented consciousness was further strengthened by witnessing siblings and extended family members navigate formal institutions in the context of their illegality. For instance, twenty-year-old Olivia Cortez, a San Bernardino native, explained that her older sister's marriage to a man without legal status has increased her awareness about the significance of being undocumented:

My sister just got married and her husband is undocumented. He usually goes to Hawaii to work in the coffee farms. [Before Trump] he would usually go every year for several months whenever it would be the time of the year when it was good to go. Since Trump became president, right now he's in Hawaii, but he's only going to be there for one month.

Here, Olivia discusses the impact of the political climate on labor prospects and offers a glimpse into the elevated fear of deportation prominent throughout the Trump administration's time in office. Although Trump did not match the record-high number of deportations under his predecessor, he mobilized ICE to apprehend anyone without documentation, a clear departure from Obama who prioritized those with prior criminal convictions. Witnessing restrictions on employment for her brother-in-law, someone who had no prior contact with law enforcement, shaped Olivia's understanding about legal status vulnerability. As her sister struggled to keep her new marriage financially afloat on reduced income, Olivia became keenly aware that undocumented status means exclusion from multiple institutions and carries steep implications not only for undocumented persons, but their loved ones as well.

Esmeralda Gutierrez, a 28-year-old MSW student from Los Angeles also discussed how growing up with undocumented siblings has allowed her to better understand the legal status

differences between herself and her undocumented counterparts: “My sister is a DACA recipient. Every two years when she has to renew her work permit she has to wait for her authorization to come in, if not, she can’t look for better paying jobs.” For Esmeralda, illegality is closely tied to job market prospects and mobility. By observing her sister’s experience and comparing it to her own, she comes to the realization of the barriers undocumented workers face. In addition, Esmeralda’s education and training has positioned her to be keenly aware of the psychological harm that legal status vulnerability can have on undocumented persons. During our interview she acknowledged the stress associated with certain types of labor and theorized about the powerlessness of wanting to quit due to low pay, poor working conditions, or general dissatisfaction only to be met with hurdles, especially if a work permit renewal is pending.

Access, or lack thereof, to employment also allowed youth from mixed-status families to understand the long-term consequences of being undocumented. Indeed, learning about employment benefits, tax returns, and retirement plans contributed to youth’s understanding about the implications of working without a proper social security number. Contrary to the myth that undocumented immigrants do not pay taxes, the IRS issues Individual Taxpayer Identification Number (ITINs) to assist individuals in complying with the U.S. tax laws, and to provide a means to efficiently process and account for tax returns and payments. Here, Esmeralda describes her dad’s experience with working under a borrowed identity for several years until he eventually applied for and received an ITIN:

I don’t know the exact story, but it’s stuff that you learn by just listening. So, my dad has been working a social that isn’t his. So [getting social security benefits when he retires] is going to be really tough. The reason he has an ITIN is because when he was filing taxes the reimbursement money wasn’t going back to my dad because it wasn’t his social

security number. The person who lent him the social was getting that money back. So my dad applied for an ITIN so he could get that reimbursement or that tax money for himself even though all the deductions are going to the social security number he uses.

Esmeralda was unclear about the details surrounding the social security number Mr. Rodriguez previously worked under, but his using a borrowed identity, albeit with the other person's consent, elevated her undocumented consciousness. Having to work under someone else's name strips Mr. Rodriguez, and many like him, of not only immediate tax and long-term retirement benefits, but their very identity. While Mrs. Rodriguez also works, her wages are made available "under the table," and Mr. Rodriguez never attempted to have her included on his tax returns or have them file jointly. In comparing both of her parents' work experiences, Esmeralda acknowledges that not having an ITIN has not only restricted her mother from accessing other forms of employment, but to even meaningfully contribute to the family's expenses.

Peer experiences solidify the meaning of illegality

Several respondents identified high school as the phase when their undocumented consciousness solidified given their own and their peers' experiences navigating life after graduation. In particular, participants drew comparisons between themselves and their undocumented peers with regards to college requirements and financial aid eligibility. By and large, college and financial aid access for undocumented persons is a 21st century development. In 2001, California passed Assembly Bill 540 which qualified undocumented residents to pay in-state tuition rates in the state's public colleges and universities. Prior to this, California's

undocumented residents (as was customary in many states) were considered international students and required to pay out-of-state tuition and depending on which university a student chose to attend cost varied between three and seven times higher than in-state tuition (Abrego, 2008). Cost of attendance thus frequently left eligible applicants unable to attend college. Not until 2011 were undocumented students in California eligible for state financial aid (e.g., Cal Grants) and some state scholarships.

In the absence of congressional support for immigration reform, and with pressure from activists mounting, in 2012 President Obama signed an executive order creating the Deferred Action for Childhood Arrivals (DACA) program. DACA defers deportation proceedings and extends a two-year work permit to qualified undocumented persons who were brought to the United States as children. Extending to all 50 states, the program also qualifies undocumented students to attend public colleges and universities, and while ineligible for federal financial aid (e.g., Pell Grants), DACA recipients are eligible for state and university-level financial aid so long as it is available, and they fall within each state's parameters. Prior to DACA, even having a college degree did not guarantee undocumented individuals the opportunity to exercise their careers as they lacked proof of work authorization.

Diego Suarez, 30, from Orange County graduated high school just before the DACA era began. While discussing his peers' experiences navigating higher education he explained:

In high school is when I figured out that I had a lot of friends who were undocumented and weren't able to apply for financial aid. I was part of that GATE program and in high school they focused on us going to college. I remember being at the counselor's office and having a friend fill out their FAFSA and then when it got to a point in the application, they said "Oh actually I don't have a social security number." And realizing

then, “Oh does that mean they’re undocumented?” High school was really the point where I was thinking about that.

In the midst of choosing which institutions to apply to, navigating financial aid requirements and exploring career paths, Diego observed his peers encounter a series of obstacles. Rather than celebrating and planning roommate assignments, course schedules and the next chapter in their lives, Diego learned that his close friends were living in the country without legal status—and that their trajectory would look much different than his. By undergoing the college admissions experience together, Diego drew clear distinctions about what institutions and resources are accessible to those who hold citizenship versus those who are undocumented.

Twenty-three-year-old Los Angeles native Agustin Hernandez has a brother who is undocumented. When comparing his brother’s educational trajectory to his own he explained that although laws existed to encourage students who wished to pursue a college degree to do so, many were uninformed about their eligibility and the application process:

My brother [Marcos] had a hard time going to school, going back to school because of his legal status. He felt that he wasn’t able to apply to scholarships. Marcos didn’t feel there were enough resources for him until DACA came about. Seeing how the struggles have affected his life while going through school or not being able to go to school because he couldn’t afford it given his status. *That’s when it hit me.*

Given their proximity in age, Marcos’ experiences helped solidify his undocumented consciousness and the barriers of not having papers when it comes to reaching one’s academic and career goals. Growing up, Agustin and Marcos had similar education experiences within the

K-12 system, yet when it came time to apply for college, Marcos felt locked out of opportunities and resigned himself to entering the workforce without a college education. Shortly after, DACA was introduced allowing persons like Marcos to attend college and obtain financial aid.

Although a step in the right direction, DACA is not nearly comprehensive enough. Agustin emphasized the incomplete protection that DACA provides for people like his brother who have to renew their permit every two years: “I know my brother is a DACA recipient, however, that’s not for sure. It could be revoked any time. Especially, I’m not sure if they are still deciding on DACA, if it’s going to be continued or not.”

DACA’s vulnerability came to the forefront on September 5, 2017 when the Trump administration announced it would terminate the program. In its memo, the administration decreed that the United States Citizenship and Immigration Services (USCIS) would no longer accept first-time DACA applications but allowed current recipients whose permits expired on or before March 5, 2018, to renew one final time so long as the application was postmarked within a month of the notice being announced. The decision meant the end of deportation protections and legal employment authorization for hundreds of thousands of undocumented immigrants who arrived in the U.S. as children and knew no other home other than the United States. Moreover, it crushed the dreams of many adolescents who came of age in the DACA era, were preparing to apply, but were just shy of the age requirement at the time the program was terminated. Suddenly, many youths were placed in legal limbo and left wondering what their futures would look like after high school graduation.

In the months following the announcement, several cases were filed and heard in federal courts and the case was ultimately granted writ of certiorari by the United States Supreme Court. On June 18, 2020 in the *Department of Homeland Security Et Al. v. Regents of the University of*

California Et Al. the Justices sided with the respondent (5-4) ruling that the way in which the Trump administration rescinded the DACA program in 2017 was unlawful and ordered USCIS to begin accepting new applications. While this decision allowed many to breathe once again, only Congress, through federal legislation, can create a pathway to legalization, and eventually citizenship, for DACA recipients and all undocumented persons. Until then, many lives will remain in a state of legal limbo.

Although participants clearly understood the benefits of having papers and the limitations of lacking legal status, for some this notion of incomplete protection extended beyond undocumented individuals and onto even documented family members. Twenty-year-old Olivia detailed an experience that allowed her to conceptualize the ramifications of lacking U.S. citizenship. Per Olivia's account, a few years ago her cousin Alejandra, who was four months pregnant at the time, was going through customs after vacationing abroad in Mexico with family. Alejandra had travelled with the same up-to-date documentation on multiple occasions before, so the family was shocked to realize there was an issue (circumstances unclear) with her green card when she approached the customs agent at the airport. After being unable to verify her legal status, Alejandra was taken into federal custody and denied bail. Stunned, the family rushed to find out where she would be detained and retain an attorney to represent her. In detention, Alejandra was denied prenatal care and her request to be moved to the maternity ward denied. According to Olivia, the traumatic experience and poor treatment she received during the two weeks of her confinement, Alejandra suffered a miscarriage; she has not returned to Mexico in the three years since.

Experiences of seemingly unjust imprisonment raised consciousness by forcing youth to assert their position on immigration issues. For Olivia, Alejandra's experience made her question

whether the arrest was lawful, whether there was a level of racial discrimination involved and whether only citizenship, not simply legal residency, is sufficient protection from deportation. Post-detention, Alejandra was malnourished and had difficulty sleeping and readapting to society. Noticing clear changes in Alejandra's behavior, Olivia compared the confinement to being incarcerated under criminal charges: "what's the difference?" Indeed, prior scholarship has documented the parallels between immigrant detention and criminal incarceration (García Hernández, 2017; Dow, 2004; Hereen, 2010), demonstrating that conditions of confinement coupled with difficulty accessing due process and the uncertainty regarding the outcome of one's case undeniably make detention a painful punishment experience.

Service providers who work with the immigrant community echoed sentiments of incomplete protection amongst their clients. Andres, a youth educator at a non-profit based in Los Angeles explained that the organization was experiencing an increasing demand for citizenship classes. Given the many proposed changes to immigration under the Trump administration, the public became fearful that their residency could be revoked and sought to become naturalized citizens.

Immigration enforcement is also a racialized process. Much like interactions with law enforcement, factors such as race and class significantly impact families' interactions with immigration officials both at the border and within the interior of the country. For instance, Gerardo, a San Diego native who works in higher education discussed an experience in which he, his mother Esperanza and stepfather Rick were travelling internationally, and race significantly altered the outcome of their encounter with a male immigration officer:

My mom, when she came to the United States, she was on a visa. Not understanding the laws, not understanding the process—and this was the early '90s. Very different laws

back then. We went to Canada on a trip with my stepdad, and she forgot to renew her visa. I was about twelve. I remember very vividly that my mom was scared because the immigration agent took her travel visa in Canada and said, “You’re not able to enter the United States.” Luckily my stepdad at the time was a Caucasian, former Marine, decorated Vietnam war vet. CBP allowed my mom reentry to the United States, but they did not give her the visa back.

Here we see from Gerardo’s point of view that race (white stepfather) and social status (war veteran) play a key role in the decision to apprehend someone or not. With an expired visa, Esperanza was technically an undocumented person attempting to enter the United States and the officer would have been within his right to arrest and detain her, as has happened to countless others. Had this happened, Gerardo’s life would have been completely upended adjusting to a single-parent home and stressing about whether or not his mother will be able to stay in the United States. In this case, seemingly, because she was accompanied by a man of rank and status, Esperanza was able to reenter the U.S. Importantly, there was nothing about Esperanza herself or her son that influenced the situation. Rather, it was an external factor (white male companion) that allowed her to reenter. Immediately upon return, Rick filed to adjust Esperanza’s immigration status, and for two years she was living in the country without authorization. For Gerardo, this experience raised critical awareness about the role of race and class in enforcing the law.

Geography, Space and Mobility

A key limitation which contributed to undocumented consciousness among my respondents was spatial (im)mobility—that is how limited those without papers are in moving from one place to the next. Undocumented immigrants’ mobility in and around the state, county and city they reside in is strained. Simply being out on the streets, in shopping malls, at restaurants or any public venue may increase the threat of deportation through interactions with immigration or local law enforcement officials. Mixed-status families’ experiences of illegality may, however, be mediated by local contexts. In particular, cities that are more welcoming towards immigrants may have “sanctuary city” ordinances that limit their cooperation with the federal government’s effort to enforce immigration law. Local context thus plays an important role for the presence of immigration officials in the area. Yet even in places like Los Angeles, the city with the second highest immigrant population in the nation, movement is restricted. As 16-year-old Guillermo Diaz put it: “I mean basically we haven’t gone anywhere. We would always just stay here. We don’t go like that far. Like we wouldn’t be exactly out of Los Angeles, but we would be like around the borders of Los Angeles.” The inability to legally drive coupled with lack of financial means to purchase a vehicle confines undocumented immigrants geographically and contributes to their and their family’s understanding about mobility and illegality.

Given their limited ability to obtain personal transport, many mixed-status families rely on public transportation to get around. As Natalia Castillo, a twenty-one year old Los Angeles native put it: “Even going to the beach [was difficult]. We had to have the whole day if we were going to go somewhere like an hour away. Because it’s like, how are we going to get there? Are we going to take the train, are we going to take the bus, are we going to walk?” Over time, however, the use of public transportation, particularly in border towns, has become risky as ICE

and Customs and Border Patrol have been known to conduct immigration sweeps onboard. Indeed, during our interview 24-year-old Camila Martinez, a college student from San Diego county, detailed an occasion in which, she, her brother, and mother—having no personal transportation—were at a bus station waiting to board when Camila realized ICE was at the station:

I felt my mom grab me tight, but not like you're in trouble, just in like a quickly, follow me, let's go sense, and we got on the bus. I felt the tension. The people on the bus were all quiet. You know how like it's always noisy in there? After a while I finally I asked my mom: "What happened?" And she told me: "ICE was there." So, I understood what they always told me: "We don't have papers. We have to keep an eye out all the time." I remember I wanted McDonalds and we didn't end up going because, like, we took the wrong bus (going in the opposite direction) just to get away from ICE.

Close encounters with ICE, such as the Martinez family's, were and are still normalized in border regions and cities with a high immigrant population. Unlike local or state law enforcement officers, immigration agents do have the authority to ask for proof of citizenship or residency in the United States. Thus, even as a U.S. citizen herself, Camila understood the gravity of the situation and how space and mobility are to some degree governed by (il)legality—I more deeply investigate the collateral consequences of parental illegality for U.S. citizens' mobility in chapter two.

In addition to space and mobility, other factors also raise undocumented consciousness for youth in mixed-status families. Camila described how race and socioeconomic status makeup of a particular city and neighborhood influence police presence. In particular, she explained that

Encinitas—a beach town in northern San Diego County—has an expensive real estate market and is thus unaffordable to many undocumented low-income families. Given the racial makeup (predominantly white) and average household income (over \$100,000), she asserts it would “look bad” to have law enforcement constantly patrolling the area or conducting raids: “If you live in Encinitas, it’s expected that you are not [undocumented] because you can’t be [undocumented] and [afford to] rent an apartment or own a house. Especially a house.” Camila’s father, Jesus, did relatively well for himself as a self-employed landscaper and eventually was able to purchase a mobile home for the family in Encinitas. Moving there offered some degree of assurance that they could run errands, shop, and dine out without worrying about running into immigration officials or having their home raided by ICE. Nevertheless, when Jesus drives outside of Encinitas into cities like San Marcos or Escondido which have a higher concentration of Latinos and immigrant residents, he is routinely pulled over for alleged traffic violations (speeding, broken taillight, etc.). For Camila, her father’s disproportionate police contact in San Marcos v. Encinitas leads her to understand the importance of local context in protecting against or making someone vulnerable to deportation. In her view, the color of Jesus’s skin makes him a target for police harassment in areas of San Diego county with a higher Latino population, whereas, perhaps ironically, in white neighborhoods he experiences a higher degree of freedom.

Other respondents corroborated the role of race and ethnicity and socioeconomic status in local context. Twenty-six-year-old Sammy discussed the distinctions in immigration enforcement within Los Angeles and its surrounding areas:

It depends on the community. If I’m in Westwood, I don’t need to worry about shit. Yes, there are people who are working in hotels or working in grocery stores and all that kind of good stuff who are undocumented. But there’s a different game. There’s a different

policy so to speak, right? There's a certain way that that community operates so I think there's not much to worry about.

Sammy alludes to the disproportionate contact with ICE in certain neighborhoods. ICE has the authority to conduct worksite inspections to enforce federal immigration laws regarding the employment of foreign employees. Unlike home raids, worksite inspections do not require an administrative or judicial warrant, nor probable cause; moreover, while the agency should give at minimum a three day notice of inspection, per its own memo, that is not always the case. Sammy makes reference to the unspoken agreements in wealthier neighborhoods. Raiding a millionaire's home and arresting a gardener, housekeeper, or cook, for instance, would garner negative publicity and potentially cause "white flight" from the area. In saying that "it's a different game," Sammy signals that he is aware of the protections afforded to employees in Beverly Hill mansions—privileges that undocumented immigrants working in hotels, restaurants and other establishments in Korea Town or East Los Angeles (more immigrant-densely populated neighborhoods) are not afforded. While undocumented employees in any workplace are certainly vulnerable to threats and abuse by their employers, it is ultimately more common to see raids in predominantly ethnic neighborhoods.

Local context fortifies undocumented consciousness among U.S. citizens. Twenty-two year old Ximena Reyes, a Los Angeles native, attended college in a remote town in Northern California. After returning to Los Angeles post-graduation, she noticed stark differences between immigration enforcement in the two regions: "It's wild up there. There's just a lot of poverty and every week I would read about an ICE raid happening. And this was before Trump was actually in office. So yeah, it's wild up there." While metropolitan areas such as Los Angeles and San

Diego are booming with immigrant rights organizations, legal advocates, and individuals committed to fighting the deportation machine, immigrants living in more rural areas of the state may have far less access to resources and be uniquely vulnerable. In addition, the racial and ethnic makeup and xenophobic rhetoric in these regions might lead to resentment amongst working class individuals about immigrants “taking jobs.” Perhaps 15 or 20 years ago, the threat of apprehension was low for families living beyond the immediate U.S.-Mexico border region. Punitive immigration policies coupled with the expansion of interior immigration enforcement the country has witnessed in the last three decades has significantly increased the likelihood of detention and subsequent deportation from all regions of the nation. Thus, in upper-class, predominantly white areas (e.g., Beverley Hills), undocumented persons may benefit from a degree of safety (at least during the work hours) while in other more rural areas they may not have this luxury.

Historical Context

Historical context and political climate of a region also raise consciousness about the role of race in immigration enforcement. Diego who does work around community engagement in Orange County provided a brief synopsis of cultural tensions in the politically red bubble of California. In particular, he highlighted the region’s history of clan membership, though he mentioned that the KKK’s presence in the area has considerably diminished due to changing demographics in recent years:

There still is a [KKK] presence [in Orange County] but not like a big presence that would cause damage like in Virginia. I think there’s a lot more presence of Neo-Nazi groups that say they’re not white supremacists like Proud Boys and I don’t know what the other

groups are but like saying that they are being erased, that the white race is being erased...I think there's less KKK and lots of sympathizers. But I think even these folks are like sympathizers sometimes.

Diego references the “Unite the Right” rally which took place on August 12, 2017 in Charlottesville, Virginia that turned deadly when a man accelerated his car into a crowd of counter-protesters, killing one and leaving 19 others injured. Though he admits that white supremacist sympathizers are less prominent, xenophobic ideology permeates local politics. Indeed, after SB54 went into effect in 2018, multiple cities in southern California passed their own city-level ordinances, some even took legal action against the state, in discordance. Although most have dropped their lawsuit since, or lost their legal battles, the anti-immigrant animus remains.

Political and Critical Consciousness

Youth's undocumented consciousness contributed to their political awareness more broadly. In 2018, the Trump administration revoked Temporary Protected Status (TPS) eligibility for migrants from El Salvador, Honduras, Nicaragua, Haiti, Sudan and Nepal leaving over two hundred thousand TPS holders (some of whom have lived in the U.S. for over a decade) at risk of deportations. Congress created Temporary Protected Status (TPS) in the Immigration Act of 1990, giving temporary immigration status to nationals of specifically designated countries that are confronting an ongoing armed conflict, environmental disaster, or extraordinary and temporary conditions. TPS provides a work permit and temporary relief from deportation to foreign nationals from those countries who are in the U.S. at the time the U.S.

government makes the designation. Qualified individuals may be granted TPS by paying a fee, submitting an application, and subjecting themselves to a criminal background check. If approved, they will be authorized to remain in the U.S. for 18-months after which they may apply for a renewal if their home country's eligibility is extended. Approvals are not guaranteed, individuals do not know if or when their status will be extended or rescinded, and TPS holders do not currently have a pathway towards regularization or citizenship.

For youth whose parent(s) currently held TPS, the announcement raised questions about illegality and deportability. Suddenly, categories of individuals who were protected were being targeted for removal, potentially severing family units. For 15-year-old Itzel, the decision raised awareness about legal status precarity; where her mother Estella had been "protected" under TPS for over a decade, suddenly she faced the possibility of losing both her parents to the deportation machine. After the announcement, Estella fell into a depressive episode and worried about how she would keep the family financially stable without a valid work permit. In discussing the impact of this decision on her family Itzel referenced the reasons why her parents migrated in the first place and the danger of returning to a place they barely know: "think about their countries and how their countries aren't stable."

Political climate also left youth grappling with broader questions about legality, justice, and human rights. When asked about his opinion regarding current immigration policies, 22-year-old Daniel from Los Angeles, condemned the government's treatment of Central American migrants at the U.S.-Mexico border:

Regarding family separation, well supposedly [the government] has stopped separating children from parents. That's definitely inappropriate. You're going to cause generational damage to those kids. I think recently [the federal government] was trying to argue that

[migrant children in the camps] don't need soap, they don't need toothpaste or like even sleep. So that's just wrong. It's sad it's disgusting because this country has propped itself up to be like oh, we're the land of the free like send us your immigrants.

During data collection for this project, large caravans comprised primarily of Central American migrants had trekked mostly from Honduras and El Salvador to the U.S.-Mexico border where they sought asylum in the United States. These individuals were mostly escaping a humanitarian crisis, the result of persecution, femicide, and violence in their home countries. In fact, over the last 20 years the northern triangle (composed of El Salvador, Honduras, and Guatemala) has been consistently cited as an area with the highest average in annual female homicide rates in the world. In response to the caravans, the United States federal government deployed a number of controversial efforts to discourage migration including the zero-tolerance policy that resulted in thousands of migrant children being separated from their families, as Daniel references above. Conditions in the migrant camps drew national outcry when the media reported on a case about how the federal government is legally obligated to treat migrant children who are in custody. The attorney representing the federal government argued that children might not need basic hygienic items such as a toothpaste or soap under the rules that govern facilities in which children are held for only a short period of time. The repercussions of the United States' response, as Daniel mentioned, will be felt in the coming years.

Daniel also linked responsibility for the caravans and contemporary migration trends more broadly—citing Central and South Americans' frustration with politics in their home countries—to U.S. involvement in foreign governments. He articulated the role the United States has played in right-wing military groups overthrowing foreign governments and criticized the

U.S. for now wanting to simply wash its hands of other countries' problems: "What did they expect? [If people feel like they are] in danger [they're] going to go somewhere else—potentially the United States." The politics of U.S. involvement in other countries as well as its treatment of undocumented immigrants within thus raised Daniel's political consciousness about not only illegality, but its relation to race/ethnicity and justice.

Youth's understanding of what it means to be undocumented contributes to deeper critical questions about the right to migrate and claim membership in the United States. For instance, undocumented 1.5-generation youth activists have spearheaded the work to disrupt the dominant narrative "that differentiates "deserving" from "underserving" immigrants, arguing for a politics of citizenship that challenges hegemonic frameworks that punishes those not deemed to be 'good citizens'" (Negrón-Gonzales, 2014). Having lived most of their lives in the United States, this population of undocumented student activists are proclaiming a clear message: that they are "undocumented, unafraid, and unapologetic" despite the climate of fear and criminalization they are experiencing. In a similar vein, the second-generation's undocumented consciousness has allowed them to engage in a reflective process about the construction of immigrant "illegality." Despite how their parents arrived, respondents overwhelmingly agreed that no person should be deported for non-serious, non-violent infractions. The criminalization narrative prevalent on the news by conservative politicians seeking to strengthen their base fed into youth's characterizations of undocumented immigrants. For instance, when asked whether or not they agreed that ICE is prioritizing dangerous criminals, most respondents stated that is a myth. In fact, youth rejected that very terminology explaining the damaging impact it has on the broader immigrant community. Itzel explained her frustration with xenophobic rhetoric and ideology:

Those words that [Trump] uses like ‘dangerous criminals.’ We’re people. We’re not doing any—I get that they’re not here legally, but they’re trying. They work. Most of them pay taxes of course. I don’t think calling them criminals or dangerous people is a correct way of describing them or naming them. He should use other terms.

Categorizing all undocumented immigrants, or those with criminal records, under the umbrella of “criminal” without regard for the circumstances leading up to their apprehension was troublesome to Itzel. In her view, this rhetoric bypassed the contributions that immigrants have made to society including filling jobs that U.S. citizens refuse. She could not understand how persons fleeing violence and poverty could be categorized in such a derogatory way and punished for seeking protection and safety for their children.

Conclusion

This chapter examines the *undocumented consciousness* of U.S.-citizen children who grow up with undocumented parents. Immigration enforcement at the border and within the interior of the country has intensified in the 21st century, and opportunities to adjust one’s status have dwindled. Consequently, the undocumented population in the United States today consists largely of mixed-status families where unauthorized persons are parents of U.S. born children. The second-generation that I study, children with undocumented parents, came of age during a punitive era of immigration enforcement and thus grow up fearful of forced familial separation; but how do they learn of concepts such as “deportability” and when does this discovery become important?

In this chapter, I introduce the analytical lens of *undocumented consciousness* to illuminate how U.S. citizens come to first discover that a parent is undocumented, and how and when that discovery takes on new meaning. During childhood, youth point to a vivid moment in which they learn that a parent was somehow categorically different in society. I present youth's narratives to examine the context within which conversations regarding parental illegality arise as well as when the significance of legal status becomes clear. I find that learning about parents' migration stories and labor market prospects plants the seeds of undocumented consciousness. Through these stories and experiences, youth become aware that not everyone has the same opportunities to either migrate or stay in the United States and begin to connect legal status to opportunities for social mobility.

Youth identify high school (mid-teenage years) as the stage in their lives in which their undocumented consciousness around their parents' (and entire family's) legal status vulnerability becomes significant. During this time peer experiences with navigating higher education, financial aid and other institutions and resources help youth understand the ramifications of living in the United States without legal status. Until this point, the second-generation and the 1.5-generation's experiences have been parallel. Through the college application process and navigating life post-high school, U.S. citizens witness their undocumented peers and/or siblings encounter obstacles that distinctively bring to the forefront what not having papers means for future life outcomes. I build on current scholarship that has conceptualized a "learning to be illegal" process for undocumented youths (Gonzales, 2011; Gonzales & Chavez, 2012; Gonzales, 2016), by arguing that even U.S. citizens with undocumented parents have to "learn to be illegal" in that they develop an undocumented consciousness based on their parents' legal status. In this

process, youth learn about the concept of legal status vulnerability and its implications for undocumented persons as well as their entire family.

During the process of undocumented consciousness, youth also start to form their own understanding about migration and the role of race and class in immigration policy and enforcement tactics, linking these factors to structural inequality. They learn about the distinct journeys parents undertook to cross into the United States depending on which country they originated from. Youth also learn about qualifications for protections (e.g., TPS and asylum) for immigrants from certain countries, and why not everyone is afforded this security, no matter how temporary it may be. Finally, political context at the local, state and national level teaches youth about the draconian means the United States deploys to treat migrants it deems suspicious, criminal and threatening. This finding suggests that early on, youth may be aware of the xenophobia, criminalization and dehumanization ascribed to their undocumented parents.

Undocumented consciousness and parental legal status vulnerability have steep implications for youth's transition to adulthood and future life trajectories (e.g., opportunities for social mobility). In the following chapter I examine how legal structures and immigration enforcement strategies condition life for U.S.-citizens in mixed-status families. By investigating enforcement practices I highlight the negative effects of illegality, deportability and racialized immigration enforcement on the lives of both undocumented parents and their U.S. citizen children.

Chapter 2

Collective Penalty: Experiences of Exclusion and Punishment Among Latino Mixed-Status Families

The U.S.-citizen children of undocumented immigrants are endowed with constitutional protections that safeguard their welfare and provide a pathway to formal inclusion. As U.S. citizens, this group enjoys the protections of legal status and does not face regulatory barriers in accessing social benefits, resources, and institutions such as higher education and employment. Despite these formal protections, however, U.S. citizens' lives are shaped by the conditions that render their parents deportable (Golash-Boza, 2016; Enriquez, 2015; Hamilton et al., 2018; Dreby, 2015; Rodriguez, 2016). As members of mixed-status families, these children are susceptible to the adverse effects of immigration policies—especially those that systematically limit their parents' basic rights. Consequently, this group may bear a sense of illegality themselves as members of mixed-status families (Abrego, 2016). In light of the legal and social paradox experienced by the second-generation, this chapter seeks to understand how immigration policies as well as enforcement strategies affect the lives of U.S.-citizen children with undocumented parents. Specifically, I challenge the notion that immigration laws yield “unintended” consequences for undocumented immigrants' loved ones. Instead, I show the mechanisms by which immigration policy is purposefully crafted by lawmakers and enforced by legal agents on the ground (immigration officials and police officers) with a fundamental understanding that multiple generations within mixed-status families will bear the effects of punitive immigration control. In this chapter, I introduce the concept of *collective penalty* to explain how the legal exclusion—and the threat of deportation—of undocumented parents influences the incorporation trajectories of the second-generation.

Collective penalty arises when the negative consequences of parental deportability extend beyond the individual, transcend generational lines and impact their U.S. citizen children. In this study, I refer to collective penalty as the shared experiences of exclusion brought upon by punitive immigration policies that limit legalization opportunities and intensified by enforcement strategies (i.e., detention and deportation). In turn, these shared experiences of exclusion for undocumented parents produce short- and long-term punishment for U.S. citizen members of mixed-status families. Collective penalty's uniqueness stems from the temporal and spatial combination of deportability. That is, the threat of deportation extends punishment such that undocumented persons carry it with them wherever they go. This threat materializes in non-incarcerated confinement to low-wage labor prospects, unsatisfactory living quarters (e.g., crowded apartments, low-income housing), and overall restrictions on mobility by physical structures and agents of surveillance (e.g., immigration checkpoints near the southwest border). In addition, contact with non-legal institutions (e.g., airports, healthcare centers) produces fear of detection and apprehension which then further confines unauthorized persons to narrowed geographic regions around their homes and workplaces. Thus, even prior to arrest by legal authorities and placement in a cell awaiting the outcome of deportation proceedings, undocumented persons are subjected to non-incarcerated forms of confinement. Once an arrest and detention occurs, the threat of deportation intensifies, and the consequences are experienced by the entire family unit.

By extension then, U.S. citizen children with undocumented parents also experience non-incarcerated forms of confinement. These youths suffer the negative consequences of parental legal status vulnerability as they are unable to travel nationally (laws about driving vary from state to state) and internationally (parents may fear applying for a child's passport or dropping

the child off at the airport) and attend colleges and accept jobs out-of-state, among others. Thus, collective penalty precedes youth's undocumented consciousness, and it extends far beyond childhood and adolescence when adult children are technically no longer reliant or dependent on their parents. Therefore, by preventing persons from entering the United States in accordance with the law and persecuting and punishing those who do manage to cross without inspection, immigration policy and enforcement activity impose collective penalty onto the second-generation children with undocumented parents and shape their life-course.

The Disintegrative Impact of Immigration Law on Families

Parallel to the phenomenon of mass incarceration, in recent decades the United States has entered a contemporary wave of mass deportation. Under the eight-year Obama administration alone, the nation carried out three million deportations (Barrón-Lopez & Thompson, 2019). A significant proportion of removals in the 21st century have not stemmed from new policy developments but rather have been facilitated by changes in existing immigration policy dating back to the late 1980's and 1990's in which the federal government began using local resources as migration management tools. For instance, the Anti-Drug Abuse Act of 1988 created the provision of an "aggravated felony" or particularly serious crime which was intended to facilitate the deportation of drug lords under arms trafficking, drug trafficking and murder charges. In the following years, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) both intensified existing punitive aspects of U.S. immigration law and created new practices related to the criminalization of immigration. In addition to reclassifying a range of non-serious and non-violent offenses as severe enough to warrant deportation, IIRIRA also facilitated the collaboration between local criminal justice agencies and the federal government

to control immigration. This structure of “cimmigration” has had an unprecedented impact on immigrants and their families. Since the passage of IIRIRA, rates of detentions and deportations have increased as enforcement patterns shifted from border apprehensions to immigration arrests within the interior of the country—affecting a much broader population including those with extended ties to the United States.

The consequences of criminalization are felt by both undocumented persons and their families (regardless of legal or citizenship status) as they interact with key social institutions in their everyday lives. Traditional measures of immigrant incorporation into a host country include length of residence in a host society, adaptation to the host country’s language, socioeconomic status and level of education, among others. For undocumented immigrants, the structural challenges that arise from criminalization powerfully shape their access to the labor market which impacts housing and household income, and experiences within society as well as their family. In this way, punitive immigration policy and enforcement activity have destabilized the traditional incorporation trajectories of immigrants and have had a *disintegrative* effect on this population by forcing them to overcome substantial burdens to work, live and grow a family in the United States. These barriers are also experienced by the second-generation, who by virtue of their citizenship status, US education and lived experiences should be expected to achieve higher levels mobility than their immigrant parents. This chapter presents analyses of the mechanisms of immigrant criminalization and its impacts on immigrants’ U.S. citizens children. In particular, I examine how federal legislation and local enforcement practices work together to subject all members of mixed-status families to the repercussions of illegality. I argue that by excluding parents from opportunities for integration and upward mobility, and all but eliminating pathways towards legalization, immigration policy and policing efforts knowingly and willingly impose

economic, social and emotional *collective penalties* onto US-born youths growing up in mixed-status families.

Immigration policy disproportionately affects Latino mixed-status families. As many as one quarter of all Latino children (under age 18) presently living in the U.S. have a parent who is undocumented. Consequently, the racialized undertone of conversations surrounding immigration, coupled with legislative action and immigration policing, disproportionately impact the Latino community. Eduardo Bonilla-Silva's (1997) work on structural racism lays the foundation for better understanding how immigration policy and enforcement is a racialized process. In his theorization, Bonilla-Silva argues that racism is embedded in the social structure of society; he outlines the mechanisms by which racial stratification is established, defining which racial groups are subjected to subordination and which are not. Through racialization, groups are placed in a hierarchy whereby racism becomes "normalized" and racial inequality is therefore sustained given its embeddedness in the social, economic, and political fabric of society (Bonilla-Silva, 1997). I approach my analysis of the experiences of mixed-status families using this frame for interpretation of the role of law. Specifically, I argue that immigration policy is written, interpreted, and enforced to perpetuate systematic patterns of inequality for Latino mixed-status families.

In this chapter, I analyze youth's narratives to describe the process of *collective penalty* which I argue manifests in two different forms—experiences prior to parental confinement and experiences during detention and subsequent deportation. First, I tease out how immigration law negatively impacts U.S. citizens via restrictions on regularizing their undocumented parent's immigration status. I show how parental legal status vulnerability restricts youth's daily choices and major life decisions including college-going decisions and restructures family dynamics

(e.g., role reversals in the family). By extending the burden of parental deportability onto U.S. citizen children, immigration policy and enforcement inhibit youth's future prospects.

In the second part of the chapter, I disentangle how increasingly punitive measures aimed at detecting and deporting the undocumented population deprive U.S.-born children of the ability to live their childhoods without fear of familial separation. In highlighting the mechanisms by which fear of apprehension may force undocumented parents to reverse migrate—or return to an immigrant parents' country of origin—with their children (as was the case with three families in my sample), I describe the collective penalty youth endure, essentially having their right to live in the United States stripped away from them as they are forced to grow up in a foreign country. Then, upon return to the U.S., these youths face barriers to traditional pathways of incorporation in a similar way as immigrants themselves when they migrate to the United States.

In the final section, I investigate the collective penalty of families who have endured parental detention or deportation. To do so, I present case studies that focus on how immigration enforcement violently punishes families and robs the second-generation children with undocumented parents of their citizenship benefits and relegates them to a second-class status. Overall, I argue that the ramifications of illegality and deportability extend to U.S. citizen children in mixed-status families. That is, collective penalty transcends both temporal (childhood, adolescence and young adulthood) and spatial (whether a parent is confined in a detention facility or not) dimensions to negatively influence the life prospects of the second-generation. Conceptualizing collective penalty in this way, as a calculated form of structural legal violence, enables us to better understand both the power and the net widening effect of immigration law.

(In)access to Legalization

Mixed-status families have an intimate relationship with the law in their everyday lives. In addition to regulating where undocumented persons can work, live, travel and the resources they can access, immigration policies also govern the legalization process, and specifically, whether or not a parent can adjust their legal status. Public misconception about pathways to legalization in the United States often overshadows its complexity. Persons can fall in and out of status for a number of reasons including visas expiring, executive actions being signed, legislative reform passing, and so on. Thus, while some policymakers and political pundits, driven by nationalism and racist ideology, claim immigrants can easily gain citizenship and public benefits through their U.S.-born children (or spouses for that matter), today, pathways to legalization are significantly limited and impact U.S. citizens' lives in significant ways.

The Role of U.S. Citizens in Mixed-status Families

Of the opportunities for legalization available to undocumented immigrants in the United States, Adjustment of Status is typically the most readily available for parents in mixed-status families. Adjustment of Status allows noncitizens to apply for legal permanent residency (or a green card) if they are the immediate relative of a U.S. citizen. As a result, the prospect of a child sponsoring a parent is a conversation or assumption commonly held in mixed-status families. The process itself, however, is complicated, expensive, and comes with its own uncertainties and consequences.

Traditional Latino families have a hierarchical structure in which parents are responsible for the emotional and physical care of the family, and their authority is maintained throughout the life-course (Falicov, 2014; Santiago-Rivera et al., 2002). During the Adjustment of Status

process, the law influences family dynamics by shifting power from the parent to the child. This can be an empowering experience giving youth a sense of agency, for the first time, over their parents' future. Even so, families soon encounter obstacles in their path towards legalization including misinformation about who actually qualifies and what the process entails. For instance, 25-year-old Jasmine Rodriguez explains the disappointment she felt upon learning that she would not be able to adjust her parents' legal status when she, as the oldest of four siblings, turned of legal age:

My siblings and I always had a notion that when we turned 21, we would [adjust] my parents' status. That's what everyone thought. And when we asked lawyers, they said, no it is all dependent on the current policies or whatever. It was really disappointing. They basically said that it would depend on the judge. I've heard people get three year bans or even more. So, [we discussed] would it be better for [my parents] to live here or in Mexico? They're better off living here [undocumented]. Yeah, there's risk, but at least our family is together.

Like Jasmine, many U.S.-born youth in mixed-status families grow up knowing their role in the family—to sponsor a parent when they come of legal age. In the United States, citizens with undocumented parents may be eligible to sponsor the parent for a green card once the child turns 21. This prospect of adjusting a parent's status gives families a sense of hope amidst an otherwise uncertain future. There are, of course, some caveats. First, because the petitioner cannot legally work in the United States, the sponsor must meet a minimum income threshold to ensure they can financially support the petitioner while the application process is determined. This is a preventative measure to ensure the petitioner will not become a public charge for the

federal government pending the application process. Many young adults (especially those juggling work and school) may not meet the income requirement and struggle to move forward with the process.

Second, depending on how the immigrant entered the United States—whether they were inspected by an immigration official at a port of entry, or, entered without inspection—they may be required to leave the country and await their Adjustment of Status determination from abroad. This second point is of particular importance because, in a catch-22, by leaving the U.S. noncitizens face up to a 10 year bar from returning if (as happens in many cases) the applicant has accrued unlawful presence in the country.⁸ If the application moves forward, at a certain point, the petitioner will need to attend an interview with an immigration official at the U.S. Consulate in their country of origin where it will be decided whether or not the application for sponsorship is approved. If approved, the applicant can then reenter the U.S. with proper documentation; if not, they face the difficult decision of attempting the dangerous crossing the border without inspection in order to reunite with their loved ones.

Leaving the United States for an indefinite period of time is not only damaging to the family structure, but it may also be dangerous and deadly. Some immigrants flee their countries due to violence, political persecution, and fear for their lives. Others have no family or support networks in these countries and have no literal home or support network in these places. Without connections to secure employment or a place to stay, undocumented immigrants face a tough choice: return to the country they purposefully left with no guarantee their application will be

⁸ Individuals who have accrued more than 180 days of unlawful presence while in the United States must obtain a waiver of inadmissibility to overcome the unlawful presence bars under section 212(a)(9)(B) of the Immigration and Nationality Act before they can return. Typically, these persons cannot apply for a waiver until after they have appeared for their immigrant visa interview abroad, and a Department of State consular officer has determined that they are inadmissible to the United States. See: <https://www.uscis.gov/family/family-of-us-citizens/provisional-unlawful-presence-waivers>

approved or remain living in the U.S. without authorization and with the threat of apprehension looming the rest of their lives. As was the case with the Rodriguez family, many decide to remain in the United States without legal status.

An applicant's prior criminal record⁹ will most likely disqualify them from opportunities to legalize their status. Indeed, the emergence of crimmigration has broadened the scope of individuals who are forced to experience immigration detention and face deportation charges. For many, if not most, their convictions categorically make them inadmissible for immigration relief—impacting the lives of millions of mixed-status families. The Castillo family is one example of this phenomenon. Twenty-two-year old Natalia Castillo's father Eduardo was convicted and served a short jail sentence back in the 1990's; he had the opportunity to clear his record by completing community service hours. According to Natalia, Eduardo was “young and immature,” and did not realize the significance of clearing his criminal record, and therefore never participated in community service (which was not court-mandated). Today, over two decades later, Eduardo is concerned that his prior conviction will prevent him from adjusting his status; his fears are not unfounded. Applicants must prove “good moral character” and contact with the criminal justice system may be flagged during the application process, immediately putting immigrants on ICE's radar and making them a deportation priority. Others, depending on the nature of their conviction history, may be statutorily ineligible to apply for legalization.

When families do qualify and decide to proceed with petitioning for legal residency, they are quickly disillusioned by the roadblocks they face. As with prosecutors in a criminal case, the

⁹ Conviction type matters significantly for determining whether or not a person may be eligible for immigration relief. Undocumented immigrants arrested for drug possession (regardless of amount or type of drugs) face mandatory immigration detention (in most cases without the possibility of bonding out) and are permanently inadmissible for all forms of immigration relief—regardless of whether or not there was intent to sell. Even legal permanent residents may lose their legal status for drug convictions.

burden of proof falls on the petitioner to present factors, arguments, and relevant evidence demonstrating that “extreme hardship” will come to the children, and spouse, where relevant, if the immigrant is deported. Moreover, the United States Supreme Court has ruled that the mere fact that a petitioner has a child born in the U.S. “does not entitle the petitioner to any favored status in seeking discretionary relief from deportation” (Friedler, 1994). Mateo Sanchez, a 26-year-old U.S. citizen from Los Angeles, CA., describes his family’s experience and difficulty with establishing extreme hardship when he was 13-years old:

[One day] my parents came to me and said: “we’re building a case and want to show that being here would benefit you and your sister in the long run.” They tried to argue that the education we would receive in Mexico would not be the same as what we would receive here. So, they told me that I needed to get good grades. Unfortunately, I didn’t even get good grades and the whole case fell through so I kind of felt responsible a little bit.

Given the complexity of the immigration system, it is unlikely that the Sanchez’ petition was denied because of Mateo’s academic profile. According to the family, their attorney showed up to court unprepared (had the wrong case docket in hand), and the petition was denied. Upon appeal, the judge’s decision was sustained at which point an order of removal was issued for Mateo’s parents. Despite their frustration with his performance in court, it is highly probable that the Sanchez family would have still lost the case regardless of the attorney’s preparation. In the past, claims of economic loss, inadequate medical care, poor education systems, and lower standards of living in other countries (similar claims they made) have been deemed insufficient by the courts to establish extreme hardship. At the time of the interview, nearly 13 years later, Mr. and Mrs. Sanchez had failed to comply with the order of removal. Consequently, the family

is conscious of the fact that immigration officials have the authority to arrest Mr. and Mrs. Sanchez at any moment, in which case the parents will be detained, deported and possibly banned from ever petitioning for legal residency from abroad.

The Adjustment of Status process underscores one mechanism by which (despite being U.S. citizens) children of the undocumented bear the direct impact of immigration law themselves, even though, from a legal perspective, they are not the explicit targets of these laws. The irony of immigration policy is that it claims to prioritize family reunification while simultaneously rejecting that possibility for many mixed-status families. The legalization process itself flips anti-immigrant rhetoric about how undocumented immigrants birth “anchor babies” to legalize their own status (Chavez, 2020) on its head. Policymakers motivated by white supremacist ideals rely on such claims to promote policies that would eliminate birthright citizenship for all children born to undocumented parents (Chavez, 2020). Although this would require amending the Constitution and would be disastrous for generations, the arguments made in favor are premised on the idea that undocumented parents will automatically become U.S. citizens through their children and exhaust the country’s public resources. In reality, many U.S. citizen children do not qualify to legalize their parents, and even when they do qualify, they may not proceed because of the costly, burdensome and uncertain process. In this way, U.S.-citizen children with undocumented parents experience the collective penalty of immigration law that prevents them from exercising the right to protect their family. Moreover, in the process of blocking undocumented parents from pathways to legalization, youths’ futures are also obstructed.

Geographies of Fear

Geography and physical markers of deportability shape where undocumented immigrants and their U.S. citizen children can travel and limit movement to within certain geographic areas. Beyond ability to travel, immigration law governs movement through a geography of fear. For instance, the decision of whether or not to attend college, and if so, selecting an appropriate institution, is one of the most important in a young adult's life. Some students wish to attend colleges out-of-state or further upstate even, whereas others choose to stay close to home. While the college selection process typically depends on location, cost, prestige, and peer influence, for Latinos, unfamiliarity with the process coupled with familial responsibilities significantly influences the decision. The literature on higher education generally concludes that Latino parents, especially immigrant, Spanish-speaking, and working-class parents, are on average less familiar with college entrance requirements and college preparation in high school (Tornatzky et al., 2002). Furthermore, familial obligations make Latinos the most likely ethnic group to attend 2-year community colleges vs. a 4-year university (Desmond & Turley, 2009; Suarez-Orozco & Suarez-Orozco, 1995; Aud et al., 2010).

In addition to these factors, Latinos with undocumented parents face unique barriers when making a decision about college attendance. As this segment of the second-generation transitions into adulthood, they may be forced to undertake legal responsibilities for their families. Specifically, U.S.-citizens with undocumented parents serve as legal representatives for their parents and the subsequent responsibilities that come with this new role may limit their incorporation into the American mainstream. For instance, Natalia Castillo was a stellar high school student with possibilities of attending Ivy League and prestigious colleges across the country. During our interview she explained how her options for college attendance quickly shrank when considering her role in a mixed-status family:

I knew that going out of state [for college] was not an option for me. And even just like further down south [Orange and San Diego counties] which is not even far was not an option, because how was I going to come back? How were my parents going to visit me? We don't have a car. [The university] in Los Angeles was the closest. It was like, "Oh, there's a bus I can take."

While Natalia did attend a prestigious college her choice was ultimately motivated by a geography of fear. Through scholarship funding, she was able to afford living on campus during her four years in residence. Nevertheless, she felt a sense of duty to her family and would often spend weekday afternoons as well as weekends at her parents' home watching after her younger brother while her parents were at work. She explained: "things like [staying home] would definitely get in the way of my studying. But it's what you do. You're going to do it for your family. I can't say no to them." While family plays an important role in the Latino college selection process, and it is common for Latinos to select colleges close to home (Cerna et al., 2006), U.S. citizens with undocumented parents experience the additional burden of legal responsibility and sense of duty to protect their family. This group prioritize remaining in close geographic proximity to their parents as a precautionary measure. That is, in the event that immigration authorities show up to the family home or there is an encounter with law enforcement officials, they (a U.S. citizen) will either be present to handle the situation or arrive shortly after, speaking to the agent themselves and reminding parents of their rights. Geographies of fear therefore confine the mobility of the second-generation by forcing them to consider parental deportability when making both daily choices and major life decisions.

Amongst my sample, legal representation for the family also manifested in the form of assuming legal guardianship of younger siblings. For instance, Mateo Sanchez explained how his undocumented consciousness contributed to his knowledge about his role and responsibility in the family at a relatively young age:

I remember one time when we were younger and my dad, he kind of had this paranoia. He felt like he might get deported any second, I was like fourteen at the time. He woke me up in the middle of the night and he was like “hey I need to talk to you.” He said “if anything happens, you’re responsible for your sister. We’re going to make you her guardian so that you guys don’t get separated and also make your aunt both of your guardian just so that you guys won’t go into the foster care system.”

While teen boys may be concerned with video games, gaining acceptance by their peers and exploring sexuality and relationships, youth with undocumented parents shoulder considerable burdens. At just 14 years of age, Mateo was much too young to become a legal guardian, and his parents surely knew this, yet with an active order of removal against them, they took proactive measures and prepared him to take on such a responsibility as soon as he was legally eligible. While guardianship might have appeared symbolic if his parents were never actually deported, Mateo would become a proxy parent, responsible for signing documents and making decisions about his sister. Thus, in contrast to the newfound freedom that 18-year-olds typically experience Mateo was entrusted with keeping the family unit intact.

Eleven-year-old Ismael Diaz shared a similar story of guardianship. As the youngest of five siblings, Ismael was informed that in the event his parents were deported, he and his older brothers would remain in the care of his oldest sister while Mr. and Mrs. Diaz attempted to cross

back into the United States. Even if families had not taken the official step of going to a notary and transferring legal guardianship, each of my respondents mentioned this topic had at the very least been discussed on more than one occasion in their family, a painful yet necessary conversation to have.

Natalia, Mateo and Ismael's cases are just some examples of mechanisms by which U.S. citizens experience collective penalty in their lives. When questioned, Natalia admitted that immigration law influences her life in "every way." She mentioned: "If I need to assign an emergency contact, I put my parents down, but in the back of my head I'm like "what if I actually get in trouble and I place them in a situation they shouldn't be in." It's this constant worry." Providing a parent's contact info on an emergency card for employment purposes, school, or any activity comes as second nature to many, but for children with undocumented parents, this is not simply a mechanical selection, instead it's a calculated choice governed by fear.

The legal status vulnerability of a matriarch or patriarch also influences family relations. Esmeralda Gutierrez explained that both of her parents have sustained low wage jobs for decades, and discussed how the inability to access higher-paying employment opportunities influenced familial relations between herself and her parents:

[My parents] were hardly ever home. There wasn't really much like affectionate bonding. It was more like okay I'm home here's dinner now you sleep, and the same thing happens the next day. So, there was never time to go out to the movies, the park or even like do things as a family because both of them were always working.

Given their limited opportunities for hire (without proof of work authorization), Mr. and Mrs. Gutierrez could not access higher-paying jobs, which meant they had to work longer to make ends meet. As such, Esmeralda and her siblings were left alone for the greater part of the day and did not participate in family activities deemed traditional.

Natalia Castillo also lamented having few opportunities to bond with her parents as a result of their legal status vulnerability. She explained the discontent she feels over not being able to connect with her mother, Lucia, about her family in Mexico: “It’s something that you don’t talk about. For example, I can’t say, ‘Do you miss your mom,’ to my mom because what am I going to do about it? I can’t do anything. It’s simple conversations that I can’t have with my own parents.” Natalia felt as though there were certain topics that were completely off limits in the family. Whereas sharing personal stories and memories may bring family members closer, in her case, it may surface painful feelings of loss and sadness for Lucia. Natalia’s undocumented consciousness allows her then to connect with the grief Lucia carries because she has not been able to see her own mother in decades yet, leaves her at a loss for solutions. In turn, Natalia and Lucia’s own relationship is constrained.

The restrictive and unpredictable nature of immigration policy at the local, state, and federal level profoundly shape U.S. citizens’ ability to plan for the future. Ximena Reyes explained how having undocumented parents affects her future life prospects:

This might sound weird, but [my parents’ status] prevents me like from living my life, for example I would love to live in another city. I would love to move away and live out of state like a lot of people do when they’re young adults and trying to figure out what career path or whatever life they want. I feel like I have to limit my life in that sense. I have to think about my parents before I can think about myself.

Although adult children are not developmentally, economically or legally dependent on their parents as minor children are, they continue to be profoundly influenced by immigration law as they navigate young adulthood. As U.S. citizens transition into adulthood they become eligible to work and attend college and may no longer appear to be impacted by their parents' social instability. Yet immigration law still prohibits undocumented parents from fully providing for their families, and in many cases these families experience role reversals. The shifting responsibilities of parents as protectors onto older children as legal representatives of the household alter family dynamics in significant ways. In forcing youth to take on such familial roles, immigration law punishes and robs U.S.-citizens of pursuing their own short- and long-term aspirations, as Ximena articulates. Through this process of controlling undocumented persons' social mobility the state maintains social control over a much broader segment of the population. That is, beyond punishing the person who entered without authorization, these laws also impose collective penalty onto their U.S.-citizen children.

Fear: Anticipated and Indeterminate

The punishing nature of immigration policy coupled with heightened enforcement strategies have created a culture of fear and vulnerability among the immigrant population. Stress and fear of their legal status being "discovered" has forced undocumented persons to hide their status from employers, colleagues, neighbors and even close friends. Consequently, children born into mixed-status families grow up with the knowledge of their parents' unlawful presence in the country and share in the fear of a parents' status being discovered. Agustin, a 23-year-old

U.S. citizen from Los Angeles, CA. explains the strain he feels over the uncertainty of his family's future in the United States:

There's definitely a big baggage you are carrying on you. You're never safe. There was a time during the Bush presidency, I think, where raids were happening, and [ICE] was going to factories and stuff like that. I couldn't sit still at school. That's all I could think about, 'would my parents come back?' That's definitely something that differs from people who have parents with legal statuses.

Following the September 11 attacks on the U.S. the Bush administration emphasized border security and secured Congressional funding for the construction of 700 miles of fencing along the United States southern border in an effort to deter unauthorized migration. In addition, the administration created programs that facilitate data collection and information sharing among agencies with respect to international travelers and broadened the government's power to detain and deport immigrants. Attempts to exclude migrants, particularly those from the Caribbean, Central and South America have only been fortified since then. During the Trump administration (the period during which this research was conducted) both proposed and implemented policies that attempted to, on all fronts, dismantle the immigration system.

Within his first term in office, Trump passed restrictive immigration policies impacting persons who seek entry into the United States: he signed the Border Security and Immigration Enforcement Improvements Executive Action calling for the construction of a wall along the U.S.-Mexico border, and the construction of additional detention facilities to house individuals residing in or entering the U.S. without legal authorization; imposing a travel ban on nationals from six mostly-Muslim countries; and, in an effort to stifle the convoy of migrants from Central

America approaching the U.S. border, announced the Department of Justice's intent to prosecute parents who cross the U.S. border with their children and without documentation.

In addition to policies aimed at keeping immigrants from entering the U.S., Trump also impacted the lives of millions of persons, documented and undocumented, currently residing in the interior of the country. In January 2017 he signed the Enhancing Public Safety in the Interior of the United States executive order which penalizes sanctuary cities (cities that limit the enforcement and prosecution of federal immigration laws) by making them ineligible for federal grants. Later that year he revoked Temporary Protected Status for several countries and rescinded the Deferred Action for Childhood Arrivals (DACA) program. In June 2020, the U.S. Supreme Court ruled DACA must remain in place, but left the door open for this administration to pursue new legal grounds for termination. Lastly, in April of 2020, disguised as a preventative measure against the spread of covid-19, Trump announced his intent to sign an executive order to suspend all immigration into the United States. During such ban, virtually all parents and adult children of U.S. citizens, spouses, and children of legal permanent residents, as well as applicants for most employment-based visas would not be able to obtain permission to enter the United States. These are only a few examples of the ways in which the current federal administration has worked to exclude immigrants from residing in the United States in the last four years—though each has been met with legal challenges and battled in courts. The punishments imposed on undocumented immigrants and the legal efforts to exclude them from society are also deeply felt by their American-born children.

The current immigration enforcement regime is a product of structural and systemic racism (Bonilla-Silva, 1997; Feagin, 2006). As Aranda and Vaquera (2015) argue: “[the immigration regime] relies on racist discursive practices and racial profiling to criminalize

immigrant populations, even though the mechanisms by which this occurs claim to be race-neutral, or colorblind (Bonilla-Silva, 2015).” Indeed, although persons from all across the globe make up the undocumented population in the United States, a majority of this sub-population migrate from Latin American countries (Clark et al., 2017). Therefore, changes in immigration policies will have a disproportionate impact on the Latino community.

Punitive actions against the Latino community have not gone unnoticed among immigrants and their families. Olivia, 20, a U.S. citizen from San Diego, CA., remembers crying alongside her family on election night in 2016. Trump ran on a campaign that portrayed all Latinos, regardless of nationality or legal status, in a negative light, and promised to build an impenetrable wall along the U.S.-Mexico border to “keep them out.” His ascension to the presidency signaled the beginning of a new era shaped by uncertainty, fear, and danger for all immigrants and Latinos in the United States.

The rhetoric and policies of the Trump administration significantly influence the lives of undocumented immigrants and their families. In July 2019, the Trump administration threatened massive raids in cities across the country where a large population of immigrants reside sending many into hiding. Residents in Los Angeles reported seeing fewer people out on the streets and empty Guatemalan and Salvadoran bakeries; in Santa Ana, California street vendors reported bleak sales along “Calle Cuatro”—a vibrant community where immigrants work, play music, eat, and shop was suddenly emptied. Normalcy became illegality. Although these large-scale raids did not materialize to the extent of the threat, one community was not so lucky. In August of 2019, federal agents launched a coordinated sting in Mississippi where nearly 700 immigrants believed to be working without legal documentation were apprehended. The children of the

poultry plant workers were temporarily left with friends, neighbors and, in some instances, strangers to care for them as they stressed about when they would see their parents again.

Announcement of raids and broadcasts of immigration enforcement activity paralyze families who are terrified of immigration agents showing up at their homes or places of employment. Twenty-eight-year old Esmeralda explained the elevated tension and anxiety that is felt in the community when enforcement actions are announced: “people become stressed; they don’t even want to leave their house. And then that unfolds into other things, if you don’t work you don’t pay the rent. If you don’t work, you don’t pay for food. If you don’t work, you don’t pay for other things that are needed.”

Even though fear of apprehension has existed in the undocumented community for decades, as Agustin alluded to earlier, the visibility of ICE in communities has increased. Leo, a 24-year-old U.S. citizen from San Diego, CA. has witnessed a heightened yet subtle presence of immigration agents in his neighborhood in the last couple of years—cruising in unmarked cars without identification. The make and model of these vehicles typically signals possible law enforcement presence, and he agrees that the community has been made aware that these unmarked cars are driven by law enforcement officials and to stay away.

Immigration arrests and videos of forced familial separation have also surfaced on the web. Social media platforms that did not exist 20 years ago are popular today and allow images, videos, and news to spread much more quickly and to a younger audience. Indeed, many respondents compared their own childhood to their siblings’ and lamented that their younger brothers and sisters have to grow up in an era of increased law enforcement visibility and violations of human rights beyond their immediate communities. Many pointed to the fact that while they themselves were aware of the significance of a parent’s legal status from a young age,

and while there was a persistent fear of familial separation, detention, and deportation, families being ripped apart were not portrayed in the media to the degree they are today.

Social media allows the spread of news instantaneously, and recordings of parents being arrested in front of their children have gone viral. In 2017, a video surfaced on social media and news platforms of ICE arresting a father while driving his child to school. The video was captured by his 13-year-old daughter who is heard weeping inconsolably in the backseat of the car. In 2019, a picture surfaced of a father and infant daughter who drowned attempting to cross into the United States to claim asylum from El Salvador. While the pair made it across the Rio Grande on their first attempt, the father swam back into the river to help his wife across at which point the infant ran to him and was swept away by the strong current. The father dove after her, but both were ultimately dragged away by the strong tide. The image was circulated widely and propelled conversations about the human toll of immigration policies. Images of families forcibly torn apart and videos of ICE agents harassing immigrants who refuse to open the door to their homes or step out of their vehicles (a constitutional right, unless the officer has a search warrant signed by a judge, which in most cases ICE does not), are a common occurrence now. Children with undocumented parents are therefore exposed to the deep penalties of immigration policy and come to understand the implications of parental legal status vulnerability.

All participants reported experiencing increased levels of pre-existing concern over ICE encounters and deportation since the Trump administration. Given the intensification of immigration enforcement, U.S. citizenship, not simply legal status, is now regarded as the only true form of protection—though even in some cases, that is not considered enough.¹⁰

¹⁰ There have been cases of ICE wrongfully identifying, detaining and deporting (or attempting to deport) U.S. citizens the agency believes are not actually citizens. See: <https://www.rstreet.org/2020/01/30/the-deportation-of-us-citizens-is-an-affront-to-the-constitution/>

Furthermore, misconceptions about immigrants' rights can lead youth to remain fearful even after a parent adjusts their status. For instance, Olivia, a 20-year-old U.S. citizen from San Bernardino, CA. shared that as the youngest of six children, her family shielded her from the truth about their parents' legal status for most of her childhood. Although both her parents have now obtained legal status, she is unsure exactly what status they currently have and how they got it. She explained: "Luckily, nothing has happened to my dad, but you hear so many stories on social media. It gives you goosebumps. I can't imagine that. Losing my parents is something unthinkable." Based on the information provided during the interview, it is likely that one of Olivia's older siblings adjusted her parents' status upon turning 21. Nonetheless, his status as a noncitizen still frightens her, pointing to the incomplete protection experienced by even documented immigrants and their families.

When Fear Materializes: "Voluntary" Reverse Migration

For some families, the impending fear and threat of apprehension is too great to bear and forces them to voluntarily reverse migrate from the United States, sometimes taking their U.S.-born children with them. This was the case with the Martinez family. Camila Martinez is a 25-year old U.S. citizen born and raised in San Diego, CA and the daughter of Mexican nationals Jesus and Guadalupe. In 2009, after living in the United States for 15 years Mr. and Mrs. Martinez decided to voluntarily return to Mexico. When asked what the key factor driving her parents' decision was, Camila recalled: "I feel like their routine was literally killing them." In the United States, Jesus worked three jobs to get by and lamented the inability to improve his family's socioeconomic status. Convinced there would be better economic opportunities in his native country, Jesus relocated his entire family to Mexico when Camila was in high school.

During the first few years, the Martinezes successfully set up small businesses to generate income. For instance, residents in their rural town had trouble accessing basic resources such as electricity and clean drinking water. Eyeing an opportunity to make profit, Jesus built a well on his property (where his nursery business was flourishing) from which to sell pure drinking water. In addition, Camila's parents generated revenue from buying real estate and renting out apartments and homes in a metropolis near two major universities to college students. For a while, the Martinez family was economically thriving off of their multiple businesses. Then, suddenly, personal problems surfaced, the parents separated, and Jesus found himself unable to put food on the table. At the time, Camila had just turned eighteen and realized that her only way out of this economic crisis was to move back to the United States and enroll in college; she returned to California without her family.

When Camila attempted to enroll in college, she was met with a series of obstacles. Although she was a U.S. citizen, her high school education had been completed outside of the U.S. and she had not yet established residency in California (or San Diego county) at the time she applied. This placed her at the bottom of the priority list for admissions and made her ineligible for tuition waivers at the community colleges. In the following years when she had accumulated the credits to transfer to a four-year institution, Camila was informed of a University of California bylaw that uniformly categorizes all applicants under the age of twenty-four as dependents and requires them to present their parents' tax information, regardless of whether or not the student claims independent on their own tax returns. Once again, she faced issues with accessing higher education. Noting her parents' messy financial situation in Mexico, Camila was unable to provide this information and after frustration with the bureaucracy decided instead to apply to a different institution.

Even when students come from a low socioeconomic status background, they may count on their parents from time to time for money to buy groceries, enjoy a home cooked meal on visits or do their laundry at home for free. Camila did not have these options. Her family could not provide material support; quite the contrary, she sent her mother money whenever she could—though she notes it was not as frequent as she'd like. Due to the geographic and legal boundaries between them, Camila's parent literally could not even embrace her in moments of need. Despite the odds, in 2019 Camila received her bachelor's degree in psychology and has plans to pursue a medical degree in the near future. When we spoke in December of that year, she was planning a reunion trip with her family—that, she said, would be her true graduation celebration.

The loss of a traditional family structure and gender roles has left Camila vulnerable to gendered experiences across institutions in the United States. As a waitress at a Mexican restaurant, Camila is outnumbered by her Latino male co-workers, 99 percent of which she reports are undocumented. Given these demographics (and the flirtatious manner in which she has observed male employees speak to women in the vicinity), Camila is overly cautious about the information she shares with her coworkers about her family. When asked about where her family live, work or anything that might provide too much detail about their whereabouts, Camila gives vague answers and hides the fact that they are living in Mexico. She admitted that keeping the truth hidden was a safety mechanism. "I developed a survival mindset, a cunningness for deceit" she explained. The experiences that Camila has had to navigate in her transition to adulthood have contributed to her undocumented consciousness. Not only is she guarded about disclosing her parents' legal status history, but she is also weary of the physical harm that might come to her if others find out about her familial situation. While she did have

extended family members in the San Diego region, the loss of a patriarchal nuclear family threatened her safety. She worried that if men found out that she was living alone, without the protection of her parents in this country, they would take advantage of her.

Camila reports that she suffers from severe anxiety and minor depression related to familial separation. This is further compounded by the legal responsibility she bears for her mother's immigration case. When she was first consulting with immigration attorneys about legal avenues for her mother to live in the United States, Camila was informed that to sponsor Guadalupe she would have to meet an income threshold to prove she could financially support her until Guadalupe was legally able to work in the United States. While she clocked in close to 30 hours a week (a substantial amount for a full-time student) Camila did not meet the minimum qualifications and could not take on additional employment without interrupting her coursework. Consequently, she sought support from an uncle to co-sponsor Guadalupe. Soon enough, the stress of the process became too burdensome and manifested in very physical ways for Camila. On one occasion, she suffered a panic attack during a chemistry class. She recalls feeling severe chest pain and having trouble controlling her breathing. When she managed to see a physician, Camila was told that her body was physically manifesting the stress she felt of being separated from her family and being responsible for handling her mother's legal case. To avoid feeling sad and lonely, Camila had cut off frequent communication with her loved ones and did not visit them in Mexico for a period of nearly seven years. Instead, she had kept herself occupied with school, work and her mother's case. At last, the stress became too much to bear and her body called out for attention. Camila now attends therapy regularly and has developed coping strategies to manage her anxiety.

Camila's case highlights the powerful ways in which the nature of punitive immigration policies tear families apart and imposes collective penalty onto U.S. citizens. While neither Mr. nor Mrs. Martinez were technically deported, their blocked access to incorporation into the U.S. mainstream forced them out of the country leaving them to raise their U.S.-citizen children in a foreign land. In Mexico, Camila was thrust into an unfamiliar education system in a language that she spoke but had never been taught in. And while better economic opportunities motivated the return to Mexico, the Martinez family soon experienced the realities of living in a developing country. As an immigrant in Mexico coming of age and realizing what her own prospects were if she remained there, Camila made the decision to return to the United States in hopes of improving both her own and her family's lives—a decision many immigrants are forced to make themselves.

Camila's case illustrates how immigration policy impacts U.S. citizen children in similar ways as it does their undocumented parents. Upon return to the United States, Camila tried to incorporate herself, but faced barriers in accessing higher education, housing and other formal institutions in similar ways as undocumented persons do. Although the circumstances surrounding Camila's obstacles to incorporation compared to an undocumented person's might be distinctly motivated, the outcome was the same: blocked pathways of integration. Thus, not only are immigrant integration efforts disrupted by the policing of undocumented bodies, but the second-generation itself is experiencing the effects of punitive immigration enforcement as they are treated like foreigners in their country of birth. They are disqualified from resources and face barriers to accessing formal institutions that traditionally propel social mobility.

Camila was not an isolated case of reverse migration in my sample. Diego Suarez also spent a period of his childhood living in Mexico as a result of punitive immigration laws that

pushed his family out of the United States. Diego and his family moved from Orange County, California to Guerrero, Mexico for a period of about 18 months during the early 1990's. The fear of apprehension by immigration authorities had overpowered his mother, Marina, who ultimately convinced her husband Pablo to move back to Mexico. The Suarezes settled into their new lives in Mexico and the children who were still young enough to acquire the language adjusted easily. As time came for Diego and his sister to begin their formal schooling, Pablo convinced Marina that the children would benefit far more from an education in the United States. Reluctant to return without authorization, Marina ultimately agreed that this was the best decision for her children and the family returned to California.

Pablo (a legal permanent resident), Diego and his sister, crossed the U.S.-Mexico border into San Diego by car. Marina, who did not have legal status, had no choice but to hire a coyote to smuggle her across. As is common, she was apprehended on her first attempt and it took six months to raise additional funds for a coyote to attempt a second crossing before the family was finally reunited in the United States. Diego mentioned that he barely recognized his mother when he saw her for the first time after this separation. She had shorter hair—which he claims was a result of a border agent pulling out her tresses on the first crossing attempt—and was much thinner. Once again, immigration policy succeeded in violently separating a U.S. citizen (Diego) from his loved one (mother) at a crucial developmental phase in his life and forced him to suffer the consequences of his mother's illegality.

The current Immigration and Customs Enforcement apparatus does not have the resources or manpower to detain and deport all undocumented persons in the U.S.; yet, as we have seen here, it does not need it. When policies and practices threaten to expel an

undocumented family member, entire families are impacted as parents may be forced to uproot their children from the only cultural, linguistic, and social environment they've ever known.

Parental Detention

In fiscal year 2019, the United States imprisoned over half a million noncitizens in immigration detention facilities nationwide. On any given day, more than 50,000 individuals languish in detention facilities at a cost of \$3.2 billion annually or \$126 per detainee, per day (Detention Watch Network, 2019). A study by the Mexican government found that over 15% of Mexicans deported from the interior of the United States were detained for more than one year prior to deportation, half of whom were held for more than three years (Bermudez, 2015). Latinos are disproportionately represented in detention facilities across the nation. According to one organization, a significant majority of immigrant detainees are nationals of three Latin American countries: Mexico, Guatemala and El Salvador (Global Detention Project, 2016). For undocumented immigrants, any encounter with law enforcement, whether or not for a criminal offense, may expose them to the detention-to-deportation pipeline. Due in part to the criminalization of migration today it is possible for undocumented persons to be stopped by law enforcement for traffic violations (e.g., improper lane change, broken taillight) and that initial contact with police (albeit a non-serious one) may trigger deportation proceedings.

Once an individual is taken into custody, the threat of deportation shifts from *if* someone will be caught to *when* a deportation may occur. The Garcia family's case highlights how racialized immigration policing within the interior of the country has profoundly impacted Latino mixed-status families. For Dulce Garcia and her loved ones, troubles with the deportation regime began in 2017 when her father Roberto was apprehended by ICE at an immigration checkpoint in

southern California. The circumstances surrounding the arrest are suspicious. Dulce's older brother Carlos was driving on the freeway with Roberto in the passenger's seat when an immigration agent pulled them over under the pretense of driving with a broken taillight and not having an up-to-date smog check. Dulce asserts this is unlikely because her brother stringently kept up with the maintenance of each family member's vehicle. Carlos, a U.S. citizen, presented a valid driver's license, car registration and proof of insurance, then, the officer turned to Roberto. When asked to show proof of identification Roberto also presented a California driver's license—which undocumented immigrants in California are eligible to obtain. Upon failure to provide additional proof of legal residency, he was arrested. In the state of California, police officers are not allowed to ask about immigration status during a routine stop, however, because it was an immigration agent who pulled them over and made the inquiry, the arrest was lawful.

When Carlos returned home and explained to the family what had happened, they were in shock and entered a period of disorientation (why did this happen, how did this happen) and uncertainty (where is Roberto, how do we get in contact with him, how do we get him out). In the aftermath of the arrest, the Garcia's had a difficult time trying to locate Roberto. Given that immigration violations are civil offenses and handled by the federal government detainees may be confined in any ICE detention facility scattered across the country, they do not need to remain in the state they currently reside in. After days of searching, the Garcia's eventually found him in the system; he had been taken to a private detention facility in California, then transferred to Texas and onto New Mexico in the span of one week. Once they located him, the Garcia's had no clear idea of how to get in contact with Roberto. Dulce and her siblings learned to navigate the process of depositing money on his account so that he could communicate with them, but this too was a difficult task given that they didn't know if or where he had been moved. "You hear all

these stories about so-and-so's husband getting detained" said Dulce, "but when it happens to you, you are confused, you don't know what to do."

Following the initial shock and trauma of his imprisonment, the Garcia's experienced financial strain. Dulce described her father as a hard-working entrepreneur. Finding work as a landscaper shortly after arriving to the U.S., Roberto eventually learned the trade well enough to establish his own landscaping business and move his family to a nicer area in San Diego county. Aside from his full-time employment as a landscaper, he earned other income from side gigs DJing at private events and his party rental business. When he was arrested, the family took a significant financial hit. In addition to the loss of income, expenses for collect calls, attorney fees, and other detention-related needs accumulated and competed with covering basic household needs.

The Garcia's experienced first-hand the precarity of the deportation regime. Immigration cases are adjudicated under civil law meaning detainees do not have access to many of the basic constitutional protections available to individuals experiencing other types of formal state sanctioning (e.g., court sponsored counsel). Consequently, like many others, they were scammed by the first attorney they hired. This individual demanded a \$2,000 retainer fee and according to Dulce "disappeared" after receiving the payment. Hearing about success stories from others on the inside, Roberto obtained the contact information of another, trustworthy, attorney and urged his family to hire him—which they did. After 40 days in custody, the second attorney succeeded in getting Roberto released from detention on bond.¹¹ Fearful that the judge would change his

¹¹ In immigration court, a bond is a guarantee to the government that, if released from detention, the immigrant will attend all hearings and obey the judge's order at the end of the case. Bond amounts vary and judge's may be ordered by law to set a minimum or maximum bond amount contingent upon the person's history or judges may exercise discretion in setting and granting bond. One study of immigration bond hearings in southern California reported bond amounts ranging from \$10,667 to \$80,500, with an average of \$30,000 (See Ryo 2016).

mind about releasing him, Roberto insisted the family drive up right away. The two oldest Garcia children pooled their savings together to come up with the \$5,000 bond the judge set, then, drove to New Mexico that same evening to post bond first thing the next morning. Of particular importance, release from detention does not mean someone has won their case, nor that they have gained legal residency. Instead, those who are granted bond¹² have the opportunity to fight their case outside of confinement. Oftentimes they must comply with reporting procedures to ensure they do not abscond.¹³ This leaves families in a state of uncertainty and fearful about the future. More explicitly, aggressive immigration enforcement yields detrimental collective penalty onto the U.S. born children of undocumented immigrants.

Prior research has extensively shown that detention facilities have a toxic culture (Amnesty International, 2009; Hereen, 2010; Bosworth, 2014; García Hernández, 2014). Guards inside detention centers have been known to harass detainees, make living conditions deplorable and use intimidation tactics to have them “self deport”—give up their right to due process and sign a legal document saying they will “voluntarily” leave the country. Per Dulce’s account, when Roberto returned home, he was noticeably underweight and emotionally affected. While confined, Roberto supported other detainees who were not fluent in English and encouraged his comrades to stand up against abuse from the guards. As consequence, he was locked in solitary confinement for nine days without social contact. His only solace was the daily phone call he

¹² To be granted bond in the immigration system, detainees must prove they are neither a danger to society nor a flight risk. One typically proves this through showing ties to community (e.g., family—spouse, children; continual employment; and a stable place of residence). Also note, bond is not categorically available to all detainees. Immigrants may be subject to mandatory detention based on certain criminal convictions.

¹³ Post-release from detention, noncitizens may be subjected to electronic monitoring or other types of supervision and reporting requirements including periodic check-ins with an immigration officer.

could place to his family. Now that he is out, Roberto rarely talks about his time behind bars, but the family can tell he suffered immensely.

Although they were not incarcerated themselves, the Garcia children also felt the effects of their father's confinement. Dulce explained that on the first day of his detention the family tried to keep up a façade for the youngest sibling. They cooked spaghetti for dinner, ate as a family and went about their day calmly. Dulce's mother, Adeleida, who is also undocumented, instructed the older children not to cry and to be strong. As night fell and everyone went to sleep, Dulce could not hold her emotions in any longer and began weeping. She recalls her older sister scolding her and reminding her that their dad would not want to see them crying and that she needed to be strong. Dulce never disclosed her father's detention to friends or anyone outside of the immediate family. "It's not a topic that I let anyone know about" she says. Parental confinement and the potential of permanent familial separation via deportation is not a conversation you simply happen upon with a co-worker or colleague; the matter is highly personal and may have grave consequences.

Upon Roberto's release, the family had to switch attorneys yet again and motion to have the case transferred from New Mexico to California where he lives. The first hearing in removal proceedings before an immigration judge is referred to as a master calendar hearing. During this time, serious substantive decisions can be made in an immigrant's removal case. The immigrant, and if retained, his attorney, must be well prepared and present a strong legal argument for why the petitioner should be allowed to remain in the United States. In Roberto's case, the judge granted the attorney's request for an extension, giving counsel additional time to prepare.

At the second court appearance, the family packed the court to show their support for Roberto. His attorney, as perceived by the Garcia's, came well organized and argued before the

court that Roberto should be eligible to remain in the country because he had no criminal record, had continuously lived in the United States for over 10 years and had four U.S.-born children. The attorney also highlighted that Roberto's youngest son suffers from a speech impediment and would be deeply emotionally distressed if his father were deported. To their dismay, despite the attorney's vehement fight, the immigration judge denied the petition and issued an order of removal in September 2019. At the time of the interview, three months later, Dulce explained that Roberto had appealed the ruling and was awaiting a final decision from the Board of Immigration Appeals. Should the appeal be denied, and the previous judge's decision upheld, Roberto's order of removal will be reinstated, and he will be required to leave the country in which he has lived for decades. His family will be permanently disintegrated.

Prior to the appeal and under the advice of their legal counsel, the Garcia's began the Adjustment of Status process—Dulce's eldest sister has formally petitioned to sponsor Roberto for legal permanent residency. They have seemingly exhausted legal avenues and are racing against time to prevent his exile from the United States. The fear of being torn apart impedes the Garcia's from discussing future plans including graduation celebrations and holiday gatherings. Nor have they deliberated what will happen in the event Roberto is deported (e.g., will his wife return to Mexico with him, will the youngest child stay in the U.S. or leave with his parents). "We don't talk about it," says Dulce, "unless something related to the case comes in the mail, we don't mention deportation."

The Garcia family's case study brings to light the process by which U.S. citizens endure collective penalty when a parent is detained by immigration authorities. The pains of imprisonment and fear of deportation experienced by detainees is not contained but, rather, transcends the physical walls of detention facilities producing short- and long-term collective

penalties for their families. A parent's arrest yields immediate emotional and financial consequences for the entire family. Yet, these consequences persist even after a loved one's release on bond. After years of purposefully evading contact with law enforcement and surveilling institutions that might ask for proof of residency, Roberto's information is now in the hands of the federal government. Evasion is no longer an option. While the threat of deportation has always been present, the possibility is now intensified. Any day a call can come that the appeal has been denied and that her father must leave the country.

Participants whose parents had been detained reported higher levels of stress and anxiety. Jasmine Rodriguez whose parents were both detained for several months was diagnosed with clinical depression, post-traumatic stress disorder and insomnia. The psychosocial stressors associated with her parents' ongoing case exacerbate her symptoms. She is taking medication and attending therapy to address her psychological wellbeing. Parental legal status vulnerability may thus be contributing to health inequality among U.S. citizens. By controlling whether or not their parents will be able to remain in the U.S. with their children, U.S. immigration policy is also governing youth's ability to carry on with their lives. They are in a suspended state of limbo. As the oldest of four children, Jasmine is keenly aware of the responsibility she will need to take on if her parents are deported, and what that may mean for her own prospects of pursuing graduate education. The looming threat of parental deportation that becomes more real after direct contact with the legal system exacerbates respondents' mental health and highlights the collective penalty that state legal violence can inflict on the psychosocial functioning of the second-generation.

Deporting the American Dream

Trauma and material hardships are also felt by families who live through a parental deportation. Forced removals add long-term uncertainty and can significantly restructure immigrant families (Menjívar et al., 2016). This much is represented in the case of Leo Gomez, a 24-year-old San Diego county native, who has suffered parental deportation twice. When Leo was a freshman in high school, his father, Francisco, was approached by immigration authorities for questioning one morning on his way to work. After failing to provide proof of legal residency, authorities apprehended Francisco and took him into custody. This was not Francisco's first encounter with immigration officials. More than a decade prior, he had been apprehended and held in a detention center for months before signing an order of *voluntary* deportation; at the time, Francisco was deported to Mexico but reentered to the U.S. without authorization soon after. Given his knowledge of the detention experience, the second time around, Francisco signed an order of deportation immediately to avoid prolonged confinement.

During Francisco's absence, Leo and his family experienced economic hardships. Lacking the income to cover mortgage payments and bills, he, his mother and sister moved in with Leo's aunt and saved money by cutting back on dining out and shopping. Also during this time, Leo was consumed by anger about his father's deportation and began displaying major behavioral problems. His anger and aggression had escalated so much so that he was transferred to a continuation school. Unfortunately, Leo's behavior worsened; he was only at the continuation school for a couple months when a fight broke out between himself and another student and Leo was expelled. He shared his frustration at the fact that his mother, a monolingual Spanish-speaking immigrant, was called in for a meeting with school personnel without an interpreter present and asked to sign a consent to expulsion. "She was left with no resources to fight for her child," he lamented. Leo was home schooled throughout his junior year of high

school before he accumulated enough credits to return to an accredited high school for his senior year and on-time graduation.

After almost a year of exile, Francisco once again crossed back into the United States without inspection. Unfortunately for him and his family, because he is in violation of two deportations, he has technically committed a felonious act. If his presence is ever detected, Francisco can be imprisoned in a federal penitentiary and deported once again after completing his sentence. Given the circumstances, he has no legal means of adjusting his status.

Latino men have been the targets of deportation policy in the past thirty years (Golash-Boza, 2015). When, as happens often, the deportee is a breadwinner, his removal significantly shifts family dynamics and imposes economic stress on the family. In this way, those responsible for immigration policing efforts are fully cognizant that they are targeting heads of households and that non-undocumented family members suffer the same punishments collectively. Leo's narrative is emblematic of this. Psychosocial stressors associated with parental deportation may compromise the mental health of U.S.-citizen children with undocumented parents. In fact, it is only after uprooting his entire life (loss of a father-figure, loss of his childhood home, change in daily routine) that Leo began displaying signs of aggression. Unquestionably, Leo experienced similar disciplinary measures (exile and confinement—in his home rather than a prison) as his father by institutions who deemed him a threat (schools). While the circumstances leading to Francisco's deportation are different than those leading to Leo's expulsion from school, ultimately both son and father were formally excluded from institutions and faced barriers to reintegration. Similarly to how the U.S. immigration system failed to consider that Francisco was the breadwinner of a four-member family who depended on him, school officials were unwilling to work with Leo and address the root of his aggression, writing him off as a problematic student

instead and excluding him from participation in their institute. In this way, schools, as do other institutions, sustain the punitive nature of the immigration system.

Exiling Citizens

Experiences of familial separation imposed by immigration policy differ based on multiple factors. The case of the Vazquez family provides a compelling illustration of how forced familial separation impacts all members of mixed-status families, regardless of individual citizenship or legal status. The Vazquez family is comprised of parents Alejandro and Esperanza and their three children: Alex (age 24), Jessica (16), and Mia (14). Alejandro is undocumented and Esperanza and the three children are native-born U.S. citizens. The Vazquez family's troubles with immigration began in 2007, when Alejandro was forced to comply with a *voluntary* departure from the U.S., though his problems with immigration began a decade earlier. Alejandro migrated to the U.S. in the 1990's and at some point he was found to be using false documents to work. At the time, he was issued an order of removal with which he never complied. Years later, he met and married Esperanza, and a year into the marriage the couple decided to find legal means of adjusting Alejandro's status. In September of 2007, Esperanza and her husband were officially notified by the United States Citizenship and Immigration Services, and the family attorney, that within thirty days, Alejandro would have to comply with a voluntary deportation and that it was not determined how long he would have to be out of the country. On November 1, 2007, the family travelled to Mexico to get Alejandro settled into his parents' home. The couple decided that their two young daughters (ages two and four at the time) would remain in Mexico for a time, where Alejandro's parents could help raise the girls

while Esperanza and their 11-year-old son would remain in the U.S. and visit Mexico regularly. Financially, two persons travelling would be less of an economic strain on the family.

The separation undeniably disrupted the family structure and dynamics. The girls, the youngest of whom was still an infant at the time and used to sleeping with her mother, went from living in a two-parent household to adopting a pseudo mother (via their paternal grandmother). For Esperanza, who was used to cooking meals, caring after the children, and performing other so-called motherly duties, the separation was emotionally painful. Alex had a particularly difficult time living in a single parent home. He exhibited behavioral issues including anger and resentment towards Esperanza. Despite the setbacks, Esperanza tried her best to stay involved in all of her children's lives travelling to Mexico every 2-3 months and celebrating major holidays and birthdays with them. Unfortunately, maintaining two families afloat soon proved financially draining. Esperanza was facing foreclosure and by prioritizing mortgage payments, other essentials went unpaid; she had the water shut off and her car repossessed. She purchased a beat-up vehicle without insurance which then led to her license being revoked. During this time Esperanza had to take on a second job, leaving her son home alone for extended periods of time. Alex's behaviors became significantly uncontrollable that eventually the parents decided it was best for Alex to join his father and sisters in Mexico.

Upon arrival, Alex began his seventh grade school year but faced barriers integrating into a monolingual Spanish-language and foreign education system. He went from a straight A student to barely pulling average grades. After a few months, the couple decided it was best for all the children to return to the U.S., so that Alex's academics wouldn't continue to suffer, and the younger daughters could integrate into the American school system much smoother. Not long

after, Esperanza's husband's application was approved, and he was granted legal permanent residency in the United States; the family was finally reunited in 2009.

The Vazquez family was the only case in this study that ended in family reunification via legal means. With the return of her husband as a legal permanent resident, the Vazquezes had the opportunity to improve their financial, housing, and overall wellbeing no longer looking over their shoulder fearful of immigration agents. Of course, this was not without consequence. When Esperanza's children returned to the U.S., Alex transitioned smoothly, excelling both academically and socially; the girls, on the other hand, faced unique barriers. As monolingual Spanish speakers, Esperanza's daughters felt like outsiders in their home country as they had lost their English-language skills in Mexico. She recalls Jessica and Mia socially isolating themselves from other children because of the language barrier. Due to their lack of fluency in English both girls were registered for bilingual education from kindergarten up until the third grade.

The Vazquez family's case calls attention to the negative effects of state legal violence on entire family units. In losing Alejandro, the family dynamics were completely disrupted. Esperanza became a single parent and breadwinner and she no longer counted on a second steady income; in addition, she accumulated travel-related expenses, struggled with making ends meet, and was forced to give up her ability to parent her two daughters for period of their early development. Gendered expectations that mothers must be physically close to children and provide their daily care contributed to her oldest son's behavioral issues and misplaced resentment. Although the couple decided together that the girls should stay with their father, ultimately the familial separation was forced upon them by racialized legal structures and actors that determine who "deserves" to be in the United States.

By excluding parents from opportunities for relief and forcing familial separation (for an indeterminate period of time, or permanently) immigration laws are destroying the very families they claim to be protecting. Today, mere traffic violations, not serious or violent criminal acts, are sufficient to trigger deportation proceedings. For the families presented in this chapter who experienced the detention or deportation of a loved one, deportation proceedings were each time triggered by contact with law enforcement, not by criminal activity per se. In the cases where families reverse migrated, the mere threat of apprehension by immigration authorities was so great that U.S. citizen children in mixed-status families were all but stripped of their citizenship upon relocating to Mexico with their parents.

Camila and Diego's cases powerfully depict how fear of apprehension significantly influences the experiences of U.S. citizens growing up in mixed-status families. Through their stories, the collective penalty of a parent's legal status vulnerability comes to light. Frustrated by blocked pathways towards integration and fearful of being caught, parents may decide to uproot their entire lives, U.S. citizen children in tow. In doing so, they become immigrants in foreign lands, giving up the benefits, resources and privileges of U.S. citizenship. Dulce, Jasmine, Leo and Esperanza's stories deliver a compellingly account of the anguish families endure when an undocumented parent is "caught" and placed in deportation proceedings. Detention increases the probability of deportation and families who once lived under the radar and evaded surveilling institutions are suddenly exposed and racing against the clock to prevent the expulsion of a loved one. Only in very few cases is the outcome of family reunification by legal means achieved as was the case with the Vazquezes. Instead, most families lose their legal battle and are permanently disintegrated via deportation. All of these case studies draw attention to the fact that far from unintended, the consequences of immigration policy and enforcement practices are a

calculated effort to expel entire categories of noncitizens from legal means of entering the United States and then punishing those who do manage to enter without authorization by all but eliminating opportunities for legalization. The power of the U.S. immigration regime therefore lies in its ability to systematically exclude generations of Americans.

Discussion and Conclusion

This chapter analyzes the experiences of exclusion inflicted onto U.S. citizen children by punitive immigration structures that criminalize their parents' very existence in the United States and block their opportunities for integration. I develop the analytical lens of *collective penalty* to show how parental legal status vulnerability transcends spatial and temporal dimensions and harms U.S. citizens who should be protected by their birthright status. Collective penalty occurs when the adverse effects of parental illegality extends beyond the individual and impacts their U.S. citizen children. In doing so, I argue, U.S. immigration policies *purposefully* widen the scope of who will ultimately be impacted.

The findings presented in this chapter provide new insight into the unique consequences of punitive immigration policy and enforcement activity on mixed-status families. Contrary to public and political rhetoric about undocumented parents birthing children across the U.S. border to punch their ticket towards U.S. citizenship, an analysis of the legalization process reveals very few families actually have access to this path. The fear of deportation that looms over undocumented parents can be destabilizing, and in the most severe cases, force parents to return to their countries of origin, U.S. children in tow, or rip families apart through detention and deportation policing apparatuses. Through case studies of U.S. citizens growing up in mixed-status families, I show the mechanisms by which immigration law negatively influences life

outcomes of not only undocumented immigrants, but their U.S.-born children as well. In doing so, the second-generation are excluded from institutions, programs, experiences, and the overall social fabric of society in ways similar to their undocumented parents.

The contributions of this chapter are threefold. First, I argue that although immigration laws seemingly appears to target the individual, they are in fact written, interpreted, and enforced in a way that systematically excludes entire groups that are already marginalized. Over four million undocumented immigrants, the majority of them men from Latin America, have been deported from the United States since 1997, a practice that Golash-Boza and Hondagneu-Sotelo (2013) term the “racial removal program.” Furthermore, while immigration laws are written with the goal of barring undocumented persons from the formal labor sector, access to welfare services, and to deter immigrants from entering the U.S. without authorization altogether, the impacts are thus structural in nature, not unintended, and yield negative consequences for U.S. citizen family members connected to the undocumented immigrant. There is extant literature suggesting that today’s undocumented population living in the U.S. have ties to the community, contribute to the economy, and are parents to American citizens. To deny them opportunities for integration is structurally exacerbating inequalities onto the broader Latino population.

Second, immigration policy disrupts traditional “American” familial roles. As youth transition into adulthood themselves and are no longer legally dependent on their parents, the punishment of living in a mixed-status family not only persists, but in some cases intensifies. As adults, U.S. citizen children with undocumented parents experience a shift in responsibilities as they become the family member responsible for keeping the family intact. In a catch-22, parents are legally permitted to seek Adjustment of Status but face the possibility of a 10-year separation. In addition, as the oldest children (or only members) with legal standing, familial

responsibilities limit or prevent this generation's participation in certain rights of passage such as moving away for college or accepting career opportunities that require geographic relocation. This juxtaposition highlights how heightened immigration enforcement impacts all members in mixed-status families.

Finally, restrictive immigration policy threatens U.S. citizen's lives in different ways. Fear associated with parental legal status vulnerability and inability to incorporate into the U.S. mainstream might force undocumented parents to return to their countries of origin, relocating their U.S.-born minors to cultural, educational, and social environments foreign to them. Upon return to the United States, these citizen youths face obstacles in reintegrating, experiencing this process as foreigners in their home countries. Other families face the possibility of a parental deportation, or have lived through this separation, in which case reunification via legal means is essentially impossible. In all cases, mixed-status families are uniquely impacted by racialized immigration policies that have designated Latino immigrants as a deportable population and by policing practices that criminalize and exclude all of its members.

Chapter 3

Ni de Aquí ni de Allá: Stratified Citizenship and Belonging Among U.S. Born Latinos in Mixed-status Families

Jasmine is a 25-year-old U.S.-born San Diego native and daughter of Mexican immigrants. Her narrative offers a glimpse into the experiences of children from mixed-status families who are legally citizens but do not identify as American. She states:

I don't really consider myself American because I don't consider myself white. That's how I see it. I don't feel like nobody here really is accepted. When I think of American, I really do think of white. I've seen it with friends where they don't consider themselves American, they will just consider themselves whatever ethnic group they're in. Also, I feel like I'm not accepted with everything. For example, at work, the way I get treated for sure, like my pay rate. I work with autistic kids and I feel like they are way more lenient with white people versus my other co-workers who are Hispanic like me. Everything is harder.

Although Jasmine was born and raised in the United States her experiences as a Latina have influenced her own status as an "American" and her undocumented consciousness. Primarily, her physical appearance as non-white marks her as different and shapes how she is perceived and treated in school, work and society. This difference, compounded by her membership in a mixed-status family, isolates her from feeling accepted in a white America. Feeling left out or unwelcome was a common theme among my sample of US-born children with undocumented parents who are straddling two worlds: one in which they are incorporated into US mainstream and enjoy certain rights afforded by the constitution, and another in which, by extension of both their Latino heritage and parents' undocumented status, they themselves are

excluded from the social fabric of American society. The stories I present in this chapter tell how these Latino U.S. citizen children come to feel disintegrated from American society by their experiences as people of color, and how these feelings are compounded by the collective penalties they endure as a result of their parents' undocumented status and interactions with formal institutions. I analyze the experiences of my participants in school, the workplace, the home, and public spaces to show how despite their birthright citizenship and socialization into American culture, these US-born youths, who clearly understand the value of US citizenship, are not only reluctant to call themselves American but reject the label altogether.

In this chapter, I argue that being *othered* as non-Americans forces youth from mixed-status families to develop an awareness and understanding about the limits of their own citizenship, which, in turn, influences their feelings of national belonging. Although U.S. citizens by birth, the Latino second-generation are cognizant about how their Latin American heritage, which is recognizable by their physical appearance, language (accent), and cultural traditions influences white Americans' perceptions about their competences. This *Latinidad* shapes youth's experiences with white Americans either in work settings, school interactions, or other public spaces often leading to bias and discrimination. As consequence, many youth reject the American identity, primarily associating it with racist ideals, and choose instead to call themselves Latinos or adopt their parents' nationality (Mexican, Salvadoran, Guatemalan, etc.) a culture in which they do feel accepted.

Prior scholarship has documented the complexity of identity formation for the second-generation. For instance, in *Citizens but not Americans: Race & Belonging Among Latino Millennials*, Flores-Gonzales (2019) writes that the second-generation "does not have the racial and cultural traits required to be seen as full-fledged members of the American imagined

community.” The author examines how ancestry, phenotype, socioeconomic status, education, gender, and language, influence how the second- and third-generation experience and navigate everyday racialization. I extend Flores-Gonzales’ work by showing how, in addition to these factors, immigration policies and enforcement strategies that target U.S. citizens’ undocumented immigrant parents and community adds a layer of racialization onto the second-generation. I find that amongst my sample, youth’s everyday experiences undermine their status as Americans and in particular, parental legal status vulnerability highlights the state of limbo they, too, exist in—simultaneously included in and excluded from formal institutions and not accepted by society. The discrimination (subtle or explicit) the second-generation faces coupled with immigration policies and enforcement activity that target mostly Black and Brown bodies symbolically alienates them from feelings of national belonging creating a class of “Disintegrated Americans.”

Conceptualizing Social Belonging

Migration scholars have long been interested in how the children of immigrants assimilate to a receiving country (Waters et al., 2010; Waters & Jimenez, 2005; Waldinger & Feliciano, 2004; Rumbaut & Portes, 2001; Portes & Zhou, 1993; Rumbaut, 1994). In traditional segmented assimilation frameworks, scholars argue that the trajectory of the second-generation depends on a particular group’s mode of incorporation and the contextual features of the communities in which they are raised. Under this framework it is expected that mixed-status families will achieve intergenerational mobility as the second-generation are expected to surpass their parents in terms of English proficiency, education levels, career opportunities and social capital (Portes & Rumbaut 2001; Portes & Zhou 1993). Contemporary analyses of segmented assimilation argue that the children of immigrants from Mexico and Latin America (unlike

earlier waves of European migrants) are visibly distinguishable and come of age in a predominantly white society shaped, to a certain degree, by racist ideologies (Waldinger & Feliciano, 2004). Thus, while the second-generation are expected to achieve social mobility, multiple factors have limited their opportunities (Bean et al., 2015; Enriquez, 2015). Among mixed-status families, enhanced immigration enforcement, including parental detention, can yield intergenerational collective penalties for U.S. citizen children's mobility that disrupt traditional pathways of immigrant integration (Gonzalez & Patler, 2020; Hamilton et al., 2019; Zhou et al., 2008). Furthermore, the material and emotional burden associated with having a loved one in detention might lead to a shared or "collective liminality" (Martinez-Aranda, 2020) amongst all family members.

I contend that observable markers of Latino identity combined with parental legal status vulnerability magnifies youth's experiences of otherness. This, in turn, leads to white Americans' perceptions of Latinos as un-American, and Latino youth's own rejection of the American identity despite their constitutional protections. Absent parental legal status vulnerability, accepted membership of this group may still be obstructed. I show how even in a largely welcoming immigrant state, modern day draconian federal immigration policies and everyday practices of othering are impeding the incorporation processes for undocumented immigrants and their U.S. citizen children.

Ethnic and National Identity

During the nineteenth and early twentieth centuries, whiteness was a prerequisite to claiming U.S. citizenship and American identity (Ngai, 2014, 2007; Carbado, 2005; Lopez, 1997). The evolution of race-based nativism during this time period led Congress to pass a series

of restrictive immigration statutes. For instance, the Chinese Exclusion Act of 1882 marked the origins of racialized immigration control efforts. This piece of legislation restricted migration from Asian countries in an effort to retain an idealized version of white expansion into the Western U.S. (Ngai, 2007). Erika Lee writes that the arguments for Chinese exclusion explicitly racialized Chinese immigrants as “permanently alien, threatening, and inferior on the basis of their race, culture, labor, and aberrant gender relations (2002),” elements that would later become fundamental to the American gatekeeping ideology. In the years and decades that followed, the courts engaged in the practice of race-making to restrict who counts as “white” and therefore has the right to claims of membership. Those legally defined as nonwhites were deemed foreigners, excluded from the possibility of naturalization and further integration (including land ownership), and policed as deportable.

The racialization of citizenship and Americanness as white continues to impact people of color’s identity formation today. Members of racial and ethnic minority groups, including Latinos, are seen as foreigners (Jiménez, 2010; Ngai, 2007) and their alienage extends past generations marking them as a permanent immigrant group (Jiménez, 2010) despite their historical presence in the United States. Similar to the racialized notions of nonwhiteness persons of Chinese heritage experienced, animosity against Latino immigrants has categorized Latino undocumented immigrants as dangerous to the economy and the “American way of life,” and policies barring them from opportunities for legalization have subjected this group, and the broader Latino population to a second-class status. Their marginalization therefore leads Latinos to define themselves through their legal exclusion and personal experiences (Castles & Davidson, 2000).

In the latter half of the 20th century, the United States experienced a dramatic increase in migration patterns from Latin America and Asia. These non-white migrants began forming ethnic enclaves near major ports of entry and metropolitan areas. Los Angeles, for example, has both significant Latino and Asian communities (e.g., East Los Angeles—an area with a high Mexican immigrant population, MacArthur Park—populated by Central American communities, and Chinatown—populated by Asian immigrants). Furthermore, the city is home to the largest Latino population in the country and houses the largest Mexican, Salvadoran, and Guatemalan populations outside of these countries, respectively. For the second-generation children of undocumented immigrants, the racial and ethnic composition of their cities, whether or not they live in a majority-minority city, access to cultural foods and materials, and retaining the Spanish language have played a significant role in their ethnic identity formation.

Each of my study participants had a Mexican and/or Central American parent as per study parameters. They all self-identified as Latina/o (only two used the term “Hispanic”), Mexican-American, Central-American or adopted a parent’s nationality (e.g., Mexican). When probed about what Latino/ethnic identity means to her, Olivia had the following to say: “For sure that I’m bilingual. I’m super proud of being able to speak Spanish and English perfectly fine. Whenever I talk to someone and introduce myself in an interview or in an essay, I always mention that I am a first-generation Latina.” Noting that her parents are immigrants who came to the United States chasing the American dream for themselves and their future children, Olivia considers their struggle as part of her identity and takes pride in her ability to speak multiple languages. As do many children of immigrants, Olivia engages in language brokering (Suárez-Orozco & Suárez-Orozco, 2009; Dorner et al., 2008; Alvarez, 2014; 2017) by facilitating translation for her parents, extended family members and even strangers in need of assistance

with interpretation regarding official matters or simple questions at the supermarket. Olivia mentioned that as she's matured, she has become more comfortable with speaking up when white Americans attempt to belittle Latinos for not speaking English. She recalls one occasion in which she defended her grandmother at the social security office when an employee had a rude attitude towards her and her family. In instances such as this, Olivia brokers language (her bilingualism) to assist her community—serving as an intermediary between individuals and institutions (Menjívar, 2000 pg. 229). The preservation of cultural identity through language retention allows Olivia and others like her to remain firmly attached to their ethnic communities as support systems.

Cultural markers were also identified as factors that solidify one's Latino heritage and identity. Esmeralda, for example, recalls growing up listening to Spanish radio talk shows and music as well as watching Mexican telenovelas and films produced in Mexico. Although she was born in the United States, by identifying as Mexican-American (stressing that "Mexican" comes first, and not the other way around), she feels as though she is honoring her parents' identity. Given their undocumented status, Esmeralda's parents cannot visit Mexico without jeopardizing their ability to return to the United States. Over the years they made a concerted effort to retain their culture and pass down traditions onto their children, so that they, too, can feel connected to their roots and extended family despite the inability to grow up beside them. In a similar vein, Itzel, whose mother is from El Salvador and father from Guatemala, reads Spanish-language books to improve her Spanish, which she says is not the best; and Guillermo, whose parents are both Mexican nationals, described feeling more connected to Mexico than to the United States because he speaks Spanish and has adapted to the Mexican culture, including eating Mexican

cuisine. Parental tutelage therefore played a key role in culture retention and creating community in the parent's host country.

Other times, US-born children with undocumented parents actively seek out formal avenues to better understand their heritage and family background. For example, twenty-one-year-old Javier, the son of a Nicaraguan father and Salvadoran mother, elected to take Central-American Studies classes in an effort to educate himself on the context that led to his mother's departure from her homeland. He explained:

Taking those classes has really helped me understand the conflicts that happened in Central America during the 1980's with the war. My family was in the war and they lived through all those traumatic experiences that I didn't really understand what it meant. With the movements that Monseñor Oscar Arnulfo Romero did and how people died because of that. And the fact that in El Salvador my family experienced the death squads. But nobody really talks about it. I had to self-educate myself, really go out of my way to learn about incidents that affected my family profusely some of which lead to suicide in my family, you know.

From 1980 to 1992, civil war ravaged El Salvador. This brutal war was characterized by the terrorizing and targeting of civilians by death squads, bombings, abductions, tortures, massacres forced recruitment of child soldiers and other human rights violations—mostly by the military (Coutin, 2016; Perla & Coutin, 2012). When the war finally ended, it had claimed the lives of approximately 75,000 men, women and children. Those who could fled to the United States seeking protection from the terror and violence in their home country.

While Javier was aware of his family's mass migration to the U.S. and settlement in Los Angeles during this time period, he did not learn about the historical context of his people's personal experiences with war as a child. Given the horrors of living in a war zone, his family members did not want to relive such painful experiences and thus nobody had communicated these detailed accounts to him. Susan Coutin writes about this "silence" among Salvadoran families regarding wartime experiences (2016). She finds that while some parents do speak openly about the civil war with their children, other 1.5-generation immigrants (who do not remember living in El Salvador) learn about their history through narratives passed down by extended family members. Independent of whether recollections of wartime are directly or indirectly passed down, however, memories of these lived experiences are potentially traumatic for both immigrants and their kin (Zúñiga Núñez, 2010). By educating himself on the political turmoil in El Salvador, Javier has been able to better comprehend the context that led to his family's forced migration as well as the ramifications of this experience for his mother, Gloria. Because she was denied the right to an education as a child during the civil war, given that schools were shut down, Gloria is illiterate. Understanding the historical background of her experience now allows Javier to situate Gloria's story in relation to his own life course. Today, Javier comprehends and values his own ethnic identity and has come to terms with the generational trauma that has been passed down to him.

Rejecting the American Identity

Prior scholars have posited the theory that there are some citizens whose ethnic, racial or religious backgrounds underscore their cultural differences, and as a consequence, limit their ability to access the rights and privileges of citizenship (Castles & Davidson, 2000). The second-

generation children of undocumented immigrants are a case in point representing a juxtaposition with regards to national identity. While growing up with undocumented parents made them cautious and fearful of law enforcement and records-keeping institutions, my participants primarily live in racially homogenous regions of a racially and socially diverse state mostly welcoming of immigrants. That is, many respondents live in cities with a significant Latino population, or major pockets of immigrants from multiple countries. Their neighbors, friends, peers and even schoolteachers were Latino, and many were undocumented, immigrants or come from mixed-status families themselves. Given the racial makeup of their neighborhoods and schools, youth did not automatically feel like outsiders in most spaces. Castañeda (2019), writes that being undocumented in the Texas Rio Grande Valley is an “open secret” given the region’s high Latino population (nearly 90 percent). Similarly, being an immigrant (undocumented or not) in Los Angeles and in San Diego county is not a rarity. As sixteen-year-old Los Angeles native Guillermo stated during our interview: “We didn’t exactly talk about papers or citizenship, we just, you know, knew that people were undocumented.” Youth in Los Angeles and parts of San Diego county did not consider themselves members of the minority. Nevertheless, for my respondents, their experiences of othering by whites in schools, shopping malls or other sites they frequented reinforced feelings of being unaccepted in their own backyards.

When discussing the meaning of being an American, many youths emphasized the material aspects including having the benefits of citizenship (e.g., the right to vote, free elections), a free K-12 education, college access and government-sponsored financial assistance, and access to healthcare and other basic resources. They also discussed the lower levels of police and political corruption they perceive in the United States when compared to other Latin American countries. Yet, despite acknowledging its advantages, nearly all of my respondents

adamantly rejected calling themselves American pointing to specific experiences that have alienated them from national identity; even for those few who did not immediately reject the label, they struggled with the notion of accepting the label of “American” because of the disintegration they’ve experienced in their lives. While the younger population in my sample (middle and high schoolers) was coming of age in the distinctively punitive Trump era, several remembered the harm immigration enforcement policies under the Obama administration inflicted on the immigrant community. Regardless of the present administration then, the experiences of my respondents were categorically defined by a series of historically punitive immigration laws.

Political climate and rhetoric towards the immigrant community play a key role in weakening youth’s sense of national belonging. As discussed in chapter 2, during the Trump administration, several punitive executive actions were issued, and policies introduced, aimed at limiting access for migrants to enter the United States as well as punish immigrants living within the nation’s borders without authorization. Javier highlighted how both historical context and xenophobic rhetoric contribute to his rejection of Americanness: “Because of the history that I know I feel like [American] is a really fake term because you know given right now the political climate with immigration and the deportations that are going on, we’re on foreign land that didn’t belong to this country originally. So that’s why I don’t identify as American.” During this portion of the interview, Javier referenced the genocide of Natives by Europeans during periods of colonization in the Americas. For him, having learned about this history in college makes the concept of deportation in general difficult to accept given that claims to this land were forced upon Native Americans by white Europeans. Javier associates the notion of “being American” with a violent history of racialization and rejection and recognizes the United States as a country

that continues to limit his own family's incorporation. For that reason, he considers "American" a fake term and rejects that identity altogether.

Deportations reached an all-time high in 2013 and remained high in subsequent years. This period of terror (which extended into the Trump administration) inflicted pain on mixed-status families as well as the broader immigrant and Latino communities. Witnessing reports of raids on television and hearing stories of children and young adults dying as they attempt to cross the border affected youth in traumatic ways, leading Javier and others like him to reject the American identity. In referencing the deportations and family separations, Javier suggests that he cannot feel pride or claim membership of a country that has caused irreparable damage to so many members of his community. Later, he explained: "You know like I'm a U.S. born American citizen but even then, there's some...ambiguity with the definition. That's why I identify as Central-American." Restrictive immigration policies and enforcement strategies therefore force youth to question the very meaning and value of their own citizenship and their sense of belonging in a country that is actively expelling and excluding others who look like them—demoting the second-generation to a "Disintegrated American" status.

Jasmine, whose vignette opened this chapter, was adamant about her identity as Mexican, not Mexican-American although the latter is a common preference amongst US-born Latinos whose parents are Mexican nationals. She had the following to say in regard to her identity and sense of belonging in the United States: "I don't call myself Mexican-American because—how do I explain it? I do not feel like I am welcomed. Even though I am a citizen and born here, I don't feel myself the American part. I just don't consider myself American because I'm not accepted here." Like all of my respondents, Jasmine was born and raised in the United States. She has attended public schools since kindergarten, is completing a bachelor's degree and has

applied to graduate programs to pursue a master's degree in psychology after college graduation. By all external measures, she appears to be an American. Nonetheless, Jasmine's experiences in formal institutions and in her community reinforce her otherness.

Jasmine was born and raised in San Diego county and in communities where her neighbors and friends were also Latinos. In spite of this Latino presence, Jasmine felt that she was not exposed to learning about her cultural heritage in the school setting until she entered institutions of higher education. Since taking Chicano Studies courses, she has learned about past events including the Mexican-American war, the subsequent annexation of the American southwest and the Chicano movement. This historical context has fundamentally shaped her undocumented consciousness as well as developed her critical political awareness. "Oh, damn, history isn't what they teach us in school [pre-college]," she said, "learning about this made me want to search more about the history of myself or in general, everything." Susan Coutin describes the process of seeking out one's own history in the context of their immigrant experiences in her book *Exiled Home: Salvadoran Transnational Youth in the Aftermath of Violence* (2016). She calls this process "re/membering," or negotiating one's membership within the United States and in El Salvador, while simultaneously deepening the memory of Salvadoran history, political violence (including civil war and displacement) and immigrant experiences (including denial of legal status and removal). By learning about her family and ancestors' history in and beyond the United States, Jasmine is engaging in her own process of "re/membering" and situating her experiences in the context of her parents' illegality.

Efforts to diversify the K-12 curriculum in California are underway. In 2020, the California state legislature passed a widely popular assembly bill that would have made Ethnic Studies a high school graduation requirement beginning in the 2029-2030 academic year; the

bill, however, was unexpectedly vetoed by Governor Gavin Newsom. While the governor has signaled support for such curriculum adjustments in the past (approving an ethnic studies requirement for the California State University system), he indicated that changes to the proposed model at the high school level need to be made before he can sign off. Currently, few schools in majority-minority districts offer these courses as electives, yet none incorporate lessons as part of the core curriculum. For years there has been a push to diversify the K-12 curriculum so that it is representative of the state's populace. As Jasmine's example highlights, the omission—and erasure—of Latino history in the United States further contributes to youth's rejection of Americanness. Without the opportunity to learn about their heritage in a classroom setting, it is implied that such history is insignificant and contributes to Latino youth feeling disintegrated and unaccepted, as if they were foreigners in their own land.

Participants also pointed to specific experiences in which the color of their skin negatively impacted their participation in various settings. Twenty-one-year-old Dulce posed a hypothetical scenario to explain why she does not identify as American highlighting the ways in which she may be discriminated against because of her dark skin complexion:

I wouldn't consider myself a full blooded American. Me and my coworker, he's black, we always joke around that if something went missing at work, they wouldn't blame the white person. They'd blame him first because he's black then they're going to come at me. So no, I don't see myself as much as the white people. I don't have that. That's not going to back me up because people look at the color of my skin and be like she's Mexican. You get what I'm trying to say?

Dulce was born and raised in San Diego county. She is the second youngest of five siblings, speaks English fluently and is in her third year of college pursuing a bachelor's degree in business administration at a public 4-year university in California. Despite having climbed the social mobility ladder and by all means having assimilated (Portes & Rumbaut, 2001; Portes and Zhou, 1993) into US culture, she draws attention to physical markers (skin color) that automatically flag her as different and potentially less trustworthy than her white counterparts. By pointing out the process of elimination in this hypothetical scenario, Dulce implies that the negative racial animus against Latinos would undermine her personality, the length of time she has been employed at the company, and how responsible she has been on the job, prompting others to suspect her as criminally prone. In this scenario, Dulce is acknowledging that as a Brown US citizen she does not have equal protection as white US citizens and as such must be particularly cautious about how she carries herself at work. For dark-skinned Latinos then, the benefits of citizenship are easily obscured.

Dulce's rejection of the American identity is also influenced by lived experiences. For instance, although she speaks English fluently, she feels more comfortable in spaces with other Latinos who speak Spanish and can relate to her cultural references (although not all Latinos speak Spanish, including those who have retained their indigenous dialect). By contrast, when she is the only Latina in a room with whites, the cultural disconnect makes her uncomfortable. Dulce recognizes that there are aspects of her physical appearance, heritage, and family background that allow her to connect with other Latinos and that simultaneously isolate her from white America. Her ideas of belonging are thus relational and shaped by space (where she is) and audience (with whom she is interacting).

Twenty-six-year-old Sammy, a light skinned Latino with a Honduran mother and Mexican father declined to consider himself as American criticizing the term and what it has come to represent. Sammy initially identified himself to me as Mexican and Central American; as the interview progressed and we built rapport, he admitted that he was specific with me because of the nature of our conversation (research study), but that when introducing himself to others he usually identifies as a Californian or Angeleno—using a geographic definition vs. an ethnic one. Only when pressed about ethnic identity specifically does Sammy identify as Latino. In discussing the meaning and significance of being American, he immediately condemned the term pointing to its racist symbolism:

I feel like America is one of those words that has been infiltrated with patriotism. I watched “That Seventies Show.” That word comes up so much especially with one of the characters Red Foreman. He’s a war vet from Wisconsin who is super conservative. Anyway, all that to say even realizing how TV shows have used that word [American] has made me realize I don’t want to use it. I don’t really feel comfortable using it. It excludes certain people so I would just stop using it.

Sammy was raised by a single-mother and witnessed firsthand the consequences of legal status vulnerability on families. As an undocumented woman, Carolina struggled to obtain financial stability for herself and Sammy and lived most of her life fearful of apprehension. She grows visibly nervous whenever police patrol her neighborhood. Sammy questions how he can consider himself an American (patriotic, devoted to his country) when the place he calls home is actively working to ban people like his mother from entering, and punishes them if and when they do manage to make it across the border. As immigration policy has become more punitive

and the undocumented population criminalized and deemed a threat to American jobs, values and way of life, the term “patriotic” has taken on a negative connotation for many. Ironically, while attempting to protect its citizenry from foreign enemies, the United States’ government via immigration enforcement tactics has contributed to the social isolation of US citizen children with undocumented parents who acknowledge that such draconian policies are detrimental to their family life.

Others echoed Sammy’s remarks about America as an exclusionist country. Esmeralda described that to her America represents the land of the free. The opportunity for everyone to have a chance to obtain an education and pursue their dreams. She lamented that under the Trump administration and political climate she was not sensing a welcoming environment for immigrants: “I want to say that I’m not feeling very American right now.”

Sometimes youth questioned the very reasoning behind their rejection of the American identity given their sense of solidarity with their undocumented peers who are fighting for that very label and the protections it comes with. Second-generation Latino millennials (born between 1981-1996) and generation Z (born between 1997-early 2000’s) are coming of age with the 1.5-generation. Commonly referred to as “dreamers,” the 1.5-generation were brought to this country as children (sometimes infants), have received a formal education in the United States, assimilated into the American culture, and sometimes did not even know that they were undocumented until their transition to adulthood when they faced barriers accessing driver’s licenses, work permits and higher education (Gonzales 2011; 2016; Gonzales & Chavez, 2012). Unlike the first-generation who are automatically excluded and relegated to low-paying and dangerous labor opportunities, the 1.5-generation embraces claims-making behavior through community organizing and advocacy (Abrego, 2011) promoting legal inclusion in the only

society they recognize as home. Dreamers and allies were instrumental in pressuring the Obama administration to pass protections for immigrants such as DACA. This difference in life experiences has influenced their national identity.

Twenty-two-year-old Ximena acknowledged the paradox of identity formation for the Latino second-generation when unpacking her own identity. Recognizing that technically speaking she is an American because she was born in this country, Ximena does not claim this identity and questioned her choice: “But I should though, because I have a lot of undocumented friends who want to be American. But I don’t really like claim it.” Ximena attended a Hispanic Serving Institution in which more than 50 percent of the student body identifies as Latino. She was politically active on campus as a member of an organization that seeks to promote Chicano unity and empowerment through political action. During her time in college, Ximena witnessed the struggles of her undocumented peers who are legally different than she fighting for the right to be formally incorporated and notices the irony in her own rejection of national belonging. Prior research on the 1.5-generation has documented how this group claims inclusion in the U.S. through their meritocracy and experiences of incorporation in childhood and early adolescence (Gonzales, 2016; Abrego, 2008; Negrón-Gonzales, 2014; Torres & Wicks-Asburn, 2014). Still, in spite of not being undocumented herself, as a Latina, Ximena’s American identity has been questioned and stripped away by racialized experiences in the classroom, workplace, and other settings reminding her at every step that she too is different and contributing to her inner struggle with national identity. Thus, while undocumented youth claim membership in a society that actively limits their pathways for juridical incorporation (Valdez & Golash-Boza, 2020; Tafoya et al., 2019; Coutin, 2016; Gonzales, 2016), I find that through these same mechanisms that limit their undocumented parents’ incorporation, the second-generation rejects American membership.

Parents themselves sometimes influenced youth's identity formation in an act of self-preservation. For example, Mr. and Mrs. Castillo instructed their children from a relatively young age not to say their parents were from Mexico. This request confused their eldest daughter Natalia who proudly identified with her Mexican heritage. The Castillo's grew up in a densely Latino immigrant community in Los Angeles, which allowed Natalia to relate with her peers and schoolmates. Being told to deny her Mexican heritage was beyond her understanding as a child. Only once she reached adolescence did she understand that ethnic identity could be associated with undocumented status and that there are limits on who has the right to live and work in the United States. After some time, she came to understand that her parents were not trying to rob her of her cultural heritage, but instead trying to protect themselves from possible exposure.

Citlali Ruiz, a youth programs coordinator for a nonprofit based in Los Angeles, shared similar sentiments to Natalia and underscored the strategies her parents adopted to blend in. Mr. and Mrs. Ruiz, both Guatemalan nationals, each fled civil unrest in Central America in the early 1970's and migrated to the United States. From the onset, the Ruizes advocated for their children to identify as American and not Guatemaltecos, yet as Citlali noted this was easier said than done. "We grew up with that mindset [that we were American], but when we were in different spaces, people did not perceive us as American because you know, we don't look like what Americans are supposed to look like." In the end, Mr. and Mrs. Ruiz's efforts were futile. Although Citlali spoke the language and played the part, there were physical and verbal features that marked her as different from the imagined white American.

Racialization and Otherness

Children of undocumented immigrants have long been racialized in a way that characterizes their very existence as foreign and threatening to the American mainstream. US born children with undocumented parents have been condemned as “anchor babies” (Chavez, 2017; Huang, 2008) because their parents broke the law in crossing into the United States without inspection. Anti-immigrant rhetoric and experiences of otherness both contribute to youth feeling unaccepted or like they do not belong in the country they call home. Sometimes this sense of otherness is represented via specific forms of discrimination while other times it is brought to light by questioning youth’s capabilities. Several respondents expressed frustration about being labeled non-English speakers, uneducated, or even unintelligent. Typically, this notion of difference was first pointed out by their physical appearance: skin, hair, and eye color. Several of my participants believed that an American is a white, blond-haired, blue-eyed person and when someone does not fall into this category, others, white Americans in particular, approach them with caution.

Phenotype emerged as a central feature impacting the second-generation’s identity and their experiences of otherness. Esmeralda discussed how stereotypes about what an American looks like significantly influence the second-generation’s interactions with non-people of color:

Just speaking about how I look in general. I’m not your typical...I think when people think American, they might think white Anglo Saxon, blue eyed, blond hair, you know? And then when you see Latinos, you see dark hair, brown eyes, brown skin. So, I want to say when I walk in people think “is she educated? Does she know English?” I think it really depends where I go sometimes that those assumptions will be made.

Equipped with a college education and English and Spanish fluency, Esmeralda often uses her skills to assist clients who may share her cultural background. In spite of her education and training, she underscores how her *Latinidad* might initially lead others to mislabel her as undereducated. Before an exchange even takes place, Esmeralda anticipates that her ability to understand, communicate, and solve a situation is challenged by her physical appearance. Thus, while she has achieved the social mobility expected of the second-generation, she may still suffer forms of discrimination.

Natalia echoed similar sentiments of being perceived incompetent by white Americans because of the color of her skin and shared a specific experience of racial bias. After excelling in high school, Natalia earned a scholarship to a prestigious university in southern California to pursue a career as a medic. As part of a bridge program, she was assigned a mentor who would provide advice about building her course schedule in the first year. When Natalia was deciding between courses, the advice she received from her white male mentor was to “take it easy” her first quarter because it “tends to be really difficult.” Advice, she notes, this person was not giving her white peers in the group. Although she was bothered by the mentor’s remarks, Natalia was unfamiliar with what the transition to college would be like, so she reluctantly took the advice and signed up for “easy” classes; as expected, she was dissatisfied with the quality of education she received in her first term. Natalia felt like the classes she had enrolled in were not challenging her in the way that a college curriculum should be. She lamented having allowed someone to undervalue her abilities: “I followed the advice of people who were constantly underestimating me or constantly telling me what my own abilities were.”

Outside of the academic arena, youth experience perceptions of otherness by white Americans in various forms. Javier, a Latino U.S.-citizen recalled an occasion in which he was

walking home after having a bad day at work. On his walk, he noticed that a white man from across the street was briskly walking towards him. Javier felt awful and did not want to engage with anyone, so he sped up. When the man finally caught up to him and asked if he spoke English, Javier lied, said no, and walked onwards. As he left the stranger behind, Javier heard him scream: “Learn how to speak English” and call him derogatory racial slurs. Even as a native-born citizen Javier was the target of an anti-immigrant attack. His skin color automatically marked him as different and encouraged a stranger to ask first if he spoke English, rather than if he was familiar with the area and could he provide directions. Thus, while he legally belongs in U.S. society by virtue of his birthright citizenship, social boundaries of exclusion that form to identify and ostracize immigrants spread to any Brown-bodied individual who does not look like a white American.

Those who live in areas closer to the US-Mexico border associated conservative politics with their experiences of racial animus, discrimination, and surveillance. Jasmine grew up in San Diego County and during a recent visit from a cousin who lives in northern California, the pair began conversing about immigration enforcement in the two regions. Given her proximity to the U.S.-Mexico border, Jasmine is accustomed to seeing ICE and CBP vehicles in town or on the freeways—questioning drivers about legal status—and hearing about ICE raids in certain parts of town. By contrast, her cousin who grew up in a small town up north noted that she had not seen or heard of much ICE activity in that region. When Jasmine described experiencing microaggressions and blatant discrimination by white persons calling her racial slurs, her cousin was shocked to hear about it. “I guess things are different up north,” she concluded. Proximity to the border places youth in precarious situations that conflate all Latinos as undocumented

immigrants or products of immigrants. This misconception shapes and reinforces Latino youth's feelings of otherness, regardless of citizenship status.

San Diego County has a strong military presence, and its mild weather has attracted retiring seniors to the area in recent decades. The presence of military personnel combined with the ratio of senior citizens has established a more conservative base hostile toward the immigrant populace, and the geographic, economic and political segregation of the broader Latino population. State power in San Diego as well as other border communities, has thus long been a reality that frames everyday life for residents despite their own citizenship or immigration statuses (Getrich, 2019). Even for nonwhite citizens like Jasmine, the long reach of state power impedes their ability to exist without harassment within their own neighborhoods. As the state renders them potential suspects, it undermines the very protective nature of citizenship itself.

For Latinos in this United States, enveloped within the process of racial discrimination is the often overlooked issue of colorism. Colorism, or the process of discrimination that privileges light-skinned persons of color over their dark-skinned counterparts (Hunter, 2005; 2007), centers on skin tone rather than racial or ethnic identity. While all Latinos experience discrimination as non-whites, the intensity, frequency, and outcomes of that discrimination differ by skin tone. Ximena Reyes' family are descendants of the Zapotec Indigenous peoples from the southern region of Mexico. Indigenous communities around the world face significantly higher levels of poverty and systemic oppression. Their dark skin, Indigenous phenotypes and dialect add a layer of otherness for these Latinos (Sanchez, 2018; Barillas-Chón, 2010; Stephen, 2007). Ximena, who is of dark Brown complexion, is the lightest person in her immediate family ironically earning her the moniker "güerita," a term reserved for people who are of fair complexion. While her family may joke about it, Ximena is keenly aware about how her body is perceived by non-

people of color and feels her body is excessively surveilled when she steps into public spaces. At designer stores and high-end boutiques she feels “watched” by employees. She also feels a general sense of surveillance over her actions whenever she is in a non-POC (people of color) community. Ximena’s indigeneity and dark skin complexion target her as not only different, but even suspicious or threatening. In this process, she experiences both racism and colorism.

Given her own experiences with the hyper-surveillance of Black and Brown bodies, Ximena worries about her younger brother Victor’s safety. Just eight years old, Victor is the youngest of the Reyes clan and has the darkest skin complexion of all his family members. The neighborhood the Reyeses live in has remained heavily policed since the drug and gang wars of the 1990’s. This heightened police presence contributes to Ximena’s fear that her brother might find himself in a dangerous situation as he ages. During our interview she disclosed: “I’m always scared [for my brother] because he’s really Brown. I always get scared that one day when he’s growing up something could happen to him.” She continued: “I just feel really uncomfortable with cops whenever I see them policing. I’m like: ‘What are you thinking? What are you trying to do?’”

Racial inequality, via racial profiling practices (albeit denied by law enforcement), is broadly tolerated by the law and facilitates law enforcement officers’ targeting and heightened surveillance of the Latino population under suspicion of unlawful presence (Chacón, 2021). The Latino and Black communities’ traumatic and violent histories with law enforcement (including the police shootings of unarmed Black and Brown boys) elevate Ximena’s fears that officers are actively policing these youths and that skin tone significantly influences police-citizen interactions. Victor’s gender, ethnicity and skin tone make him increasingly vulnerable to police violence. Given the area he lives in and the accent in his speech, for Victor and others like him,

routine policing by local law enforcement is tied to immigration enforcement and may even lead to his detention, which given his citizenship status could be easily overturned, but could also potentially place the parents at risk if they come in contact with law enforcement via their son. The Reyes's case therefore sheds light on the multiple levels of bias children with undocumented immigrants may face and the ramifications for all family members.

Experiences of otherness were more varied among respondents who were of fair-skin complexion and racially/ethnically ambiguous. Sammy Rivera is a light-skinned Latino who may be considered as white-passing. His light skin, short black hair, dark brown eyes, and style of dress make it difficult to automatically identify him as any one particular racial/ethnic group. When I interviewed him, he sported gages in both ears, a septum ring on his nose, and tattoos down his arms. To me, he came across as a white skater boy, and I even wondered whether or not he fit the criteria for this study—though I had explained the parameters during the consent process. When asked whether he's been treated differently by others he replied: "Yeah. All the time. It doesn't matter what color, what culture, what religion. I think we've been socially conditioned to respond through colorism, so we go about society that way."

Sammy receives different responses from people as to "what" he looks like and experiences differential treatment depending on what spaces he inhabits. After college graduation a few years back Sammy embarked on a photography project in Latin America. During his time in Mexico—where he wanted to reconnect with his father's roots—there was an encounter with a taxi driver that particularly highlighted his otherness in a culture he drew from to form his own identity. After a night of drinking at a bar, Sammy hailed a cab back to his hotel. When he climbed into the taxi, the driver took one look at him, saw a white guy, and started talking to him in English. Sammy instantly noticed the driver was struggling with his English,

but since the driver had initiated the conversation (after categorizing the passenger as white), Sammy went along with it. Not long after, he interrupted the cab driver and said: “Mira yo puedo hablar español,” I can speak Spanish. The cab driver looked over his shoulder and replied: “I didn’t think you spoke Spanish for shit because you look white.”

In passing as a white American Sammy is excluded from experiences, places, and persons he considers part of his heritage and central to his very identity. In Mexico, his agency to assert his *Latinidad* is somewhat restricted by cultural boundaries that Mexican nationals draw. The same is true amongst his Brown-skinned Latino counterparts in the United States. Thus, as Sammy struggled to determine the most appropriate way to identify himself ethnically, he also faced challenges from others about his cultural authenticity.

Ximena, Sammy, and other participants’ accounts suggest that Latinos’ experiences with otherness fall along a spectrum. On one end are light-skinned Latinos, like Sammy, whose physical appearance serves as a protective factor. In being mislabeled as white, those who approach him do so in a respectful manner. His literal body is perceived as safe and affords him a degree of trust by others. At the other end of the spectrum are dark-skinned Latinos like Ximena who are visibly different from white Americans and automatically perceived as members of an ethnic minority. Nearly all of my respondents fall into the second category where phenotype and skin tone automatically flag them as different. Ximena, Victor, and many other dark-skinned Latinos’ bodies are surveilled in public spaces and considered threatening. Even the two respondents in this study who were of lighter “olive” skin tone still visibly presented as nonwhite and had other attributes such as their style of dress (e.g., hoop earrings, makeup style, long dark hair) that gave away their *Latinidad*. While in both of these scenarios youth are

perceived as different, Brown-bodied individuals experience a significantly greater degree of hostility that not only makes them feel unaccepted, but also endangers their lives.

Perceived Racial Threat and Policies of Exclusion

Social control, be it via federal legislation, local policy, or policing or immigration enforcement efforts, toward minority groups has long been a tool used to relegate Latinos to a second-class status. Minority group threat theory suggests that perceived threat by minority groups may lead to discriminatory social controls directed at containing said threat (Blalock, 1967). Studies informed by minority group threat theory have found that public perceptions of immigrants and Latinos as a socially threatening group are associated with animus against expanded opportunities for migration and the integration of immigrants, (Citrin et al., 1997; Espenshade & Hempstead, 1996; Hawley, 2011; Lu & Nicholson-Crotty, 2010; Watson & Riffe, 2013). Furthermore, they are also associated with increased support for anti-immigration policies including border fencing and denying undocumented persons basic necessities such as work permits and emergency healthcare (Berg, 2013; Buckler et al. 2009). A key premise of minority group threat theory is that the criminal justice system is seen as a viable response to such threats. For instance, studies have shown that size of non-white populations is positively associated with police force size, reports of police brutality and arrest rates (Stults & Baumer 2007; Kane et al., 2013; Smith & Holmes, 2014). Contemporary studies have found that animus towards Latinos more generally is a precursor to perceived immigrant threat (Hartman et al., 2014), meaning that concerns about immigration are largely influenced by Latino hostility regardless of their citizenship status, rather than with undocumented immigrants per se (Hartman et al., 2014). Chavez (2008) contends that discourse surrounding the immigration debate “does not imagine

Latinos, whether immigrants or US-born, as part of the national community, but rather depicts them as an internal threat to the larger community.”

Absent federal reform in recent decades, states, counties, and localities have taken up immigration lawmaking and passed exclusionary policies related to undocumented immigration including access to education, employment, driver’s licenses, and health benefits, among others. For example, in 1994, California voters passed Proposition 187, the Illegal Aliens Ineligible for Public Benefits Act which barred anyone who could not prove U.S. citizenship or legal residency from access to non-emergency public health care, and public education including both K-12 enrollment and college and university access. The initiative also required state and local agencies to report persons who did not meet residency criteria to both state officials and federal immigration authorities meaning a kindergarten teacher would be required to report her undocumented students to authorities. While prop 187 was found unconstitutional by the courts and thus never implemented, it nonetheless altered the lives of countless immigrant and mixed-status families in the state for generations to come setting the platform for state-wide policies of exclusion.

Relatedly, in 1998, California voters passed proposition 227—the English in Public Schools Initiative, a highly controversial initiative prohibiting schools from offering bilingual classes unless parents signed a waiver requesting it. Bilingual education has historically been looked down on, challenged by state legislatures and portrayed as a disability of sorts. More poignantly, it plays into the racial threat narrative and creates anti-immigrant hostility. Like prop 187, prop 227 represented unease over aspects of the state’s changing racial, ethnic and immigrant makeup. In her analysis of subtractive schooling and Mexican youth, Angela Valenzuela (1999) describes the schooling process as a “state-sanctioned instrument of cultural

de-identification, or de-Mexicanization” (161), that deepens divisions among students of Mexican origin. As consequence, Valenzuela finds that many students of Mexican heritage (either immigrants themselves or children of immigrants) experience negative identity conflicts.

Today, California is significantly more welcoming towards immigrants, yet this record of exclusion and discrimination is a part of the state’s history and continues to have an impact on the US-born children of undocumented immigrants. Diego, an Orange County native pursuing an MFA degree grew up in a mixed-status household where his mother is undocumented, his father has papers, and he and his two siblings are US-born. As a child he attended predominantly white schools and was placed in English as a Second Language (ESL) classes. During our interview he recalled:

We had bilingual programming, but it stopped during the mid-nineties. For me it was like bad being bilingual, that meant for me that I was not really good at English and not really good at Spanish because it wasn’t an addition to your character that could actually be better for you career wise. Now it’s ELD? English Language Development. Before it was English as a Second Language. It was sort of like, “damn that sucks.” It’s like we were already behind. That’s what I thought of being bilingual.

Diego remembers the passage of prop 187 and the hold it had over his mother who feared for her future and her children’s educational prospects. Punitive immigration policies coupled with his placement in ESL classes without an explanation of its benefits led Diego to feel both included and excluded from his home country. While as a US citizen he was granted access to public education, his early academic trajectory was heavily influenced by experiences that reminded him of his otherness or difference and that he was not fully an equal member of society.

The number of dual language immersion schools (those which deliver academic content to native English speakers and English learners) in the United States has grown substantially over the past decade. Unlike ESL classes, which focus on mastering English proficiency, the goals of language immersion programs are far more holistic and geared towards educating students to be bilingual and biliterate, facilitate academic achievement, and promote cross-cultural awareness (Steele et al., 2017). Recent studies of language immersion programs have found positive cognitive advantages of early bilingualism. Such benefits have been particularly observed on “tasks requiring conflict resolution and monitoring skills and in different age-grouped populations, such as toddlers, children, young adults, and even older adults” (Barbu et al., 2019). In contrast to these efforts, however, the symbolism behind legal statutes such as props 187 and 227 led Diego and members of the second-generation to internalize bilingual skills as a deficiency preventing them from mastering either language, rather than an asset to be strengthened.

Disrupting Mixed-Status Families

Although undocumented persons are legally different, their presence within U.S. borders grants them certain rights that are denied to individuals who are outside of the United States including access to public schools, emergency room care, and legal counsel in the event one is accused of a criminal offense (Coutin, 2010). At the same time, undocumented persons are restricted from formal employment, welfare benefits, general medical care, and other basic services (Rodriguez, 2008). This *disintegration* of immigrants coupled with restrictive immigration policies that criminalize their actions and block pathways to legalization have contributed to their sense of rejection by American society. Rejection and failure to attain certain

status markers of the “American dream” and way of life may therefore lead immigrants to consider leaving the United States and return to a land they have not stepped foot in for decades. Leaving the United States, however, presents challenges for mixed-status families. In doing so, undocumented persons will essentially be “exiled home” (Coutin, 2016), and permanently separated from their children in the United States. While any U.S. citizen could certainly travel back and forth, the reality is that many mixed-status families are low-income and living paycheck to paycheck. International travel is expensive and involves logistical matters that might make visiting, not to mention regular visits, unlikely.

Given their legal nonexistence (Coutin, 2003) in the United States, undocumented parents sometimes entertain the idea of returning to their countries of birth—as discussed in chapter 2. Yet even those families who have not taken the leap still consider it regularly. Ximena Reyes explained how frustration with living in the U.S. without papers contributes to her parents’ consideration of returning to Mexico: “For example my dad would be having a bad day, he would say stuff like, ‘I just want to go back home. I’m tired of being invisible in this country.’” After living in the United States for over twenty years and having raised a family Mr. Reyes still does not consider this country to be his home because of his inability to be incorporated legally, politically or socially. The Reyes family is comprised of six members (undocumented mother and father, and four US-born children) who live in a one-bedroom apartment. Both Mr. Reyes’ invisibility (undocumented status) and hypervisibility (heightened scrutiny related to his legal status) prevents him from accessing higher paying jobs as well as benefits or basic needs like healthcare and adequate housing for his family. For Ximena, the fact that her parents are straddling the fence (integrated because they work, pay taxes and contribute to the economy, but disintegrated because they cannot access higher paying employment opportunities or better

housing) influences her own sense of belonging. The denial of basic rights for her parents constrains their lives and that of their children. Although she no longer depends on them financially, their blocked access to formal institutions and daily experiences of othering threaten Ximena's own rights and access to social mobility.

Like the Reyeses, the Castillo family has also contemplated the option of leaving the United States. Mrs. Castillo has expressed feeling unsafe and implied that she is saving money so that once her youngest son turns eighteen, she can return to Mexico and have the means to start a new life. These statements upset Natalia, the oldest, and make her defensive about why her mother would want to abandon her children. Familial separation, especially given these circumstances, is more so forced rather than willful. Primarily, Mrs. Castillo can be deported at any moment, in which the separation would not be of her own will. Second, Mrs. Castillo has expressed that she feels endangered. Not only is she upset about the inability to access better employment opportunities so she can provide a more stable lifestyle for her family and financial means to launch her children's careers, but Mrs. Castillo feels as though her very presence in this country is putting her life in jeopardy. She hopes for a life where she does not have to worry about being caught, a life free of looking over her shoulder at every step. Natalia recognizes that in persecuting undocumented immigrants, the state is infringing on U.S. citizens' own ability to live their own lives without fear of familial separation.

For families in the process of adjusting a parent's immigration status, the fear of familial separation does not automatically disappear. Mr. and Mrs. Gutierrez migrated to the United States with their two eldest daughters in the late eighties, and Esmeralda and her two younger brothers were born on this side of the border. In 2019, Mrs. Gutierrez who had previously been the victim of a crime applied for a U-Visa. In consultation with her attorney, she was informed

that Mr. Castillo could also be included on the application; both are hopefully awaiting approval of their regularization. There is, of course, no guarantee that either will obtain legal status. There is also the possibility that one parent will be granted legal status but the other will be denied. Esmeralda worries that if either application is denied, her parents will decide to retire to Mexico. While some immigrants are able to establish themselves in the U.S. by owning a home (must secure a co-signer who has legal status), a vehicle, or other material possessions that give one social status, Mr. and Mrs. Gutierrez “never really assimilated,” according to Esmeralda. The Gutierrezes do own land in Mexico and, if they returned, would have a home to live in and land to harvest. Nevertheless, Esmeralda still fears being separated from her parents who will require additional care as they age.

Conclusion

The narratives presented in this chapter highlight the multiple ways in which second generation Latinos come to see themselves as citizens but not Americans. Youth’s experiences within formal institutions (e.g., the labor market, higher education) and with other white Americans reveal their encounters with racial bias and discrimination. Their skin color and phenotype are markers that signal Latinos’ marginality within white America. Although a majority of the youth in this study grew up in homogeneous areas where Latinos made up a significant proportion of the population, they endured racialized experiences in places and spaces that are racially marked as white. These experiences, in turn, mark them as racial or national “others” and label them as outsiders in their own country.

In this chapter, I have discussed how youth’s experiences of otherness (fueled primarily by their physical appearance and reinforced by other cultural indicators of *Latinidad*), prevents

second-generation Latinos from feeling welcome and incorporated into American society. Youth's experiences vary by frequency and intensity. That is, both blatant (e.g., being called derogatory racial slurs), and subtle (e.g., being perceived as criminally inclined, or intellectually incompetent) racial animus contributes to youth's national alienage. Indeed, as Jasmine's story at the top of this chapter depicts, the term *American* has become synonymous with "white" and anyone who does not fit that category is systematically disintegrated via structural barriers and everyday interactions with white America. Skin complexion and Indigeneity also add a layer of otherness where those who have darker skin tend to face more intense racialized experiences. I have shown how dark-skinned Latinos' bodies are hyper-surveilled in predominantly white spaces. Brown bodies are quite literally perceived as threatening and that threat then used as justification to involve law enforcement or carryout state-sanctioned legal violence.

In addition to visible markers of their *Latinidad* that initially flag them as different, the second-generation children of undocumented immigrants also experience national alienage as a direct result of their parents' inability to fully incorporate into the US mainstream. Xenophobic rhetoric, anti-immigrant legislation, punitive immigration enforcement tactics and daily experiences are all factors that reinforce feelings of otherness and ultimately lead to their rejection of the American identity. Youth question how they can consider themselves American or be proud of a country that is actively working to exclude, punish and expel their parents and members of their communities. Ultimately, these racialized experiences marginalize the Latino second-generation children of undocumented immigrants. Federal legislation preventing their parents from accessing resources combined with daily experiences of othering shape youth's own understanding of themselves as U.S. citizens, but not members of white America.

In the next and final chapter I explore how members of mixed-status families respond to, disrupt and challenge notions of deportability. First, I draw on participant observation with one youth group in Los Angeles to highlight the type of activism minors engage in. By learning about social movements and community building, youth become aware of the power they hold in shaping policy, which then, coupled with their parents' legal statuses, contributes to youth's mobilization toward a just and humane immigration agenda. In the second half of the chapter, I examine how families' activism takes place in the context of a loved one's deportation. Through a grassroots organizing model, I document how one immigrant community and its allies reframe deportability through anti-deportation activism and advance a more inclusive narrative about who deserves to stay in the United States.

Chapter 4

Creating Activist Identities: Strategies of Resistance Among Latino Mixed-Status Families

Participatory Defense is focused not only on building the consciousness and understanding of how immigration—crimmigration in general—impacts the community, but also to understand that the community could do something about it. The work is meant to raise awareness, and then give the community the tools that at times they probably already have but they didn't think about in order to enact systems change.

-Estefany, community organizer

In the preceding chapters I've demonstrated how youth discover a parent is living in the United States without papers and how these youth develop their undocumented consciousness. I have explored the impacts of aggressive immigration enforcement on the daily experiences and long-term consequences of U.S. citizens with undocumented parents. And I've shown how such experiences shape the processes of identity construction and national belonging for U.S. citizens. In this final chapter I focus on the institutional, community and individual factors that influence civic engagement among the Latino community. Specifically, I shed light on how U.S. citizens and members of mixed-status families impacted by the deportation regime use their undocumented consciousness to inform their activism and mobilize on societal injustices through legal (i.e., fighting active immigration cases) or non-legal (e.g., consciousness building and public demonstrations) means. While mixed-status families live under the constant threat of forced familial separation and distress related to hyper-surveillance by the state, I find that my

participants are not passively internalizing negative group identities. Instead, I show how members of mixed-status families cultivate strategies of resistance to navigate exclusionary narratives and contest immigration enforcement in their communities.

While mobilizations for immigrant rights across the nation grew in response to the election of Donald Trump, both community organizing and deportation defense work cannot solely be tied to this administration. Xenophobic rhetoric and punitive immigration policies in at least the past twenty years have contributed to reactionary counterstrategies among immigrants and allies (Kocher & Stuesse, 2020; Patler, 2018; Gonzales, 2008; Coleman, 2009). In particular, mobilization on immigrant rights has been a result of long-standing efforts of immigrant-serving community-based organizations, social service providers, and advocacy groups demanding social justice. For instance, it was under pressure from advocates that President Obama created the Deferred Action for Childhood Arrivals program (Gonzales et al., 2014; Nicholls & Fiorito, 2015; Carrasco & Seif, 2014) and introduced legislation to safeguard parents of U.S. citizens from deportation. Cities across the nation that have passed “sanctuary” policies to limit cooperation between police and ICE (Lai & Lasch, 2017) have in large part done so in response to residents’ demands. In the wake of increased detentions and deportations, undocumented immigrants—who generally avoid drawing attention to themselves—have begun speaking out about their unjust experiences with the legal system. Detainees have launched hunger strikes inside detention facilities to shed light on inhumane conditions of confinement (Montagne, 2017; Esposito et al., 2015) and undocumented immigrants have engaged in acts of civil disobedience to demand comprehensive immigration reform (Marciniak, 2013; Morales, 2020). Thus, in spite of their precarious legal standing, immigrants have the ability to direct systems change.

Community organizations have a role to play in shaping how immigrants and their families develop social infrastructure and build political power (Ramakrishnan & Bloemraad, 2008; Wong, 2006). Immigrants have the ability to engage in everyday nonelectoral politics through activities such as attending demonstrations, participating in town hall meetings, signing petitions and involvement with their children's schools. Organizations thus can disburse knowledge, shape attitudes, and produce a sense of agency (Wong & Tseng, 2008) among noncitizens regarding issues such as healthcare, affordable housing, education, immigrant rights and many other topics. Likewise, programs focused on youth activism generally promote an asset-based view of young people and encourage them to challenge structural inequalities harming their communities (Aviles & Grigalunas, 2018; Carey et al., 2020). Unlike volunteer or community service programs, youth activism programs are intentionally designed with the goal of fostering youth's social, economic and political development. For U.S. citizen children with undocumented parents then, participation in activities and events to undo societal injustices may strengthen their undocumented consciousness and provide the skills to fight against draconian societal phenomena.

In this chapter I draw on ethnographic fieldwork at two different sites to highlight the activism and mobilization tactics among youth and adults from mixed-status families. The chapter is divided into two parts. In the first section I illustrate youth's experiences with creative political agency. Informed by observations of a youth leadership program at El Centro, a non-profit organization in Los Angeles, I find that educators develop strategies to assist youth with developing the tools to work on social justice-related issues, events and campaigns aimed at undoing systems of oppression (Akiva et al., 2017; Richards-Schuster et al., 2013; Vélez et al., 2008). Among my participants, I observe that for U.S. citizen youth with undocumented parents,

political and civic participation often begins with other social issues (e.g., education, gentrification). Through discussions of racism, xenophobia, gender-bias, homophobia and other issues, youth are provided the tools required to analyze and then act on social issues that maintain marginalized populations in cycles of inequality. Through various activities, youth directly engage with issues that impact their schools, neighborhoods and society. Thus, despite not being of voting age, youth grow into their own agency and discover the power of youth organizing in not only participating, but leading systems change. This civic participation combined with their parents' legal status vulnerability ultimately shapes youth's involvement in the immigrant rights movement and enriches their undocumented consciousness.

In the second part of the chapter I draw on observations at a second field site—the Orange County Coalition for Immigrant Justice—to discuss on-the-ground strategies of deportation defense. Although the threat of deportation is ever-present, when a family member is detained (either by police or ICE) the threat materializes from fear of an apprehension occurring to a race against the clock to prevent a deportation. Detention forces family members to expose their identities when seeking support and potentially broadcast their loved one's case in hopes of raising public awareness and obtaining a congressional endorsement—both of which are key factors in preventing a deportation. Given the overrepresentation of men targeted for detention and deportation in the United States, this pattern of gendered racial removal (Golash-Boza & Hondagneu-Sotelo, 2013) disproportionately leaves women in charge of handling their spouse/partner, son or brother's liberation. When this occurs, women are left in a vulnerable position (legally, emotionally and materially). Through observation analysis, I highlight the transformative approach of one organization in Orange County to employ a community organizing model for people directly impacted by the legal system to lead deportation defense

campaigns. While traditional narratives of immigration reform depend on reinforcing the illegality of many others—particularly those who have any pre-existing contact with the criminal justice system—this organization is working to change the narrative around who is “deserving” of legalization. I examine how the organization is actively working towards an all-inclusive immigration reform agenda.

The Many Faces of Activism

A main finding that surfaced from interview data was that community members share knowledge about immigration-related issues, including ICE sightings, and deploy risk-management strategies in multiple ways. Javier Flores, a 22-year old Los Angeles native explained that whenever he and his parents attend family gatherings, they avoid leaving late at night when the probability of encountering a sobriety checkpoint is higher. The Floreses also ensure that anyone in and outside their family unit who will be driving has not consumed alcohol. In the event that there is not a sober driver for any one party arrangements are made, including allowing the family to spend the night or having a sober eligible driver take the family home. When possible, families also ensure that a driver either has papers or is a U.S. citizen. Several respondents also indicated that before leaving gatherings late at night, they send a “look out”—someone with legal status—to ensure there are no patrol vehicles or checkpoints along major crossroads or highways.

While making certain that guests are not drinking and driving is certainly good practice all around, a driving under the influence (DUI) charge can have adverse immigration consequences depending on the individual’s situation. A DUI conviction significantly hurts one’s chances of release from immigration detention on bond by complicating the process of

establishing one's good moral character. DUI convictions also bar immigrants from DACA eligibility and or renewal and may disqualify persons from the possibility of spousal or parental sponsorship down the road. In fact, simply being charged with a DUI may cause revocation of a non-immigrant visa. There may be adverse consequences of a DUI for undocumented passengers in the vehicle as well given that if a driver is pulled over, passengers may also be questioned by police. The stakes are thus extremely high for mixed-status families.

Keeping family members informed about ICE or police activity is a form of micro activism—that is, politically oriented communication at the micro level. While looking out for law enforcement presence is not in itself expressing one's political opinion, it is a political act in which individuals are protecting their loved ones from apprehension. Thus, the scale and intent of the action are different than the goals of a campaign or other public demonstrations.

Beyond micro activism for their families, I also find that my respondents felt a sense of responsibility to protect their communities. A primary tool used to obtain and disperse information about ICE or law enforcement activity in an area is social media. Facebook, Instagram and other digital platforms are used to upload pictures and details about DUI checkpoints or ICE presence in a community. Checkpoints are particularly worrisome as anyone without status, even those not driving, might potentially be arrested. In response to enhanced immigration enforcement, many cities in the state have established rapid response networks that connect the public with immigrant rights organizations and removal defense attorneys. This collaboration allows for an infrastructure that informs communities about ICE presence in the area and provides resources for directly impacted folks and families of undocumented persons who have been arrested and transferred to immigration detention. In the second half of this chapter, I outline one such network in southern California.

Another micro level strategy youth adopt is educating themselves on their rights as U.S. citizens as well as the rights of the undocumented community during police-citizen interactions. In the wake of ramped-up deportation, immigrant rights groups began hosting Know-Your-Rights (KYR) forums to inform undocumented persons that (a) they have constitutional rights and (b) what exactly those rights are. KYR trainings cover basic information about what to do in the event that ICE shows up at your door, how to reduce risk of apprehension if you've been stopped by the police or ICE, and what to do in the event you are arrested and detained. For instance, ICE has been known to utilize deceptive tactics, or ruses, to gain unlawful entry into a person's home without an up-to-date judicial warrant. Instead, what ICE agents tend to show residents is an arrest warrant issued and signed by the Immigration and Customs Enforcement agency itself which has no legal standing. ICE also goes to great lengths to confuse the public by passing itself off as police, including looking the part (e.g., tactical gear, guns, and the word POLICE on their outfits). Sometimes, ICE agents will introduce themselves as "the police" and ask to come inside the home to inquire about a fictional ongoing criminal investigation in the area. The goal of KYR trainings is to raise consciousness throughout communities and promote empowerment instead of panic.

Youth take on a more macro-level activism role when they move from informing the family to empowering the community regarding their legal rights. The U.S. citizen children of undocumented immigrants understand their privileged status—that they cannot legally¹⁴ be detained and deported and use their position to disseminate knowledge. Sometimes this education looks like re-sharing or re-tweeting a video on social media and answering questions

¹⁴ Information obtained through FOIA requests suggests that ICE's current enforcement practices do allow for the unlawful detention and deportation of US-citizens, see Stevens (2011).

from family, friends and colleagues who may reach out. Other times, outreach and education take a more formal approach.

Ximena Reyes is a case worker in the garment industry of Los Angeles and assists employees—many of them undocumented—with wage related claims. In her capacity as a case worker, Ximena informs employees about their rights and assists in securing fair pay. She acknowledges that growing up in a mixed-status family has shaped the type of work she currently performs and hopes to pursue in the future. Likewise, Javier Flores interns with a nonprofit organization in Los Angeles that provides a number of legal services including naturalization and citizenship support. In his capacity as volunteer, Javier assists attorneys with intakes of persons applying to regularize their legal status. Through his internship and education, he has become better informed about immigrant rights and shares this knowledge in different ways. During conversations with family, friends, peers and neighbors Javier often refers folks to organizations that can orient and assist immigrants with their particular cases, identifying specific individuals within the agency to ask for. He also takes advantage of common spaces to share resources. In the lobby of his apartment complex, the manager has set up a table where residents can lay out pamphlets, flyers, and other resources for tenants. Javier uses this area to lay out KYR cards, or “red cards” that help people assert their rights and defend themselves in many situations, flyers about upcoming workshops, and sometimes, he says, just sits and waits for tenants to approach him with questions about such events. Javier’s undocumented consciousness encourages his desire to capacitate the immigrant community on its protections and rights. Experiences in mixed-status families may therefore influence young people’s career pursuits (Getrich, 2019; Patler & Gonzalez, 2020).

Other times, respondents' undocumented consciousness inspires them to physically intervene to prevent abuse. Jasmine Rodriguez is nearing the end of her baccalaureate program and is waiting to hear back from multiple MSW programs she applied to; her academic goal is to become a licensed clinical social worker. As the child of undocumented parents, Jasmine is keenly aware of the mental health impacts on children from mixed-status families and seeks to support her community in a formal setting post-graduation. In the meantime, she is active with immigrant rights groups in her community and welcomes opportunities to advocate for immigrant rights including passing out flyers about KYR events, red cards and the number to first-responder hotlines in the area. Her membership in a mixed-status family has made her particularly critical of structural inequalities.

During our conversation about community engagement, Jasmine broke down the pros and cons to the filming of racist or violent encounters that, with the development of social media, has become a popular form of activism in recent years. Jasmine believes recording racist encounters has been distorted and used for entertainment purposes. Understanding that as a citizen, arrest carries very different implications than for noncitizens, she urged the public to "go do something about it" and to not simply "talk about it on the sidelines" when seeing someone be attacked or berated for speaking Spanish. For Jasmine, the protection of birthright citizenship that she possesses manifests in a sense of duty to go above and beyond to protect those who do not have the same protections by putting one's own body on the line.

Unlike Ximena and Javier, Jasmine's parents were imprisoned in a detention facility when she was still in high school. Given that the threat of familial separation has intensified for the Rodriguez family, Jasmine has taken a very active approach to fighting against oppressive regimes. Thus, while all three respondents use their position as citizens to advocate for their

undocumented counterparts, Jasmine believes that US citizens have a distinct responsibility to protect the disadvantaged. Courage, she believes should overcome one's fear of speaking up and standing up for what is right.

Beyond the support they provide for their families and the organizing work that they perform in their neighborhoods, my participants also aspire to serve the undocumented community more formally through the careers they have chosen. Ximena, Javier, and Jasmine's cases highlight the ways in which youth recognize and use their privilege to uplift the undocumented community. Motivated by their experience growing up in a mixed-status family, all three have developed concrete skills that will serve them well in their professions and have chosen to pursue careers in which they can work towards abolishing systems of oppression. Ultimately, these youth will continue to find ways to give voice to those who are silenced via the draconian immigration regime.

Activism and Mobilization Among Minors

In a similar vein as sociologist Victor Rios, I find that contact with the legal system may propel some families to seek to change the system that oppresses them (2011). This includes participating in rallies and marches, launching campaigns to bring awareness to their loved one's case, or exposing unconstitutional practices law enforcement uses to separate families. For mixed-status families, political activism is not only limited to the criminal justice and immigration systems (although these are often the social issues they engage with), but also extends to other institutions. One of the major findings of this study is the power youth hold in shaping structures of oppression. For adolescents who are not yet of voting age, civic engagement takes on many forms beyond signing petitions and casting in a ballot.

The Diaz brothers, Guillermo (16), Angel (15) and Ismael (11) are all members of a youth leadership program (YLP) that seeks to engage and train youth on how to exercise their leadership skills and participate in civic engagement opportunities that addresses the needs in their community. Through YLP, youth participate in lectures, presentations, workshops, and group activities that cover a series of topics including Latin American history, migration and social inequality, education policy and a historic overview of youth organizing across the United States. At completion of the program, participants develop a tangible organizing event, project, or campaign of their own choosing that can be shared with the community. Despite not being eligible to vote yet, through YLP students build conscience around the civic engagement process so that they can make informed decisions and understand the power of community organizing.

YLP students participate in a variety of advocacy campaigns around education, immigrant rights, and gentrification among others. One of these campaigns engaged in opposition to a new Walmart in a predominantly immigrant business district. One student who was particularly invested in the campaign opposing this new establishment convinced YLP members to attend a march and rally. Citlali, the program director explained that although staff created the space to discuss what a new chain company would mean for small businesses in the area, the student was the one guiding the discussion and organizing logistics including bus route schedules for the march. For many respondents, participation in the Walmart strike was their first material exposure to civic engagement and mobilization. As Mateo Sanchez, an alumni of the group mentioned: “Sure, it would create more jobs, but there would be a lot of business owners who would lose their small businesses because they wouldn’t be able to compete with the Walmart’s prices. So we showed up in opposition of the Walmart.”

A second event that catapulted minor's civic engagement was the Los Angeles teacher's strike of 2019. In January 2019, educators in the Los Angeles Unified School District (the second-largest education system in the country) went on strike to demand better school funding and higher pay. Tens of thousands of teachers were joined by parents and students invested in equitable education standards for all. After nearly two weeks on strike, union organizers reached a deal with the district which included caps on class sizes, hiring of full-time nurses for every school, and a librarian for every middle and high school in the district by the fall of 2020.

Prior to the strike, program coordinators created space for YLP students to discuss the reasons why teachers were going on strike and what their own participation as students and young organizers might look like. During these conversations, other issues related to education surfaced such as the matter of recent arrivals. In the past decade, there has been an influx of unaccompanied minors, primarily from Central America, arriving in the U.S., fleeing violence in their countries. Given their young age, most are immediately enrolled in schools; yet, as monolingual Spanish speakers, they struggle to integrate. During conversations in the YLP, youth shared the different strategies their teachers (in different schools across the city) deploy to work with unaccompanied minors. While in some institutions teachers have an aide who sits with youth in the back of the classroom and provides real-time translation, in other institutions, students themselves feel burdened with the responsibility of translating for their peers.

These conversations contribute to youth's undocumented consciousness and allow them to move from consciousness building to taking action. Within YLP, students had discussions about their role in the strike and what their own asks were. Ultimately, they came to understand the need for smaller class sizes and accessibility to their instructor. A second major demand of the union was the hiring of mental and physical health practitioners in schools. Students

themselves discussed the need for having nurses on campus and counselors to speak to. Through dialogue, youth identified the type of learning environment they would feel most comfortable in, given, in part, the current events impacting their community. These issues and group conversations inspired them to stand in solidarity with their educators on the picket line.

Not long after the LA teacher's strike, volunteers and organizers at El Centro participated in the annual TPS-to-Residency summit and march. The TPS campaign is a national coalition that brings together hubs from across the United States fighting for legal permanent residency for noncitizens who have been living with only Temporary Protected Status. Estella Galvan, a TPS mother, was adamant about her daughter Itzel joining the working group involved in this feat. Initially, Itzel was unfamiliar with the mission of the campaign until her older sister informed her that the federal government was attempting to eliminate TPS and rescind the visas of all current holders—making them a priority for deportation. After realizing how important it was to her mother and her family's wellbeing, Itzel joined the team.

In February of 2019, Itzel travelled to Washington D.C. and alongside other TPS recipients, families and allies she marched to the U.S. capitol. The weekend-long event included a series of activities to showcase the importance of protecting TPS in the interim and advocating for a path to residency in the long-term. "There was this really nice play that helped people I guess see why we were there. That was pretty cool," she recalled. By participating in a nationwide coalition and meeting and collaborating with persons not only from across the country but also from different nationalities, Itzel was able to expand her undocumented consciousness from a local (micro) to a national (macro) level. That is, through her campaign involvement she worked alongside other families who are experiencing the same negative ramifications of legal status vulnerability. In this process she developed organizational, planning, and strategic thinking

skills (Larson & Hansen, 2005; Larson & Angus, 2011) that she can deploy in addressing issues facing young people in her school, community, and society. Ultimately, through her participation in the TPS campaign, Itzel gained the advocacy skills and the organizing tasks necessary to defend the rights of all migrants for whom return to their native countries is not a safe option.

For youth who were unable to attend the TPS march in Washington D.C., soon there would be another opportunity to engage in a large-scale demonstration for immigrant rights. Annual May Day immigration marches in Los Angeles began in the early 2000's coinciding with International Worker's Day which is celebrated around the world. On this day, organizations from around the city come together en masse to promote immigrant rights. In the past, collective demands have included defending, protecting, and respecting worker's rights, fighting against anti-immigrant agendas, and stopping the separation of families by ICE.

A few months into my fieldwork in Los Angeles, Citlali—YLP's program coordinator—announced that we would begin preparing for May Day. The theme for our group was universal representation which we expressed by making props of the national birds for each of the TPS-receiving countries. The symbolism is important as birds represent freedom because their wings give them the ability to roam the earth and be free. As an art major, Citlali is constantly thinking of ways to include art in youth projects. For several weeks after the “educational” portion of YLP was completed, youth proceeded to the “creative” part of the session where they cut bird figurines out of cardboard boxes and decorated them. In doing so, youth become familiar with the culture and history of each country and understood how many lives are affected by immigration policy.

With her larger than life imagination, Citlali had the idea to create a three-dimensional fictional TPS-recipient to participate in the march. Using her art skills, she created an

approximately eight-foot paper mâché figurine of a woman of color with long black hair (made out of streamers that blew in the wind) and piercing dark brown eyes. The figurine wore orange and yellow daisies in her hair and held up her left fist in a sign of solidarity. No detail was lost on Citlali who made sure to carve out full red lips, a detailed nose, thick eyebrows and firm gaze on this fictional woman. The model wore a long brown and blue dress with the slogan “TPS Justice” on the front of it. The art piece had essentially two components; the top part was the head and arms and the bottom was the body. In order to move the model, someone would need to carry the head—which was held up by two rods—on a backpack, wear the dress which covered the body and arms like a toga, and carry two rods holding up the hands on each side. Andres, the YLP instructor, volunteered to carry the head and wear the toga while two other volunteers held up each hand.

Artistic expression has long been used as a tool to foster public awareness of the lived experiences of individuals who are separated from their families. Immigrant detainees have used art to communicate their feelings and document the conditions of confinement. Non-detained immigrants may also use art to express feelings of entrapment in a society that limits their complete incorporation via restrictive laws and enforcement strategies. On May 1, 2019 I joined YLP youth, staff and tens of thousands of Angelenos in a march and rally that began at Macarthur Park and ended at Grand Park, Los Angeles. Youth held up birds of different countries, took up drums and chanted. Volunteers carried a “TPS Residency Now!” banner as one staff member directed us with chants. Participating in this event expanded youth’s awareness about the power of organizing across racial and ethnic lines. Although all YLP students come from Mexican or Central American backgrounds, on May Day, they joined immigrants from Haiti, Liberia, Guinea and other countries in unity. Beyond just a demonstration, they were

standing in solidarity that transcends cultural boundaries and in so doing, they expanded their understanding of the power of community in the fight for social justice.

In an effort to bridge activism and policy with their everyday lives, YLP organizers expose youth to the legislative process by informing participants about how laws are made and where youth's power lies in the decision making process. Then, each year, Citlali and Andres organize a trip to the state capitol in Sacramento during summer vacation as an extension of YLP. During this trip, students visit with state senators and their regional congressional representatives to discuss young people's needs in their home districts. Ismael Diaz, 11, was the youngest member who attended the trip in June of 2019. In Sacramento, he spoke with a state senator regarding Measure EE, which would enact a parcel tax generating enough money to allow the Los Angeles Unified School District to sustain smaller class sizes and staffing increases. Although Ismael is too young to vote, his training in YLP provided the skills he needed to participate in this conversation and prepared him to become an informed citizen. At such a young age, Ismael is gaining the tools to advocate for his community's needs and pressure congressional representatives who have the power to champion legislation that would benefit their constituents.

As YLP was wrapping up, students decided to develop a community survey for their capstone project. The first task was to identify the themes this survey would seek to address. For two sessions, youth gathered in groups and brainstormed questions relating to education, employment, healthcare, support services and others. After gathering a list of questions, we discussed the wording, ordering and structure (open ended or choose one). As the survey evolved and themes and questions solidified, youth became more and more interested in figuring out what residents had to say about their communities. The final product was a 45-question, five

page survey; the next phase was data collection. Considering the multiple resources at their hands, youth decided to share the survey online with peers and educators, while identifying that it would be best to recruit parents and other community members in-person, given constraints with access to technology.

As the survey launched online and responses started coming in, we prepared for in-person canvassing. Andres, Citlali and I were all in agreement that we wanted the youth to take charge on recruiting and administering the in-person questionnaire, while we would be available for support if needed. To prepare them for data collection, we practiced with interviewing each other (including students and staff). After a few test-runs, we decided they were ready to go out into the community. Youth were given t-shirts, clipboards, surveys and pens and we set out to find respondents. For six weeks we canvassed in donut shops, laundromats, parks, and shopping centers and other public spaces we could access on foot surveying residents about community needs. Youth's age seemed to play in their favor as most of the persons we approached were willing to speak with a young person about their experiences. Youth introduced themselves, the purpose of the project, obtained verbal consent and then proceeded to conduct the in-person surveys in either Spanish or English depending on what language the community members were most comfortable in. By the end, nearly 200 surveys were completed. Upon completion of data analysis, youth presented findings to the community and plans were made to present results to the city council and advocate for appropriate resource allocation.

The Youth Leadership Program is just one illustration of how, when given the opportunity, youth can mobilize and work toward dismantling social inequities. Youths' undocumented consciousness strengthens through learning the historical foundations related to their own ethnic backgrounds and community (e.g., Central American, Mexican, Latino). By

engaging in lectures, activities and demonstrations participants in YLP developed a social-awareness about the power structures that prevent members of their communities from securing equitable outcomes including access to employment and higher education, among others. In this process youth connect historical events to present-day oppressive systems and develop a social justice lens.

Despite their young age, the second-generation children of immigrants (under 18) come to learn how to engage in the political process and are politically active on a number of issues. In a society focused on excluding categories of persons from institutions, services and opportunities youth are finding innovative ways to participate in politics so as to influence the agenda at the local, state and national level. Importantly, the experiences of social action amongst youth in YLP, and in this study, were often a precursor to participation in immigrant rights mobilization as they age and mature. Oftentimes, parental legal status vulnerability influenced youth's political awareness and encouraged their participation in efforts to create and reimagine a more just society.

Elsewhere in this dissertation, I have discussed Abrego's conceptualization of the ways in which differences in migration journeys, life-stage at time of arrival, labor and education laws, and experiences within American social institutions influence the divergent legal consciousness formation and claims-making behavior of undocumented immigrant groups (2011). The data presented here adds nuance to this body of scholarship by examining how fear of permanent familial separation and aggressive enforcement activity influences US citizens' own consciousness formation and in turn shapes their civic engagement. Comparable to their undocumented parents, US citizens also come to internalize an understanding of immigration law (undocumented consciousness) rooted in fear. Nevertheless, this group becomes keenly aware

about the advantages of their citizenship status which serves as a protective factor in their claims-making behavior. As they mature, the children of undocumented immigrants begin to develop a sense of duty to their parents and the broader undocumented community that manifests in political mobilization beyond voting behaviors. Indeed, responding to draconian policies that punish people of color, the poor, women and other communities, US-born youths vocalize and express their discontent with oppressive regimes by engaging in on-the ground advocacy efforts, campaign development and direct dialogue with politicians on behalf of their marginalized counterparts. Thus, while fear drives their undocumented consciousness, sense of duty and recognized privileges associated with citizenship propel US citizens to organize for better treatment of immigrants and other disenfranchised groups. In the remainder of this chapter I shift to grassroots organizing strategies among mixed-status families who have been directly impacted by immigration detention.

Transforming the Landscape of Deportation Defense

In response to aggressive immigration policy agendas in the last decade, grassroots organizing strategies among mixed-status families who have been directly impacted by immigration detention have picked up. One organization—the Orange County Coalition for Immigrant Justice (OCCIJ)—is revolutionizing the immigrant rights movement by empowering directly impacted persons to lead their own or their loved one’s deportation defense. Founded in the Summer of 2017, the OCCIJ is an interconnected system of nonprofit and grassroots organizations, civil rights attorneys, law school clinics, and community volunteers working together to combat immigration enforcement activities and policies in Orange County. The OCCIJ responds by documenting and disseminating information to the public about immigration

raids and enforcement actions; organizing and hosting educational forums, trainings, and outreach to the general public; supporting and endorsing local and statewide policies that advance and defend the rights of immigrants; connecting individuals directly impacted by the immigration system with attorneys; assisting individuals and families who have loved ones navigating the criminal and immigration systems from a *participatory defense* model; and connecting directly impacted people and families with resources. Since its creation, the OCCIJ has supported over 60 directly impacted families navigating the legal system. The ultimate goal of the OCCIJ is to end the collaboration between criminal law enforcement and Immigration and Customs Enforcement (ICE) on the national scale.

Participatory Defense

Participatory Defense (PD) is a community organizing model for individuals facing charges, those who are currently being detained in jail or immigration detention facilities, their families, and communities to impact the outcomes of a case and transform the landscape of power in the court system. PD as an organizing model was developed by families affected by the criminal justice system and a grassroots organization, Silicon Valley De-Bug, in northern California over a decade ago and has grown to become a nation-wide network of hubs throughout the United States. The Orange County PD hub is unique in that it prioritizes crimmigration cases—that is, cases in which an individual has been arrested and charged by law enforcement and may be facing immigration consequences for said charges.

The OCCIJ operates a hotline with two main purposes (1) answer calls about ICE presence in Orange County and alert a group of first responders (assigned by geographic area based on their place of residence) to verify and alert the community to exercise caution; and (2)

handle incoming calls from families whose loved one has been detained and who are seeking support in locating that person. Tracking an individual may take some time. Detainees might show up in the online operating system as soon as a couple hours after their arrest or up to 24 hours later. Complicating matters, immigrant detainees may be transferred to ICE custody at any moment, not merely upon initial arrest. The Hotline Coordinator assists families in gathering information about where that person is being detained, walks them through the process of putting money on their books so the detainee can purchase commissary and place a phone call, conducts an intake to collect baseline information about the case, and understand how the arrest occurred, refers the case to a number of legal providers appointed to represent OC residents (as relevant), and invites the family to the PD space. This final step is where the process of PD begins.

At its core, PD empowers individuals to take leadership in steering the direction of their own or their loved one's case. Persons who attend PD meetings join with the understanding that this is not a space where they will get a direct service per se, but rather an opportunity to think through options with a group of community members who are committed to ending the deportation regime. Family members are invited to share minor details (nothing specific that might jeopardize an open case) about their loved one's situation. PD members then assist the family in thinking through logistics including, but not limited to: describing the immigration court process, drafting questions to ask an attorney so the family will be better informed about the legal strategy, (when pertinent) accompany families to court and take note of the proceedings as such experiences may be traumatizing for individuals who have no prior experience with the legal system; translating documents, drafting letters of support that speak to their loved one's good moral character, reaching out to city council members and congressional representatives for their public support on a case, and referring community members to mental health providers who

are specifically assigned to work with immigrants and aware about their particular struggles. In cases where PD volunteers feel public support will make an impact, organizers invite families to go public with their cases holding press conferences and campaigning on social media to enhance public awareness and pressure legal actors to exercise discretion in a case where appropriate. Importantly, any course of action is directed by the families themselves and volunteers take the family's lead on how they would like to proceed.

Participatory defense is a trust-based process, and relationships with those who seek support in the space are critical in creating a community of hope and transparency. PD also requires a degree of vulnerability on the part of the families. Undocumented persons have exercised caution about not sharing information regarding their legal status, yet, in this space, they are literally “outing” themselves as undocumented. As such, organizers seek to be intentional in how they navigate each case and remind families that no action will be taken until the family has decided on it. PD volunteers bring different backgrounds, trainings, and skillsets to the space, and, while they do not hold all the answers or seek to provide legal advice, the goal is to collectively build the body of knowledge for the immigrant community as it moves forward.

One of the main factors that distinguishes the OC hub of PD from others is that it operates on a horizontal organizing model rather than a hierarchical structure. The group is entirely run by community volunteers—except for one PD organizer who is a paid staff position—and there is no executive director delegating tasks to staff members. Instead, PD volunteers have the opportunity to take on and share leadership roles (e.g., point person for a family, meeting facilitator, follow-up with action items). Decisions within the organization are made collectively and all members are encouraged to use their particular skill sets whether they be tech, social media, advocacy, education, etc. PD also inherently lays the foundation for

transformative work by prioritizing the representation of directly impacted persons in the various subcommittees including the policy and strategic communications committee. Former detainees have joined working groups in these spaces examining violations of SB 54 state law via ICE transfers as well as probation protocols that facilitate ICE apprehensions. As persons who suffered this legal violence (Menjívar & Abrego, 2011), former detainees are the best equipped to identify practices (formal and informal) that may then be used in court to combat criminal charges and subsequent deportation proceedings.

Participatory defense, deportation defense, and all immigrant rights work is emotionally taxing labor. Around the clock attorneys, community organizers, educators, healthcare providers, and anyone working with the undocumented community is actively fighting a draconian regime that perpetuates xenophobia and causes generational trauma. The OCCIJ has a ranking system for prioritizing cases, but typically, all cases of OC residents are welcome and invited, so long as there is volunteer capacity to hold the space.

Tier 1 are the top priority cases. These are cases which, after initial intake, the OCCIJ believes can be the most impactful. This first tier includes members and family members of the OCCIJ themselves (prosecution of undocumented activists increased in the Obama and Trump administrations) as well as those with strong campaign cases such as cases arising from a coordinated enforcement action, legal/constitutional violations (e.g., SB 54 violations), local sanctuary ordinance violations, Fourth Amendment violations, racial profiling, etc. Tier 1 also includes cases of vulnerable populations with ties to Orange County such as the LGBTQ community, cases of persons with juvenile records, current or former DACA-mented community members, and those with final orders of removal (or who have been detained at ICE check-ins). Most cases fall under this broad umbrella category. Tier 2 includes any case of Orange County

residents currently held at the Adelanto Detention facility in southern California. These individuals typically are awaiting bond hearings and are seeking legal representation and assistance with bond allocation. The final tier, Tier 3, includes cases of Orange County residents who have been detained outside of southern California (including recent deportees) and where the family is willing to work with the OCCIJ to strategize about ways the family can impact the case outcome. While this structure was implemented to foster sustainability, in practice, over the course of my fieldwork, all families who have wished to participate in PD have been given the opportunity.

Importantly, most cases that come through PD are difficult cases because they require volunteers and organizers to push back against the criminalization of immigrants and the oversimplified “deservingness” framework. Certain cases such as DACA recipients who are arrested for protesting or parents who have been in the country for years and never had a run in with the law easily garner public sympathy. They beg the question: how can anyone be punished for searching for freedom? At the same time, rhetoric around such cases promotes the “deserving vs. undeserving immigrant” dichotomy that politicians have used to block comprehensive immigration reform (Sharpless, 2015; Yukich, 2013).

The OCCIJ seeks to abolish the criminalization of immigrants by intentionally taking on more complicated cases and championing the right to legalization for everyone. Cases introduced in the PD space are for persons who do not fit the traditional parameters for relief from deportation. Examples of cases PD has supported include charges of DUI, gang association, and drug charges, among others. Through PD, volunteers and staff introduce community members to the systems of oppression involved in criminalization and immigration enforcement. As families learn the stories behind criminal charges, become acquainted with detainees and their families,

and work through how to best support the person facing conviction, they come to see that deportation should not be the punishment for any criminal offense. By working on tough cases, the OCCIJ is reframing the “deservingness” narrative as a universal right for all immigrants to stay in the United States, no exceptions.

Reframing the Narrative

In an effort to build up the immigrant rights movement and garner institutional support, activists, service providers and non-profits have predominantly relied on narratives of the “perfect dreamer” to advance immigration agendas. This approach has relied on framing undocumented youth as high achievers, “unwilling” migrants brought to the United States through no fault of their own, and the injustices they face in accessing formal institutions as they transition into adulthood (Lauby, 2016; Nicholls, 2013; Patler, 2018; Patler & Gonzales, 2015). Through this individualistic narrative, those who do not fall under this category (nonstudents, persons with criminal convictions, etc.) are implicitly marginalized and excluded from pathways to legalization. This segment of the population is constructed as deviants, and negatively perceived by the general public.

The “good vs. bad” immigrant narrative has also seeped into the ideology of the immigrant community and the arrest, or attempted arrest, of a resident elevates this philosophy. At 6:30am on February 26, 2020, Salvador Avila, a father of four, was heading out to work when ICE officials surrounded his work truck demanding he step out of the vehicle. Salvador refused repeatedly and a crowd began growing and filming the encounter. Police were present on scene to provide crowd control, but allegedly did not assist with the enforcement actions—which

would be an SB 54 violation. Eventually, police officers left, and with the size of the crowd growing, the ICE agents decided to withdraw as well.

According to reports, ICE did not have an arrest warrant. What they presented to Mr. Avila was a document from DHS dated Aug. 14, 2019 stating there is probable cause to believe he is a removal priority but provided no reason. A second document showed an immigration judge's decision dated November 2017 to remove Salvador from the U.S. to Mexico—neither of which is current nor therefore legal grounds for arrest. The couple said their troubles with ICE started back in 2015 when ICE mistakenly arrested Salvador for another man with a similar sounding name and detained him for three months. They assure he does not have a criminal record. The couple contacted their attorney during the standoff and filed a FOIA request to obtain whatever information ICE has on him. The Avila family also contacted the OCCIJ hotline to seek resources in moving forward.

In response, one week after the incident OCCIJ volunteers and attorneys mobilized and hosted a KYR forum in the neighborhood where Salvador had his standoff with ICE. Volunteers arrived at his apartment complex, set up a canopy, rows of chairs, a food and beverage station and invited neighbors to come down to the courtyard and listen in on a talk about their Fourth Amendment rights. While not all residents joined us in the courtyard, a few were spotted peeking through a window or front door and listening in. During the forum, families expressed concern about ramped up ICE presence in sanctuary cities as well as fear about information sharing between service agencies, such as the DMV, and ICE. Spanish-network news channels were signaled as a resource families rely upon to stay up to date, however, these outlets have been heavily criticized by many as perpetuating the criminalization of immigrants. That is, by portraying immigrants with prior convictions as “criminals” and “wrongdoers,” these outlets just

as much as conservative pundits promote the narrative that only those who have never had contact with the criminal justice system should be granted a path to legalization and that if an immigrant is abiding by the law, then she or he will not be targeted. Their tactics have worked. Ariel, the director of community engagement for a non-profit in Orange County, highlights the tension within immigrant communities regarding contact with law enforcement:

The Latino community is very racist too, some anti-immigrant, and even the immigrant community too. When I show up to conduct an intake, I usually break it down for folks that the good thing is [ICE] is going after criminals. The bad thing is that any one of us can be criminalized at any point. Sometimes I can't even finish the second half of that statement before families jump in and say "yeah, they should go after the criminals only."

Immigration enforcement, be it an arrest, detention, or deportation is a traumatic experience for all family members. In their quest to seek justice and absolve a loved one, or oneself, of the deportation machine's grip, immigrants themselves often perpetuate the xenophobic rhetoric that sustains state-sanctioned violence. In doing so, the immigrant community upholds the existence and operation of the very structures that are working to punish and exile them or their loved ones. Participatory defense actively works to undo this "good vs. bad" immigrant dichotomy by shifting the conversation onto how structures of oppression operate and impact all communities. By explaining how racialized practices are responsible for the harm brought onto families of those facing deportation, PD reframes the narrative towards one of comprehensive immigration reform.

Given the nature of participatory defense work, volunteers in PD have been challenged on their own stance in the past, particularly with regard to marking boundaries about police-

civilian interactions during potentially dangerous situations. For instance, in one case, the group had a discussion about how to support a community member who was undocumented and seeking advice about calling the police because she was fearful of physical abuse from her partner. The core values of the OCCIJ reject police involvement and advocate a series of healthy alternatives. In cases such as these however, it is important not to make community members feel abandoned when they are reaching out for support. In the end, the group created a safety plan with the woman including a list of shelters that had capacity to take her in, informed her about the requirements for the Violence Against Women Act (VAWA)—which provides protections for immigrant women and victims of crime—and referred her to legal partners who could assess the case and possibly represent her in adjusting her immigration status. The group also made it explicitly clear that we could not facilitate any communication with the police if the community member chose this route.

Cases such as the one above highlight the intentionality behind individual case support. Involving the police means reinforcing systems of oppression that criminalize communities of color and in certain instances may potentially facilitate the deportation of one community member, in the name of protecting another. This is just one example of the tough work of participatory defense, and abolition more broadly, in which organizers and community members alike must constantly push back against narratives that criminalize marginalized communities and sustain the carceral state. I now turn to case studies of families who are currently fighting deportation proceedings for a loved one. In the remainder of the chapter I show how families mobilize in response to a one another's detention and highlight the tools they use to navigate each case. I find that in addition to legal representation, families count on community support

and are willing to assist fellow community members is their shared fight against draconian immigration policies and enforcement practices that threaten their families.

Women-Led Mobilization

The systematic gendered and racialized processes of immigration detention and deportation in the United States disproportionately burdens women, and most often Latina immigrants. Removing a key male contributor alters gender roles and practices within the family and imposes emotional, material and financial hardships onto the mothers and spouses/partners. While in detention, women's invisible labor is essential for the detainee to keep morale up as often the uncertainty of detention (length of stay and final outcome) combined with poor conditions of imprisonment may force a detainee to "voluntarily" self-deport. Detained men also depend on the women in their lives to handle logistical matters relating to the case (e.g., collecting police reports, letters of support or any other evidence an attorney might ask for). Latina undocumented mothers and spouses/partners must thus navigate legal violence (Abrego & Menjivar, 2011) and patriarchal structures following a loved one's arrest.

Given gendered pattern of detention, PD is predominantly attended by women who are seeking support for their family member's case. Be they mothers, spouses/partners or sisters, women bear the burden of identifying and coordinating how to support their loved one and fight to liberate him from detention. Families face significant material harms following the detention of a loved one placing them in a state of economic insecurity. When a man (often a breadwinner of the family) is detained, women shoulder the responsibility of child-rearing and covering household expenses. They also face the added burden of allocating money so the detainee can place a phone call, buy commissary (basic toiletries and additional food), and securing legal

representation. In spite of these barriers, through the course of fieldwork in the PD space I observed women find meaning and strength through the creation of networks.

Maria Espinoza is a mother of four who has been active in participatory defense since prior to my involvement. Her son Raúl is a DACA recipient and had been detained in Adelanto for several months at the time she came into PD. Maria joined the space in hopes of finding legal avenues for her son's release from detention and ultimately his relief from deportation. Through PD, Maria and Raúl were connected to an organization that provides legal representation (free of cost) for Orange County resident currently held in detention. She was pleased with the attorney's handling of the case thus far and was hopeful for a positive outcome. Maria consistently showed up to PD with high spirits and did her best to offer words of encouragement as well as resources to other families in the space. She latched on to her faith and prayed that with the support of her community, she would soon be reunited with her son.

Like many women who are willing to make the long drive to visit a loved one in detention, for Maria, her legal status coupled with her health (which prevents her from driving long distances) were barriers. Out of fear that she herself would be apprehended, Maria had not been able to see Raúl (who was being held two hours away) in months. Instead, she and other women in PD resigned themselves to supporting their incarcerated loved ones by depositing money into their accounts for commissary and so that they could stay in contact via phone calls. As weeks turned into months, the uncertainty of detention began taking a toll on Maria's physical health. In the fall of 2019 it was evident that the responsibility of dealing with Raúl's detention was weighing heavily on her. She had a major tooth infection which went unchecked for several weeks due to lack of insurance (direct result of her legal status) and suffered a minor injury requiring her to wear a cast. Out of work and getting by on her husband and older son's

income, Maria was in dismay. As Raúl's case dragged on through the court system, for the first time in months she started sounding hopeless and increasingly worried about his deportation.

PD members and other mixed-status families share their detained loved one's fear of deportation and the violence they may face if removed. In Mexico, a place Raúl had only known as an infant, the Espinoza's extended family had experienced violence at the hands of organized crime units leading to the death of one of Raúl's uncles. Maria became increasingly worried that Raúl would be deported and face violence in a place he hasn't called home for nearly twenty years. Her hope was that the judge would soon grant bond and that Raúl would be released from detention, free to fight his case outside of confinement.

Maria & Raúl's Kermés

One of the main ways in which families utilize PD is to organize fundraising events for bond allocation. In California, *Rodriguez v. Robbins* applies to all immigrants in detention and automatically qualifies those who have been imprisoned for six months for a bond hearing.¹⁵ As Raúl neared this timeline, Maria began to regain her hope that the family would soon be reunited. One November evening, she announced at a PD meeting that she would like to host a fundraiser. In speaking with Raúl's attorney, Maria was hopeful about the attorney's argument to have him released on bond, and she wanted to have enough time to fundraise so that if bond was approved Raúl would not linger in detention pending the collection of funds. At that meeting, Maria settled

¹⁵ The *Rodriguez* injunction applies only to detention facilities in the particular federal judicial district in which the case was brought (the Central District of California), meaning the injunction applies only to the Adelanto Detention Facility. Currently, there is no requirement that detainees receive a bond hearing six months later if the first *Rodriguez* hearing is denied. However, under federal regulation, detainees may request another bond hearing after an initial denial if they can show changed circumstances.

on hosting a Kermés where she would sell food and drinks and have music and live entertainment.

The OCCIJ contributed to the Kermés by promoting the event on social media, bringing all hands on deck to assist the day of and one of the members even arranged for a live performance by an Aztec dance group. The Kermés was held in the courtyard of a residential complex where Maria previously lived; a friend had spoken to the manager which agreed to the use of the space. On November 17th, I arrived at the Kermés with other PD volunteers and quickly assisted with making posters, propping up canopies to shield from the sun, setting tables and chairs, making a menu with prices, and setting up the food and supplies. Maria had two trunk loads of food and beverages delivered. One friend had donated a pot of homemade menudo and another donated freshly made pork tamales. Maria purchased the fixings to sell tacos, enchiladas, tortas, and many more foods.

When guests first arrived, they were greeted by a volunteer, purchased tickets and then proceeded to explore the multiple food stations. All PD volunteers took “shifts” in different capacities. The event lasted from 9am-5pm and I spent a significant portion of the day getting to know Maria’s two youngest daughters who had not attended PD. Both her eldest son and husband had to work, so Maria shouldered the responsibility of host duties. The event was a success. At the following PD meeting it was revealed that \$1,500 was raised for bond and a few weeks later, Raúl’s conditional release was approved, and he was reunited with his loved ones. At the very next PD meeting after his release, Maria brought Raúl along so the group could meet him and celebrate his reentry. After months of witnessing Maria struggle with emotional distress and the physical toll Raúl’s detention was taking on her body, it was a joyous moment for PD members—a testament to the power of the PD model and community organizing. To Raúl, we

were all new faces, but to us, it was as if we had known him for months and were welcoming home an old friend.

Events such as the Kermés show the power of community mobilization. At a time when the Trump administration widened the net of undocumented persons considered a priority for removal to include nearly everyone and sped up their hearings, immigrant and mixed-status families were highly afraid of familial separation and of speaking out against the administration for fear of retaliation. Yet, in the midst of heightened enforcement actions across the country, communities have banded together in support of their comrades. Through fundraisers and events targeted at reuniting community members with their families, as was the goal of the Kermés, detainees are humanized in the eyes of the public. Today, the detainee is their neighbor, coworker or colleague. Tomorrow it could potentially be their husband, brother, father or uncle. It could happen to anyone. Kerméses thus bring communities together for good food and entertainment all the while supporting the fight for justice.

Soon, women began tapping into PD for assistance in fundraising towards legal fees. For men who were on county probation—as a result of contact with the criminal justice system—prior to detention, probation fees (which most people are unaware are the responsibility of directly impacted persons and their families) accrued during their detention. Post-release, these men not only have to pay for ICE-related supervision, but they are also greeted with a bill that has accumulated interest on unpaid probation fees. Other times, when prosecutors agree to reduce charges to where the undocumented person will not face jail time or immigration consequences, there may be legal fines to pay. Fundraising assistance therefore became a popular reason for women to tap into PD. One mother, Martha Ramirez, sold pambazos out of her home one weekend to raise the legal fees relating to her son's conviction. Another woman, Julia, began

a side business when her husband was apprehended. As a mother of young children, she could not afford to work longer hours and cover both childcare and her husband's legal expenses. Selling quesadillas from her home every weekend was her solution to save on childcare while also generating revenue.

Food became a way of uniting the PD volunteers and community members. In gratitude for the support she received in the fight to liberate Raúl, Maria started bringing meals to PD meetings. On one occasion she baked sugar coated donuts filled with arroz con leche and a warm pot of champurrado—a fan favorite. The following week she made tostadas de tinga. Another time she brought in chilaquiles with cheese and sour cream, the list grew. Other mothers took up the practice of sharing food as well. After her son obtained an immigration-consequence-free conviction (thanks, in part to community pressure on the DA) and paid off all legal fees, Martha brought in tortas for PD members to feast on as she expressed gratitude for the support she received in navigating her son's case. Food remained a focal point of PD meetings, that is, until the pandemic was declared, and we shifted to virtual reality. Meetings ran Wednesday evenings 6-8pm during dinner time. By nourishing our bodies, mothers showed appreciation for our support while also building community in the PD space and tackling issues about structural inequalities that lead to the criminalization of our loved ones. The relationship also blossomed. For Raúl's birthday in October of 2020, Maria invited PD members to an outdoor get together she was hosting for her son, and in April 2021, she invited us to her daughter's Quinceañera and called upon our support to promote her food sales on social media to raise funds for the event. Thus, as participatory defense served to connect communities around issues of deportation defense, it also lay a foundation for community members to stay connected with one another and remain involved in the fight against oppressive regimes beyond one's release from confinement.

Maria's case reveals how participatory defense provides a platform to uplift Latina, immigrant and working class women's voices. Women initially use PD as a resource to liberate their loved one. In that process, they effectively find and develop their own advocacy and mobilization skills as not only are their opinions, experiences and approaches to case strategy respected and validated, but they become action items and next steps in moving the case along. Immigrants confronting deportation proceedings and their loved ones often rely on their attorney (who is familiar with laws and the court process) to advance the case through the system. When the attorney is unresponsive, however, the family hits a wall. Through PD, community members combine the skills they already possess with community support to think through non-legal avenues of impacting a case. In so doing, women take back some of the power that is solely leveraged by an attorney and make their own decisions about case strategy. In turn, this provides them a greater sense of agency and satisfaction in the legal process. Simultaneously, this process also allows women to build community, thus countering the isolation associated with both experiences of detention and deportation proceedings more generally (Hasselberg, 2016).

Women Uplifting the Voices of Former Detainees

A central aspect of PD is that the process inherently creates a foundation for former detainees and system-impacted persons to grow the skills they already possess and take back their power post-release. Mothers and spouses/partners who shoulder the burden of a loved one's detention sought to involve the previously incarcerated men in PD and to share in the responsibility of navigating the legal system. For instance, while Maria expressed her desire to continue involved in PD as a volunteer she was adamant about Raúl joining and taking over the agency and leadership of his case. She wanted Raúl to understand the responsibility she carried

on her own in his absence and was counting on the PD volunteers' support in capacitating him moving forward. In turn, and partly to protect Maria from future emotional harm, after his release Raúl made a concerted effort to take over the reins of his case. He immediately pushed his attorney to submit a DACA renewal so that he could obtain a work permit and begin alleviating his mother from the financial burden related to his ongoing legal battle. Through the network, Raúl was put in touch with other organizations that place formerly incarcerated persons with employers who are willing to hire them regardless of their convictions. He was also connected to legal aides that assist with expunging criminal records and filing for early terminating of probation. Given the ongoing immigration case, Raúl wanted to have his probation term completed by the time of his next immigration hearing. As he waited for work authorization, Raúl used his artistic and entrepreneur skills to raise funds for the probation fees that accumulated during his detention. To that end, he created a logo that symbolized the harm that has been caused to the Latino and undocumented communities and launched a "free my people" t-shirt business. One PD volunteer connected Raúl with someone who printed the logo onto t-shirts, and he continues to rely on the OCRRN's social media platforms and public events for promotion of merchandise. Participatory defense thus was instrumental in Raúl's post-release transition and as he continues to navigate his legal battle.

Other members have also taken back their power through participatory defense. When Kimberly's partner, Ruben, was released from detention, she introduced him to the PD members and subtly shifted responsibilities of attending meetings and following through with action items onto him. Ruben joined participatory defense after his release from detention in June 2020. At his first meeting post-release, he was humbled and thankful to participatory defense members who in addition to advocating on his behalf and working with his partner to liberate him, also

assembled a care package of essential items for his return home. While initially unsure about how he could contribute to the space, Ruben soon found his footing in both the policy and fundraising committees. Given the circumstances of his arrest (directly outside of the county probation offices), it is suspected that ICE was tipped off about Ruben's immigration status by his probation officer. He joined a working group within the OCCIJ's policy committee to assist organizers and attorneys in identifying county processes that may be in violation of SB 54 and leading to the unlawful arrests of undocumented persons like himself. Ruben also joined the fundraising committee and has been instrumental in identifying basic needs for persons reentering society (i.e., petty cash, groceries, laundry cards), and developing ideas to raise funds for these items. As an artist, he too has used OCCIJ's resources to launch his customized sneaker business and has raffled off a pair at events for the network.

For cases where undocumented persons were facing criminal charges but evaded pre-trial detention, participatory defense is equally empowering. Martha, whose son Emilio was not detained but had been unable to attend PD meetings due to his work schedule, made sure he was actively involved with action items regarding his case. This included taking lead on communication with his attorney regarding the legal strategy, meeting with a local congressman who had agreed to write a letter of support on Emilio's behalf, as well as support with planning and executing a fundraiser for his legal fees. Martha did eventually manage to get Emilio to at least one PD meeting after his case was closed—where he shared the good news that the district attorney had agreed to an immigration-safe plea deal. Martha emphasized that moving forward, it would be Emilio's responsibility to complete court-mandated sobriety programming and stay on top of his DACA renewal application.

Maria, Kimberly and Martha's cases highlight how the process of participatory defense allows families to experience individual and collective empowerment. In an act of love and parenting, spouses/partners and mothers sought to teach the directly impacted men in their lives lessons about consequences for one's actions. Yet, far from reprimanding them for misbehavior, they transferred knowledge and skills onto their loved ones so that the men could both take ownership of their actions and an active role in the process of their own cases. These women's actions reveal that Latina immigrant women often defy gender and familial roles to assert and develop their own voices throughout organizing their son or spouse's liberation. Then, post-release, they uplift these men's own agency and empower them to push back against systems of oppression that seek to imprison and deport them.

Empowerment Through Visibility: Women and Campaign Development

The case of Carmen Vargas powerfully illustrates the intersections of motherhood, reproductive justice, and gendered violence at play when the state threatens to deport immigrants. Carmen is a mother of five fighting a final order of removal for a case that began in the criminal justice system, quickly escalated and landed her in ICE custody over a decade ago. One afternoon in 2010, Carmen was running errands when she left her infant twin daughters in the car, with the door open so she could keep an eye on them, for a brief moment while she walked inside the phone company to pay a bill. Those few minutes happened to be just enough time for a passerby to see the children unattended and immediately call the police. When Carmen returned to her vehicle, she was confronted by the individual who verbally assaulted her and informed her the police were on their way. Carmen, convinced she had done nothing wrong, made no attempt to flee the scene, and instead patiently waited in her vehicle and breastfed one

of her daughters. When the police arrived, the stranger informed them of what she had witnessed and after Carmen refused to pay off the police officer, she was arrested. Carmen was taken into custody and spent one week in county jail, eventually made bail, and was released. Her children were removed from her custody during this time. Immediately following her release, ICE officials, who had already been informed of her apprehension by local law enforcement, arrested and transferred her to an immigration detention facility. After paying off a second bond (for immigration detention), she was released under conditions of supervision.

Carmen's legal battle over the years has been costly. Following her release on bond, Carmen hired an attorney to represent her in immigration court. Since then, all legal fees have solely fallen on her. Although Carmen has at times sustained multiple jobs to make ends meet, the demands of attorney-client meetings as well as court appearances have required time off work and jeopardized her employment prospects. To make matters worse, the first legal representative Carmen hired did not appropriately handle the case. The attorney failed to conduct a thorough investigation of circumstances in Carmen's childhood, migration history and experiences in the United States that might have qualified her for asylum, VAWA protection or other possible forms of deportation relief. As consequence, Carmen lost her immigration case, appealed that decision to the Board of Immigration Appeals, and lost that appeal. In 2019, when the attorney got word of the court's latest decision, she informed Carmen there was nothing else that could be done on her behalf. If deported, Carmen risks losing her five children, all minors born in the United States or will be forced to tear them apart from their homes, family, and the only life they know.

Carmen's case is not one of a kind. Approximately 75% of immigration cases in Orange County are the direct result of contact with the criminal justice system. Even SB 54 allows for

carveouts that concede transfers from county jail to ICE for individuals facing certain “aggravated” charges (which in practice are only elevated in severity because they are committed by noncitizens). When immigration attorneys do not advise their clients of the immigration consequences of the criminal charges they are facing, and when judges fail to consider the full range of immigration consequences for undocumented persons, cases like Carmen’s arise.

Carmen found her way into Participatory Defense in December 2019 after meeting Maria at the *Kermés* and learning about the work being done by the OCCIJ to defend immigrants. At her first PD meeting, she explained the circumstances of her situation as volunteers and organizers listened intently and brainstormed possible plans of action. During the course of my fieldwork, this was the first case where someone had lost an appeal and was seeking support after the case had been closed. We were not even sure, at the point, if the OCCIJ had legal partners with experience working on immigration appellate cases. Carmen had an ICE check-in scheduled for February 2020 in which given the standing deportation order, the ICE agent had the authority to take her into custody and she could be deported that very same day, or the agent could exercise discretion and set a follow-up check-in. The gravity of the situation was severe, and she was hopeful that with renewed support (via legal and non-legal means) she could find legal standing to convince a court to re-open her case.

After consulting with PD volunteers, one strategy Carmen agreed to was the launching of a campaign for liberation. By going public with her case, Carmen could garner the support of local city council members as well as state and national congressional representatives who could throw their political support behind her. In the following weeks, Julieta—another OCCIJ volunteer—Carmen and myself met to discuss strategies for introducing Carmen’s case to the public. Julieta and I agreed to write an opinion piece that would introduce Carmen to the

community as a working mother fighting for herself and her children and shed light on the racialized and gendered injustices she had experienced at the hands of police and ICE agents. Before we began discussing the facts and storyline, Carmen became visibly upset. As it turns out, her sister, who had agreed to take over childcare responsibilities during the meeting, could not find the location of her son's preschool. Carmen worried that because it was late in the afternoon, school administrators would flag this and involve the school's social worker who might then report the incident to social services and lead to ramifications for her current immigration case. After providing detailed directions to her sister on the phone, she ended the call and began to cry heavily and let out a desperate shout. Julieta and I tried to support Carmen by suggesting she call the school back and let them know her sister was on her way. We also asked if she wanted to reschedule so that she could pick up her son. Given that her sister was already in the area, Carmen decided it would take even longer—in peak traffic hours—for her to drive back across town. She reasoned that her sister must surely find the school soon enough.

Carmen's reaction is characteristic of any mother. The idea of her young son being left alone at school without knowing what time someone would pick him up was daunting in and of itself. Compounding this dilemma, Carmen also had another reason to worry: the potential consequences of a report about a mother who did not pick up her child from school on time. Undocumented persons have learned that institutions are not reliable. They do not know who is going to ask for documentation regarding legal status nor if and when said institution will hand over any information on the parent to ICE. Given her experience with state-sanctioned legal violence in the past, Carmen had a credible fear that the school would take legal action against her which could cost her custody of her son and potentially worsen her immigration case. Luckily, her son was picked up by his aunt before the school closed for the day and Carmen,

Julieta and I were able to discuss the vision for the opinion piece which was set to be released in the days leading up to the press conference.

On February 25th, 2020 the OCCIJ held a press conference and rally for Carmen to ask that immigration officials exercise prosecutorial discretion and allow her to remain in the United States. Reporters from local news stations, community members, and a local representative (who after learning about Carmen's case agreed to attend the event in support) gathered outside of the USCIS Field Office in Santa Ana where immigrant rights organizations addressed the injustices of the immigration system that criminalizes mothers like Carmen. Orange County residents who had never met Carmen showed up in support and to let her know she was not alone. As she crossed the street to the field office with her eldest son, the crowd greeted her and applauded her bravery. Carmen addressed the crowd and explained that like countless other mothers, she is fighting for the right to have her children grow up in the country where they were born, with access to resources they are entitled to and without fear that their mother will be taken away. Then, Carmen said goodbye to her oldest child who had accompanied her, 13-year-old Julian, who bowed his head as tears streamed down his face, then she walked inside for her appointment.

The strategy for the ICE check-in was to have the congressional representative, a church pastor, and community member (all US citizens) enter the building with Carmen so that in the event that ICE attempted to apprehend her, volunteers would be immediately notified and mobilize to halt the deportation—including via acts of civil disobedience. During this time, Julian was left with volunteers and community members outside the building to wait for his mother to return. After Carmen entered the building, the wait began. Community members gathered in a circle and prayed, chanted, and offered words of encouragement to Julian

reminding him that he was not alone and that his mother had the support of many.

Approximately one hour later, Carmen exited the building to chants and praise from those of us awaiting her return. She informed us that she had been scheduled for a follow-up check-in within two months.

In April of 2020, after a global pandemic had been declared, Carmen returned to the USCIS office for another check-in which had not been cancelled despite state-wide shelter in place orders. It was unclear if the process would be similar to the previous one in which Carmen would be required to enter the building and be in close proximity of an ICE officer as he asked questions about her case. In order to protect one another and still show solidarity with Carmen, the OCCIJ mobilized a drive and honk rally while only a small group of ten held a second press conference outside of the USCIS field office—abiding by mask mandates and social distancing guidelines. Cars drove by with signs such as #AbolishICE, #FreeThemAll and #CommunityNotCages to show they stand with Carmen and will continue to support her fight. In the end, Carmen did not have to enter the building or meet with an officer; she simply filled out a questionnaire and was told an agent would follow up with her.

Immigration law and the legal exclusion it imposes on immigrants and their families powerfully determines their life chances. For undocumented women fighting their deportation cases, traditional notions of motherhood that expect them to provide their children with financial and emotional stability is interrupted. Carmen’s story powerfully illustrates the trauma and hardships faced by mixed-status families in an era of mass deportation. She has suffered psychological distress as a result of her ongoing legal battle and the time and energy necessary to fight a decades-long threat of removal has impacted her ability to parent. During one PD meeting she became so exasperated about her situation that she stated: “If my daughters are misbehaved it

is because the government has not allowed me to parent them correctly. I work, cook, clean and wash clothes. I do the best I can but running around getting paperwork for my case and visiting with attorneys takes time away from my family.” Unable to hold back the tears, she broke down as she described the mothering, household and legal responsibilities she has shouldered all on her own for the past ten years.

In the months following her immigration check-ins, Carmen, then pregnant with her fifth child, suffered a fall and hurt her arm and wrist. While the pregnancy was not impacted, she had just recently been laid off from work due to the economic crisis as was her partner. Neither of them were in a financial position to afford medical expenses—nor did she have medical coverage. PD members shared resources with her regarding rental assistance, food banks and clinics that may see her without insurance, but she had a difficult time getting treatment for her arm. Now, eighteen months after Carmen first joined PD, she is working with a new legal representative to file a motion to re-open her case based on evidence of legal malpractice on behalf of her former attorney. As she awaits the final outcome, Carmen is in a state of legal limbo—not knowing if or when she will be deported, which in and of itself is a source of anxiety.

Grounded in meeting the needs of the immigrant community, PD works to empower those who find themselves at the intersections of the immigration and criminal justice systems. Oftentimes these individuals have been criminalized and ostracized from society because they do not fit the ideals for a “model immigrant.” Carmen’s case underlines the inadequacies of the “good vs. bad” immigrant binary. She is a mother, she was pregnant at the time of her first check-in (both of which make her case “sympathetic”), yet she also has a criminal conviction (less sympathetic).

In PD, the immigrant justice work is happening amidst tensions between relying on traditional forms of support such as appealing to the public for sympathy in a case and creating and advancing a movement that is inclusive of the diversity of immigration experiences. PD's transformative nature pushes forward an abolitionist agenda to eradicate the culture of exclusion that increasingly rejects communities of color, working class and poor people. In so doing, the PD model of deportation defense opposes the "good vs. bad" immigrant dichotomy that has been promoted by the deportation regime so that every undocumented person is able to claim the right to live in the United States freely. Carmen's case is just one example of how PD empowers undocumented persons to grow into their activist identities, take back agency from legal representative and call attention to the urgency for congress to pass comprehensive immigration reform.

Although Carmen's check-ins were both considered small victories in that she was not arrested, the work of PD does not stop there. As we were saying our goodbyes and planning next steps, organizers received a call on the OCCIJ hotline about an incident that had occurred that very morning. While the network was supporting Carmen, ICE agents were on the other side of town attempting to carry out the arrest of a Santa Ana resident without a signed judicial warrant. Two organizers were dispatched to the family's home to conduct an intake. This incident is evidence that deportation defense work never ends.

Conclusion

How have immigrants, their families and allies in the United States responded to immigration enforcement in their communities? What strategies can youth implement to build their undocumented consciousness and push for inclusive political agendas? What anti-

deportation strategies are mixed-status families adopting in response to a loved one's detention and threat of permanent familial separation?

Across age, gender, and generational lines, punitive immigration laws have contributed to shaping the activist identities of all members in mixed-status families regardless of individual citizenship or legal status or interactions with law enforcement. For U.S. citizen youth growing up with undocumented parents, activism may manifest in the form of implementing risk-management strategies within families or spreading news of a DUI checkpoint on social media. Other times, youth activism takes on a more macro approach including participating in nationwide demonstrations or policy work that seeks to address issues affecting their communities. Regardless of the subject, I find that U.S. citizen children with undocumented parents are engaging in strategies to promote social justice for marginalized peoples. In so doing, they actively build their knowledge base (and even transmit their knowledge to their parents), strengthen their undocumented consciousness and use their privileged positions as U.S. citizens to advocate for and defend their family members who do not have papers, and for a more just society.

Perhaps the most pressing mobilization is seen by families who have been directly impacted by the deportation regime through the detention of a loved one and are facing a greater probability of permanent familial separation. The racialized gendered process of mass detention and deportation has disproportionately impacted Latino men. Immigration enforcement thus places the responsibility of liberating a loved one from detention on women in the family. This racialized violence has been suffered by women in other parts of the world as well. For instance, research by Stephen (1995) on mothers combatting civil war violence in El Salvador in the 1970s shows how women shed their identities as subservient wife and mother and fight back against

punitive regimes that threaten, imprison, and in the most severe instances, kill the men in their families. Stephen's work underscores how the "Madres de Plaza de Mayo," a group of women whose sons, husbands and male relatives had been disappeared by the state organized and pressured the government into identifying who was currently incarcerated, who had been killed, and ultimately brought the attention of the atrocities that were occurring in the country to the international stage and created a platform to build international solidarity behind their work (2011).

Women who join the participatory defense space also bear the burden of gendered violence that has ripped their families apart. In response, they assert their role as mothers, spouses and caretakers of the family and motivated by the injustices they face, grow into their own activist identities drawing on their strengths to direct fundraising and advocacy approaches. With support of volunteers, mothers and spouses/partners actively lead campaigns of liberation and challenge policies of exclusion. By not only involving directly impacted persons and their families in deportation defense work, but following their leadership from beginning to end, PD shifts power over the direction of case strategy from the legal system to the families. When directly impacted persons are equipped with civic skills and political information, they transform the landscape of power in the court system. The individuality of each PD case and strategy of defense demonstrates important challenges to normative constructions of legalization, including the ways immigrants are racialized, classed and gendered. Observations and conversations with members of immigrant families and community organizers show that the binary of "good vs. bad" immigrant contributes to the criminalization of marginalized populations and their exclusion from the nation state. PD actively works to deconstruct this narrative and advance a

more comprehensive immigration agenda—one inclusive of persons with prior criminal convictions.

As states and the federal government continue to enact punitive immigration policies and rely on detention and deportation to control the movement of persons deemed “undesirable” in their borders, resistance by those targeted may continue to rise. Immigrants and their families undoubtedly experience the negative effects of local and federal immigration enforcement and for many the fear of apprehension silences them. Nonetheless, a growing segment of the population is adopting strategies to fight back. As the criminalization of immigration continues to impact hundreds of thousands of families each year, grassroots and community-based organizations have a role to play in capacitating communities to take on this fight. By adopting radical discourse and supporting “unsympathetic” cases they can dismantle the ideological foundations of the deportation machine and achieve comprehensive immigration reform.

CONCLUSION

Well it makes me mad because I hate explaining it. Not to you, but I hate explaining it to people who don't understand [immigration], that say things like 'oh your dad, he is a criminal.' No, he's not a fucking criminal. He didn't do anything wrong other than you know he was technically deported because of these government officials. You know what I'm saying?

-Jasmine Rodriguez, 25

Towards the end of our interview I asked respondents if there was anything else they would like to share with me about their experiences of growing up with undocumented parents. For Jasmine, the incorrect conflation of immigration status with criminality was particularly troublesome and she found herself constantly educating people on immigration policy, disentangling the difference between the actions that led to her father's detention (what) and the person he is (who). In the 2010s, Jasmine's father Antonio was racially targeted and apprehended by ICE upon failure to produce proof of legal residency while he was landscaping. Unaware of his right to request an attorney, Antonio signed his voluntary departure to evade prolonged confinement and then crossed back into the United States without inspection. Reentry post deportation is a felony in the United States; if he is apprehended, he will be sentenced to federal prison, then deported, and he will have no opportunities for immigration relief from abroad. His literal presence in the country is unlawful.

At its core, immigration law and enforcement impact the experiences of mixed-status families by shaping their social, political and economic opportunities. The Rodriguezes and all of

the families in this study illustrate the harsh realities of punitive immigration policy on undocumented immigrants and their children. That is, in restricting the opportunity to adjust their legal status, the immigration regime trapped the Rodriguezes—and millions of mixed-status families—in a state of permanent instability, and created a culture of fear (Dreby, 2015) among this population. Consequently, mixed-status families are both integrated into the social fabric of the U.S. through their physical presence, yet their legal incorporation is explicitly denied producing long-term consequences for the entire family. Today, the lives of more than 16 million individuals who are members of mixed-status families are marked by citizenship precarity and exclusion.

I began this study with the goal of understanding how U.S.-citizen children with undocumented parents experience the law that surveils, criminalizes and threatens to imprison their parents. Jasmine's argument about illegality highlights the ways in which immigration policies disrupt the nuclear family through enforcement strategies and negatively influence the possibilities they envision for themselves. Like Jasmine's, the stories presented in this dissertation speak to the critical concerns in the study of illegality by highlighting how parental legal status vulnerability operates as a mechanism of stratification for undocumented parents and their children. Drawing from the data presented in the preceding chapters, I show that both immigration policy and enforcement activity purposefully and negatively influences the lives of children in mixed-status families regardless of citizenship status.

My work contributes a more nuanced perspective to current research about the consequences of immigration law and enforcement, which has focused primarily on young children's development (Chaudry et al., 2010; Zayas et al., 2015; Gulbas et al., 2016). Using the case of adolescent and young adult members of the second-generation, I argue that illegality

transcends both generational boundaries as well as the boundary between citizens and noncitizens, and inherently shapes the trajectories of US-born children with undocumented parents in multiple and layered ways. This investigation into the varied experiences of US-born children with undocumented parents is a step forward in understanding the apparatuses by which inequality is reproduced among this group and the long-term consequences. In this concluding chapter, I end by connecting the findings and theoretical implications of the previous chapters to broader discussions of anti-immigration policy, illegality and inequality.

Making Meaning of Illegality

Given the power of immigration law in shaping undocumented persons' lives, prior research on the legal consciousness formation of noncitizens has explored how this population make sense of the law and their place within it (Gonzales et al., 2012; Swan & Clark-Ibáñez, 2016; Muñoz, 2018; Abrego, 2011; and Gleeson, 2010). In a study of Latino undocumented young adults in the United States, Roberto Gonzales categorizes this process as “learning to be illegal” and describes how this group transition to illegality upon high school graduation as they are blocked from obtaining driver's licenses, formal employment and higher education (2011). Many, Gonzales finds, were unaware that they were undocumented until they attempted to engage in these activities and had to rearrange their daily routines and life goals in accordance with their immigration status. In her recent work, Abrego contends that among members of the same family with varying legal statuses (DACA-mented vs. undocumented) DACA recipients still continue to face inequality as a family due to the constraints on other undocumented family members' inability to access even much-needed healthcare treatment (2018).

Building on these prior frameworks, I have introduced “undocumented consciousness” as a way of conceptualizing the second-generation’s understanding of illegality and its consequences. Undocumented consciousness is the process by which youth come to understand, experience and embody the condition of parental legal status vulnerability. Despite their own citizenship status and the knowledge about the rights and protections it guarantees them, US-born youths with undocumented parents learn how “illegality” governs the lives of the undocumented. In contrast to Gonzales’ findings that undocumented 1.5-generation youth awaken to the nightmare of being undocumented in their late teen years (2011), my participants discovered that their family was “different” as young children. For many, undocumented consciousness begins to form as they witness their parent’s entrapment in low-paying and at times unsafe working conditions. As they begin asking questions about why one parent doesn’t have the same type of employment as another, or as a friend’s parent, they learn about unequal access to the labor market. Other times, youth’s undocumented consciousness starts to form when they begin questioning routines the family engages in to evade detection. Limited mobility (including within state or region) and routines to evade detection raises questions for youth about whether every family engages in these risk management strategies—even if they were not yet fully cognizant of why law enforcement would be looking for them in the first place.

Immigration Policy and the Second-generation: Collective Penalty

In this dissertation, I have shown the ways in which restrictive immigration policies and everyday enforcement practices exacerbate inequalities among the broader Latino population. Prior studies have argued that immigration law produces “unintended” consequences for documented family members that share households with unauthorized immigrants including

social, psychological, and in some cases, physical harms (Capps et al., 2007; Dreby, 2015; Gulbas et al., 2016; Warren & Kerwin, 2017). Even short periods of confinement in criminal or civil detention has been linked to profound adverse consequences for family members, especially children (Arditti et al., 2003; Arditti, 2012; Rojas-Flores et al., 2017). My research corroborates this body of literature and also advances it by exposing the *purposeful* intent of harm behind such punitive policies. I develop a new theoretical framework called “collective penalty” to conceptualize how the exclusion of entire generations occurs.

For families who find themselves gripped by the legal system the fear of familial separation intensifies during a legal battle to protect a loved one from deportation. Whereas previously their everyday routines were calculated to avoid detection, now forced interaction with the system has jeopardized one family member and exposed other undocumented members (via phone calls, letter, visits, managing commissary) to ICE’s radar. In addition, the detention of a parent, most often a breadwinner, yields negative financial and emotional consequences for the family. The gendered nature of detention disproportionately places the burden of familial financial stability on women even as they face reduced income and added legal expenses. The penalty of being confined therefore transcends the walls of detention facilities and impacts the lives of those on the outside.

Even once someone is released on bond, the effects of detention are felt by all family members. The U.S.’s fixation on surveillance and control of Black and Brown bodies has led to the increase in electronic monitoring post-detention. In doing so, the state invades the lives of noncitizens and subjects both noncitizens and everyone in their home to constant surveillance. Home visits by ICE officers further allow the state to penetrate one’s home and family life by preserving the fear and increasing the threat of deportability. Currently there is no data to

corroborate the use of electronic monitoring, or detention for that matter, as a solution to immigrants absconding. These are none other than draconian and inhumane practices (Gómez Cervantes et al., 2017; Martínez-Arranda, 2020) to punish the undocumented, and by extension their kin.

The narratives presented in chapter 2 also suggest that the harmful effects of parental legal status vulnerability on US-born children pre-date detention. The threat of removal is so significant amongst mixed-status families that youth's trajectories are shaped by the *anticipation* of such occurrence. While parents plan for a child to petition for their Adjustment of Status as soon as they are legally eligible, many soon come to realize that avenue is not accessible to them. Contrary to the myth (fueled by xenophobic ideology) that unauthorized immigrants with US-born children are on a fast-track to citizenship and will then abuse public benefits (Huang, 2008; Chavez, 2020), I have shown that this population has very limited options for adjusting their status and that even when someone is eligible, the outcome might not be the one desired. Prior criminal justice contact, mode and date of entry into the U.S. and other factors prevent undocumented parents from opportunities for legalization, or in some cases force familial separation before even knowing whether an application will be approved. As such, many are stuck in legal limbo.

In response to the threat of familial separation, youth in mixed-status families are trained from a young age to become legal brokers for their families. As do children of immigrants generally, US citizens with undocumented parents engage in brokering activities including translating during medical or service appointments and even reviewing legal documents (Weisskirch & Alva, 2002; Weisskirch, 2006; Dorner et al., 2007; Villanueva & Buriel, 2010; Eksner & Orellana, 2012; Katz, 2014; Alvarez, 2014). As they grow older and punitive

immigration policy necessitates it (Getrich, 2019), this brokering intensifies and translates to risk-management strategies. For instance, once the US-citizen child turns eighteen, parents transfer (or obtain) leases in their name and use the new line of credit to purchase necessities including a vehicle. These youths also contribute to the household income, transport parents and siblings from one place to the other and handle all legal matters for the family. The few who have the opportunity to assume the responsibility of adjusting their parents legal status (including the financial costs). Lastly, many take on guardianship of younger siblings. Noncitizens may have their parental rights terminated as a result of deportation proceedings being processed against them and regaining custody post detention or deportation is an extremely complicated matter. For that reason, parents may decide to reassign guardianship to older children who can shield minor siblings from the foster care system.

These risk-management strategies represent the collective penalties US-born children experience as a result of their parents' legal and social exclusion. Juridical categories of illegality coupled with everyday practices of disintegration transcend generational lines and purposefully harm youth's own opportunities for mobility. While the second-generation's incorporation should be facilitated by obtaining higher levels of education, employment in white-collar or higher paying jobs, English language fluency and overall integration into the U.S. mainstream, restrictive immigration policy inherently restructures the family. By shifting responsibility from a parent onto the US-citizen children, immigration policy operates as a tool of legal violence (Menjívar & Abrego, 2012) that systematically obstructs the second-generation's mobility (physically and professionally) and in so doing, creates a new axis of stratification (parental legal status) and inequality within this group.

Racialization, Othering and National Belonging

The U.S. citizen children of Latino undocumented immigrants have been negotiating and managing inclusion and exclusion for most of their adolescent and young adult lives. Although this population is guaranteed birthright citizenship, my interviews revealed a complex relationship between being born in the United States and defining oneself as “American.” Contrary to DACA-mented college students and young adults who have garnered public support by identifying with core values of what it means to be American (Castañeda, 2019), I find that my sample rejects the American identity *because* of America’s “values” and history of legal violence. Through their undocumented consciousness, they have come to view themselves both via everyday practices of othering as well as exclusionary policies towards the undocumented population and Latino populations.

As non-whites, Latinos are visually distinguishable from white Americans and due to the conflation of *Latinidad* with illegality, many themselves are incorrectly presumed undocumented. Participants of darker skin complexion in particular pointed to the racialized experiences they have endured in the classroom, the workplace, and in society more broadly conveying their understanding of the racial hierarchy in the country. Combined, these processes of racialization bring to light the social boundaries that separate them from whites and leads to their reluctance of calling themselves American. In so doing, they create an axis of stratification for this group.

The legal violence that the undocumented community suffers at the hands of the law also shapes the identity development process of their US-born children. Every participant in my sample was grappling with the fact that the systems in place to protect their constitutional rights are simultaneously categorizing their parents as “outsiders,” “undeserving,” and even

“criminals.” While narratives about what an American is (i.e. hard working, honest) are in line with characteristics their parents possess, their mode of entry into the united states marks them as “wrongdoers” and therefore undeserving of legalization. This paradox led some to consider “American” a fake term and to reject the American identity. Several respondents were also grappling with understanding and accepting immigration law given the nation’s history of colonization and genocide. To have white Americans whose ancestors eradicated an entire population from this land (land that belonged to Latin America at one point) deciding who is admissible and who is not, was not only ironic but fundamentally wrong and pushed them to refuse participation in such systems of oppression.

Challenging Illegality

Through the course of this study I found that while illegality impacts all members of mixed-status families, including those who have US citizenship, people are not passive recipients of injustice. In spite of the significant harms they experience, my participants actively engaged in challenging anti-immigrant policy and enforcement. Youth and adults in mixed-status families are resilient and through creative responses they actively resist juridical categories that exclude and frame their loved ones as undeserving of legalization. With support of their communities, undocumented immigrants are contesting the “good vs. bad” immigrant narrative and pushing for a more inclusive system. Aggressive immigration policies and enforcement activity have long backed undocumented immigrants into a corner and made them fearful to speak out against wrongful and cruel treatment. In multiple cases, the government has deported those who have spoken out against ICE’s punitive practices. At the same time though, we are seeing that the very

actions that threaten to permanently separate families via the deportation machine have forced them to assert their agency and fiercely fight for their freedom.

At the individual level, several of my participants engage in practices of micro activism including adopting risk-management strategies on the road to evade or minimize potential contact with law enforcement. With the popularity of social media, sharing resources and documenting ICE or law enforcement presence is just a click away and youth take advantage of this platform both for knowledge consumption and as a stage to share their own views. This group also pursues opportunities to educate themselves on histories of their people's oppression as well as community organizing strategies; in so doing they come into their own activist identities. Overall, by connecting injustice in the education system, housing and healthcare sectors, and others to broader processes and mechanisms of disenfranchisement and inequality, youth begin reimagining inclusive communities.

Activism and mobilization efforts on behalf of an immigrant detainee unduly fall on women in the family. These women bravely navigate the complex legal system and mobilize to have the person released including collecting letters of support, raising funds for bond and, when necessary, securing their participation in substance abuse treatment or other programs that will facilitate their reintegration and appease the court's fears of flight risk. Whereas the law categorizes detainees as rule breakers, letters of support are key in illustrating the undocumented person's contribution to society, his connection to the family and the roots he has established in the community. Women ask neighbors, employers, members of their religious communities, and others to speak to these aspects. They then handle the collection and translation of letters. This task requires a level of vulnerability on the part of families who, in an act of self-preservation, often choose to keep their immigrant status a secret. Detention in a way obliges them to step out

of the shadows to protect their loved one. Resilience is also seen through families' pursuit of political support. Securing a letter from an elected official carries significant weight in the courtroom and may be the difference between someone being granted bond, or a criminal case being reduced to an immigration-safe plea. In pursuing such public strategies, women draw on their power to challenge frames of deportability and demand an end to family separation.

Towards Progressive Policy in the 21st Century

Studying the destructive impacts of immigration law and enforcement activity in a qualitative manner has the potential to uncover the multiple and layered patterns it takes. By examining not only if, but *how* immigration law adversely affects the lives of US-born children with undocumented parents, this research may influence penal policy and comprehensive immigration reform. In this final section, I lay out a roadmap for providing greater protection from deportation for noncitizens and their families. In doing so, the nation can begin undoing the harms of illegality for noncitizens and their families.

1. End Federal and State/Local Collaboration

In the past decade, communities across the country have witnessed intensified immigration enforcement that relies on interior forms of immigration control. As previously mentioned, ICE depends heavily on state and local law enforcement's cooperation to locate, detain, and prosecute noncitizens. Nationally 70% of immigration arrests are facilitated by transfers from the criminal justice system. This occurs through practices of criminalization including arresting individuals for traffic violations (rather than employing discretionary cite and release practices), and honoring ICE detainer requests. The criminalization of immigrants is

further extended via programs such as 287(g) and Secure Communities that give ICE access to jails and thereby increase noncitizens' risk of deportation regardless of category of offense, time elapsed since conviction, or whether a person has even been convicted yet, by encouraging prosecutors to secure plea agreements with immigration consequences, and immigrants are sometimes deported before their criminal cases are completed. This level of cooperation provides ICE the ability to breach communities on a much deeper level without increasing their own manpower.

Despite the perceived stereotype of foreign criminality, studies have consistently found that noncitizens commit relatively fewer crimes compared to their US-born counterparts (e.g., Martinez & Lee, 2000; Lee & Martinez, 2009; Kubrin & Desmond, 2015), and immigrant concentration at the neighborhood level often suppresses crime (Kubrin & Ishizawa, 2012; Chavez & Griffiths, 2009; Desmond & Kubrin, 2009; Martinez et al., 2010). These data refute the need for state-federal level collaborations to apprehend noncitizens. In evaluating such partnerships, policymakers should take into account the effects of immigration enforcement not only for the undocumented population, but for the families and communities of noncitizens at risk of apprehension. Aggressive policing of immigration yields detrimental consequences for families' short and long-term financial stability, physical and mental health wellbeing, and children's schooling trajectories—just to name a few. As long as there is a system in place to detain and deport adults, their children will bear the burden.

2. Take Action at the State and Local Level

States and cities can produce models to protect the rights of their immigrant population. For instance, in California, SB 54 establishes a state-wide set of policies that “expand and anchor

the exclusive jurisdiction of the state over all public spaces under its jurisdiction to curtail the use of state and local resources for the purposes of immigration enforcement by limiting the cooperation of all public servants with federal immigration enforcement agents” (Arrocha, 2021). Essentially, the law bars local and state law enforcement authorities from using resources, including personnel or facilities, to investigate or arrest anyone for federal immigration enforcement purposes. The law, however, has substantial loopholes that allow for the transfer of individuals convicted of certain crimes from the criminal justice system to ICE custody. In a more recent move towards de-criminalization, just this year California lawmakers introduced Assembly Bill 937—the Voiding Inequality and Seeking Inclusion for Our Immigrant Neighbors (VISION) Act—to protect refugees and immigrants who have already been deemed eligible for release from being funneled by jails and prisons (after completion of their sentences) to immigration detention. Ultimately, the VISION Act is an attempt to eliminate the double punishment of immigrants.

At the local level, cities can also use their authority to pass ordinances in protection of their immigrant residents including funds for universal representation. In 2017, Santa Ana, CA voted to allocate funds for legal representation of residents facing deportation proceedings. During its first year of inception, \$65,000 was set aside to fund the program and by fiscal year 2020, \$200,000 had been secured. As the federal government continues to pursue aggressive tactics of immigration enforcement, inclusive state and city-level policies can foster more welcoming social environments that contribute to the overall wellbeing of both immigrants and citizens.

3. Eliminate Mandatory Detention and Categories of Deportable Offenses

Immigration control today has become a cornerstone of the carceral state. The punitive turn to treat and label immigrants as criminals with the passage of the IIRIRA has yielded disastrous consequences for noncitizens. By prioritizing the apprehension not only of noncitizens convicted of criminal acts, but of those merely charged with certain law violations, the government has widened the net of individuals involved at varying stages within the process of criminal incarceration, immigration detention, and release. Laws mandating the detention of noncitizens convicted of certain crimes have dramatically increased the detainee population. Although immigration cases are civil, not criminal matters, mandatory detention subjects undocumented immigrants to confinement as punishment. Moreover, “bed quotas” (Sinha, 2016; Gilman & Romero, 2018) ensure the captivity and suffering of detainees who otherwise do not pose any danger to society. Furthermore, while by definition detention is civil, it hinges on the caging of bodies and therefore no type of detention can escape carceral resemblance nor truly be humane.

At the start of 2020, over 37,000 immigrants were in ICE custody. In response to the global health crisis, that number has dramatically dropped down to less than 13,000—the lowest it has been in 20 years. In California, the Adelanto Detention Facility—one of the largest in the country—reduced its population down to less than 250 detainees, or approximately a quarter of its maximum occupancy. These trends of decarceration show that allowing individuals to complete their legal battle free of cages and alongside their families is possible and render arguments of flight risks and other justifications for detention unmerited. Moreover, while alternatives to detention such as ankle monitoring have become popular, these practices are also problematic because, in addition to the cost shouldered by families, they widen the extent of

surveillance, and they are practically difficult devices to manage (low battery life, uncomfortable, stigmatizing).

Given the record-low levels of detention, the federal government should take this moment as a learning opportunity to abolish the practice of mandatory detention and prioritize ICE call-ins over electronic monitoring. Doing so would save families from heartache and alleviate the financial burdens of detention and post-release surveillance. Misinformation about court dates, times and locations; lack of counsel; and other procedural factors actually account for a substantial number of missed court hearings, rather than immigrants absconding. Increasing access to affordable counsel would alleviate this issue. DHS supervisors and field officers should also be directed to exercise discretion and not remove certain individuals even if they fall within an “enforcement priority” category for their criminal convictions. These immigrants typically have already served their sentence in a jail or prison, and in the latter, a parole board has determined their admissibility back into society. ICE should not have the authority to punish someone again for a violation that they have already paid for. Finally, immigration judges should be given broader power to consider the ramifications of deportation on the family. Once someone is deported, they must decide whether or not to return to the United States at which point they will have no opportunity to regularize their status because of their prior deportation.¹⁶ These individuals overwhelmingly have ties to the United States through their spouses, children and communities. Therefore they may feel compelled to reunite with their family and attempt reentry. Reentry without inspection after deportation and other immigration-related crimes are the leading convictions amongst the incarcerated population in the federal penal system (Hester,

¹⁶ Very few opportunities for post-conviction relief may allow deportees to return to the United States after deportation via legal means.

2015). The incarceration of these individuals is not keeping communities safe and is costing tax payers millions each year. Re-imprisonment should not be the solution.

4. Create a Pathway to Legalization

The ultimate and absolute way to protect U.S. citizens from collective penalty and to protect all family members of mixed-status families from the detrimental consequences of punitive immigration policy is to create a pathway to legalization for the 11 million undocumented individuals currently residing in the country. Since the beginning of the 21st century, congressional representatives have introduced multiple immigration reform bills in the house and senate floors, but none have garnered sufficient support to become law. Quite the contrary, in this time period immigration policy has become more punitive by limiting opportunities to adjust one's status and deporting hundreds of thousands of individuals each year regardless of length of stay, family ties and roots in their communities. Patterns of granting precarious legal statuses including DACA, TPS, and other forms of indeterminate relief (although beneficial and a better alternative than no action), still continue to perpetuate inequality amongst the undocumented population, leaving this population in legal limbo and vulnerable of falling out of status if such protections are revoked by presidential executive order. Even the backlog of individuals petitioning from abroad is staggering, and cap sizes have created decades-long wait times for those who do attempt to migrate in accordance with the law.

Only comprehensive reform can remove the insecurity and fear of deportation prevalent amongst mixed-status families and enable parents to better provide for their children and their own basic needs. As I have shown in this dissertation, policies that reinforce parental illegality deprive their U.S. citizen children from economic mobility, emotional and physical wellbeing,

institutional attachment, and promote feelings of exclusion. With the rise of interior enforcement, fear of deportation has increased significantly among Latino U.S. citizens (Asad, 2020), and simply knowing someone who has been detained or deported (e.g. parent, spouse, other family member, friend) negatively affects Latino adults' mental health (Vargas et al., 2019). Among children of likely unauthorized immigrants, increased enforcement raises the probability of repeating a grade and dropping out of school (Amuedo-Dorantes & Lopez, 2015).

Removing the threat of deportation would begin to undo the cumulative disadvantage this population faces. As parents become legalized and the fear of familial separation disappears we should begin to see a positive change in youth's levels of anxiety, depression, PTSD and other psychological effects associated with enforcement activity. This positive association would benefit youth's relationships with their parents, friends and other sources of support. Removing the threat of removal would also positively influence youth's schooling trajectories, which are influenced by the forced removal of a parent from the home. In doing so, school could retake its function as a driver of upward mobility among children of immigrants. Lastly, legalization would also remove the barriers to economic prosperity for mixed-status families that arise from undocumented status. Work authorization would promote mobility within the labor market to find work that best suits undocumented workers' skills and interests, protect them from exposure to unsafe working conditions, and increase wage gains and living conditions for the entire family.

These benefits make clear the need for Congress to create a pathway towards legal residency for the nation's undocumented population. Institutions must recognize everyone's humanity and move toward inclusive reform that does not leave significant carve-outs. Only then can we better understand and end the reproduction of inequalities across generations.

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