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9**From Legal to “Illegal”:****The Deportation of Legal Permanent Residents from the United States**

Tanya Golash-Boza

O’Ryan came to the United States from Jamaica as a small child. He qualified for citizenship when he was ~~11~~eleven years old, but his mother did not seek out naturalization on his behalf. Instead, he applied on his own soon after he turned ~~18~~eighteen. His application for naturalization was delayed due to a technical issue with his fingerprints, and took five years to be processed. By the time the application was ready to be approved, it was too late: O’Ryan had been arrested on drug charges and no longer qualified for naturalization. Moreover, he faced deportation.

O’Ryan grew up as a legal permanent resident (LPR) of the United States. He completed all of his education in this country and came of age feeling as if Brooklyn was where he belonged. A transgression of the law when he was in his early twenties, however, changed everything. O’Ryan’s drug conviction transformed him from

an ~~legal permanent resident~~[LPR](#) into a criminal alien. In addition, O’Ryan lost the right to remain in the United States and was deported to Jamaica. Drawing from interviews with O’Ryan and other former ~~legal permanent resident~~[LPRs](#) who have been deported from the United States, this ~~essay~~[chapter](#) considers the transformation of ~~legal permanent resident~~[LPRs](#) into criminal aliens, shedding light on the vulnerability and potential illegality of all ~~non-~~[non](#)citizens residing within U.S. borders. These stories render it evident that all ~~non-~~[non](#)citizens face marginalization because of their “deportability” (De Genova 2006;⁵). Whereas most scholarly writings on “illegality” and “deportability” focus on the marginalization faced by undocumented migrants (Abrego, ~~this-~~[volume](#)[Chapter 6](#)); ~~Hondagneu-Sotelo and Ruiz (this volume)~~; De Genova 2006;⁵ Gonzales 2011; [Hondagneu-Sotelo and Ruiz, Chapter 11](#); Parker 2001), the stories of these deported ~~legal-~~[permanent resident](#)[LPRs](#) render it evident that all ~~non-~~[non](#)citizens are potentially deportable.

Citizenship, Belonging, and Deportation

Every person in the United States who is not a U.S. citizen faces the possibility of becoming “illegal,” as the laws governing the presence

of ~~non~~-noncitizens can change at any time. Citizenship signifies the official recognition of a relationship between a person and the government. All persons living on U.S. territory have some relationship with the government: we pay taxes, are subject to sanction if we violate U.S. laws, attend government-sponsored schools, and benefit from government services. Only those who are citizens, however, have legal recognition that gives us the chance to shape the laws that govern society, and only citizens are safe from deportation.

Although citizenship is usually defined positively in terms of membership in a formal polity, some scholars contend that citizenship also functions as a barrier to territorial rights, and that this barrier is a strategy to prevent ~~non~~-noncitizens from making claims on the polity. Kunal Parker, for example, contends that the “permanent withholding of territorial rights from those resident within [U.S.] territory without its permission – the millions of so-called ‘illegal aliens’ – should be seen as part of a wider strategy of denying such individuals’ claims to social citizenship, ~~...~~ and therefore of maintaining a relatively large population in a condition of permanent degradation” (Parker 2001: ~~para.graph 86~~). 639).

Parker's (2001) analyses overlook the reality that ~~legal permanent resident~~LPRs can also be denied territorial belonging - the right to live within the borders of a country.

Citizenship serves as a mechanism of formal exclusion through provisions that mandate that only ~~non~~-noncitizens can be deported. U.S. ~~Citizens~~-citizens have the right to territorial belonging in the United States. As citizens, this right cannot be revoked. To do so would be banishment, and banishment is not among the punishments the United States metes out to people convicted of crimes. In stark contrast, an ~~legal permanent resident~~LPR can be deported, even for minor infractions of the law. A ~~legal permanent resident~~LPR (LPR) is a foreign national who has been granted the right to reside permanently in the United States. This right, however, can be revoked at any time, and the rules governing the right of LPRs to be in the United States can change at any moment. In many deportation cases, an ~~legal permanent resident~~LPR's social, cultural, and economic ties to the United States can be ignored. Thus, although citizenship signifies belonging and many ~~legal permanent resident~~LPRs feel a strong sense of belonging to the United States, these ties can be disregarded in deportation cases.

In the contemporary United States, we have both citizenship as political belonging, and full citizenship – the realization of a wider range of rights. In this [essaychapter](#), I will argue that [legal-permanent-residentLPRs](#) have access to some aspects of full citizenship, yet can still be subject to deportation – the stripping away of the most fundamental citizenship right of all: territorial belonging. We are accustomed to thinking of citizenship rights in a hierarchical fashion, with civil and political rights being the most basic, followed by social and then cultural rights (Jensen 2001; Marshall [1950](#); Pakulski [1997](#)). However, as I will demonstrate, in the case of deported [legal-permanent-residentLPRs](#), many had access to social and cultural citizenship, without the security of the most basic civil and political rights. As we will see in their stories, the result is devastating.

The Deportation of Legal Permanent Residents

Most [legal-permanent-residentLPRs](#) plan to spend the rest of their lives in the United States. After being an [an legal-permanent-residentLPR \(LPR\)](#) for three to five years, an LPR can naturalize and become a [United-StatesU.S.](#) citizen. This involves filling out an application, taking a test on the U.S. Constitution as well as an

English test, swearing an oath, and paying several hundred dollars. The filing fee for an N-400, an Application for Naturalization, in 2012 was \$680. In addition, there are other hidden costs, including securing transport to the U.S. Citizenship ~~office~~Office, obtaining supporting documents, and taking time off work first to submit the application and later to attend the swearing-in ceremony. Some LPRs never seek out naturalization. The reasons for not seeking out citizenship vary, and include (1) the belief that citizenship is not necessary to remain permanently in the United States; (2) the processing fees; (3) lack of English abilities; (4) lack of time; (5) lack of knowledge about the process; and (6) fear of losing citizenship in one's country of birth. Other ~~legal permanent resident~~LPRs do not seek out naturalization because they think they are citizens. Still others apply for naturalization, but are not able to complete the process before being deported. The risk of deportation has risen significantly since the passage of punitive immigration laws in 1996.

1996 Laws: From Legal to Illegal

In 1996, Congress passed two laws that fundamentally changed the rights of all foreign-born people in the United States - the Anti-Terrorism and Effective Death Penalty Act (~~AEDPA~~) and the Illegal

Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). These laws, as described by Menjívar and Kanstroom ([this volume Chapter 1](#)) and by De Genova ([this volume Chapter 2](#)), eliminated judicial review of some deportation orders, required mandatory detention for some ~~non~~-noncitizens, and introduced the potential for the use of secret evidence in certain cases. Six years prior, the Immigration Act of 1990 had expanded the definition of who could be deported for engaging in criminal activity, and made many immigrants deportable for having committed “aggravated felonies.” ([Fragomen and Bell 2007](#)). The 1996 laws further expanded the definition of an *aggravated felony*, and made deportation mandatory. Under IIRIRA, aggravated felonies include any felony or misdemeanor where the person is sentenced to at least one year in prison, regardless of whether the sentence is served or suspended. These crimes can be relatively minor, such as the theft of baby clothes from a department store, or the combination of two minor illegal drug possessions. These cases do not require judicial review, meaning people do not have the right for a judge to take into account the specifics of the case or the ties that person has to the United States. Furthermore, the law has been

applied retroactively. This means that any ~~legal permanent resident~~LPR charged with a crime at any time during their stay in the United States could be subject to deportation. For example, a person could have come to the United States legally at age ~~2~~two, been convicted of attempted arson at age ~~18~~eighteen, and – twenty years later, after the passage of IIRIRA – could be subject to deportation at age ~~38~~thirty-eight. Even adopted children of U.S. citizens have faced deportation under these laws, in those cases ~~where in which~~ parents failed to naturalize their children prior to age ~~18~~eighteen (Master ~~2003~~; Morawetz ~~2000~~; Master ~~2003~~).

Immigration proceedings in the United States are civil, not criminal, in nature, and do not include all the due process protections afforded to people accused of crimes. ~~Non-Non~~citizens can be detained without a bond hearing to assess their flight risk or danger to society. They can be deported without due process. The 1996 laws eliminated judicial review of aggravated felony cases: immigration judges have no discretion once a determination is made that a crime is an aggravated felony. The absence of judicial review in immigration cases means that ~~legal permanent resident~~LPRs who have lived in the United States for decades, have

contributed greatly to society, and have extensive family ties in the country, are subject to deportation for relatively minor crimes they may have committed years ago. Judges do not have the opportunity to take their family and community ties into account. Nor can judges take into account weak or ~~non-non~~existent linkages to their countries of birth. The only recourse that people facing deportation on aggravated felony charges have is to hire their own lawyer (often paying thousands of dollars) to argue that the charge they face is not ~~in fact~~ an aggravated felony. If the judge determines that the crime is ~~indeed~~ an aggravated felony, the defendant cannot present evidence that, for example, he is the sole caregiver of a disabled U.S. citizen child. Without judicial review, the judge cannot take family ties or the needs of U.S. citizen children into account in aggravated felony cases.

The stories of the five men ~~below-mentioned in the following text~~ render evident the consequences of the deportation of ~~legal-permanent-resident-LPRs~~ from the land they call home. These men were ~~legal-permanent-resident-LPRs~~ of the United States. They took the “permanent” aspect of their status literally. However, the passage of the 1996 laws made it such that their permanent status

could be taken away. The 1996 laws transformed these men from ~~legal permanent resident~~LPRs to deportable aliens. By reducing the threshold for crimes that may be considered grounds for deportation, these laws made these men, and many other ~~non-~~noncitizens, deportable, and thus, “illegal.”

As authors of several of the ~~essays~~chapters in this volume contend (Abrego, Chapter 6; Dreby, Chapter 8; Hondagneu-Sotelo and Ruiz, Chapter 11; ~~Dreby~~), deportation has gendered effects – the implications for men and women are distinct. My research with criminal deportees makes it clear that the vast majority of ~~legal permanent resident~~LPRs deported on criminal grounds are men – many of whom leave partners and children behind. About 85% percent of all deportees are men, and this percentage is even higher for criminal deportees (Golash-Boza and Hondagneu-Sotelo ~~2014n.d.~~; Golash-Boza forthcoming2013). In this chapter, I focus exclusively on men, because of the 150 deportees I interviewed in the Dominican Republic, Jamaica, Guatemala, and Brazil, ~~none of the~~nearly all the ~~legal permanent resident~~LPRs who had been deported on criminal grounds were ~~women~~men.

Each of the men introduced ~~below in the following text~~ failed to formalize their political relationship with the U.S. government, although they each qualified for U.S. citizenship. Two of them – Hector and O’Ryan – did ~~in fact~~ seek citizenship to ensure their right to territorial belonging in a country in which they felt as if they belonged already. However, the long process of naturalization meant that they were deported before it concluded. Another man – Caleb – did not seek out citizenship because he, a law-abiding person and military veteran, thought his right to territorial belonging would never be put in jeopardy. Vincent, born in Guatemala, thought he was a citizen, as his mother is a citizen. Victor, a Jamaican citizen, qualified for citizenship as a child, yet neither he nor his mother applied. These men, like any other resident of the United States who is not a U.S. citizen, risked deportation.

Victor: Father, Son, Deportee

Victor was born in Jamaica. When he was four years old, his mother took him to the United States. As ~~legal permanent resident~~LPRs, Victor and his mother qualified for citizenship when Victor was nine years old. Had Victor’s single mother become a citizen ~~herself~~ before Victor’s eighteenth birthday, he could have become a citizen

automatically. Victor's mother never went through the naturalization process for herself or for Victor. Working as a housekeeper, Victor's mother barely earned enough to make ends meet, and found the time and costs associated with naturalization prohibitive. In addition, there seemed to be no need to naturalize. They were ~~legal permanent resident~~LPRs, and thus seemed to be able to reside permanently in the United States. Prior to the passage of the 1996 laws, few ~~legal permanent resident~~LPRs were deported.

When Victor was ~~24~~twenty-four years old, he was caught selling marijuana. He served two and a half years in prison, and was deported to Jamaica because of his drug conviction. Victor was caught selling marijuana in 1996, the same year that IIRIRA was passed. For Victor, this meant he was deported upon his release from prison in 1999. Even though the laws that made Victor deportable were passed after he was convicted, the retroactive provisions in the law made it such that Victor was automatically deported upon his release from prison.

In Jamaica, Victor has no friends or family, and finds it difficult to survive. He longs to return to the United States where his mother and daughter live. Victor's mother found a cousin in Kingston,

Jamaica, who was willing to pick him up from the airport and give him a temporary home. But, this was a relative they barely knew. Victor's relatives hardly had enough to get by themselves. He quickly wore out his welcome. I asked Victor where he sleeps now. He said, "~~here~~ Here and there."

Victor cannot find a job in Jamaica. He does not have any skills or connections. I asked him what he does to survive - he told me he sells whatever he can find. He burns CDs and sells them; he sells used clothes; he sells whatever he can. His mother in the US-United States is barely scraping by herself, and ~~can not~~ cannot afford to support him. Transplanted from Brooklyn to Brownstown, a rough ~~inner~~ inner-city neighborhood in Kingston, I am amazed he has survived this long. As I am talking to him, all I can see is a New Yorker. I ask Victor if he can speak patois. He says, "Yeah, me caan speak patwa." He can, more or less, but he has an accent. Anyone can see he is a Yankee. Victor has been in Kingston for ten years. He is surviving, but, just barely.

Victor broke the law. As an legal permanent resident LPR, he was a guest of the United States. But, does it really make sense to deport him to Jamaica? As the 1953 Presidential Commission

charged with reviewing deportation orders pointed out, “Each of the aliens is a product of our society. Their formative years were spent in the United States, which is the only home they have ever known. The countries of origin which they left certainly are not responsible for their criminal ways” (quoted in Morawetz [2000](#): 1961).

Had Victor been a citizen of the United States, he would have served his time, been released, and been able to make his choices about how to better his life in America. Instead, he was deported to a land he barely knows. Victor was eligible for citizenship. At age nine, his mother could have taken him to the [INS-Immigration and Naturalization Service](#) and naturalized him. Had she become a citizen, he may have become a citizen automatically. Victor’s mother probably did not have the extra time and money to process a citizenship application. Victor could have become a citizen himself at age [18eighteen](#), but he did not. Like many American teenagers, he had other things on his mind. Now, he is paying dearly for his lack of U.S. citizenship. I asked Victor what his plans for the future were, and he told me: “

To leave here. I think about where I wanna be. I have a woman that loves me in America. I have my daughter. I have my mother. I have my brothers. I have my sisters. I have my uncles. What the hell am I doing here?"

Victor's words render it evident that his strong familial ties to the United States mean that he feels he belongs there, not in Jamaica, the land of his birth and formal citizenship.

Vincent: Citizen Mother, Citizen Daughter, Deportee

Vincent was born in Guatemala City, but moved to the United States with his parents when he was six years old. His aunt lived in the United States, and sponsored his family to migrate as [legal permanent resident LPRs](#). Once in the United States, Vincent rarely thought about the fact that he was Guatemalan and considered his legal permanent residence in the United States to be permanent. According to the Department of Homeland Security [\(DHS\)](#), "legal permanent residents (LPRs) are foreign nationals who have been granted the right to reside permanently in the United States."¹ Vincent would learn that this right can easily be revoked.

Vincent's mother became a citizen when he was [15fifteen](#). She did not apply for Vincent, likely because she assumed her

citizenship ensured his as well. Later, they would realize it did not. As Vincent's mother was still married to his father, and his father was not a U.S. citizen, he did not automatically become a citizen with his mother's naturalization, even though his parents were no longer living together.

After graduating from high school, Vincent worked a string of jobs. To supplement his income, he sold ecstasy pills. He was caught selling ecstasy to an undercover agent in 1999, and was given a five-year suspended sentence for distributing illegal drugs. Vincent decided to straighten up and found a stable job at Whole Foods. He was doing well for himself, earning a \$55,000 salary, and continuing to move up in the company. He had his second daughter in 2004, and ~~got~~received custody of her when he separated from her mother.

In 2007, Vincent was pulled over, and the police officer discovered he had a suspended license. Vincent was given six weekends in jail for his suspended license. On his last weekend, when he expected to be released, the police officers handed Vincent over to immigration officials. His 1999 conviction made him

deportable. In October 2008, he was deported to Guatemala, leaving behind his two daughters.

In Guatemala City, Vincent moved in with his uncle and cousins. He was able to get a job at a call center in Guatemala City, where he answers calls from consumers in the United States in English and Spanish. He earns enough to survive, but not enough to bring his children to live with him in Guatemala. Vincent's greatest regret is that he is separated from his daughters. His older daughter lives with her mother, and his youngest daughter lives with his mother. Vincent would like to raise them himself, but with his income, he cannot afford to raise his daughters in Guatemala. Vincent was deported from the land he called home because he and his mother were unaware of a relatively obscure rule in naturalization law - that if parents are legally married, both have to become citizens to confer derivative citizenship on their child.

Vincent told me that, in Guatemala, people sometimes ask him where he is from. Even the Guatemalan consulate had trouble believing he was Guatemalan because he did not speak Spanish like a native speaker and did not know enough about Guatemala. When people say to Vincent "you aren't from here, are you?" he responds:

“technically, I am from here, but no, not really.” Vincent’s statement here is telling: officially, he is Guatemalan, but he feels as if he belongs “back home.” And, back home is in the United States. I asked Vincent what he would say if he could talk to President Barack Obama. He told me:

If I could talk to him? Wow, I would have a lot of things to say. Everything I have been telling you, my whole story, everything. Okay, I understand why they deported me or whatever, for what I did 10 years ago. But they let me go all that time. I was a taxpayer. I paid my taxes. I did my taxes on time every year. All of my family, they are all citizens. My kids are citizens. Everybody I know, they’re citizens except for me. I feel like it was wrong. I mean, I do see the right thing about it. Yes, I did do a stupid thing, but I don’t think I deserve to be deported ‘cause like my friends say, I’m more citizen than some of the people that were there.

Although Vincent lacked the formal status of U.S. citizen, he feels as if his fulfillment of responsibilities (paying taxes) and his strong relationships to U.S. citizens render him deserving of territorial belonging. As an [legal permanent resident LPR](#) convicted of an

aggravated felony, an immigration judge had no choice but to rule otherwise.

O’Ryan: Father, Son, Deportee

Talking to O’Ryan, it was hard for me to believe that he had been in Jamaica for seven years. He seemed like he had come from Brooklyn the day before. As we chatted, I thought to myself he easily could be one of my students at the University of Kansas. He is articulate, poised, and thoughtful. O’Ryan was wearing a red T-shirt and jeans. His simple tennis shoes were perhaps the best indication that he does not live in Brooklyn. He explained to me that he moved to the [US-United States](#) from St. Thomas, Jamaica, when he was six years old, to join his mother and grandmother who had gone a few years before. He went as an [n legal permanent residentLPR](#).

Coming from a small town in Jamaica, O’Ryan was impressed with all of the cars and big buildings in New York City. In elementary school, the other kids teased him at first, because of his accent. “It took me years to learn how to talk like this,” he told me with a strong Brooklyn accent. By junior high, kids were no longer teasing O’Ryan. He spoke and acted like a typical kid from Brooklyn. He played sports and was very popular in school. O’Ryan graduated

with honors from his junior high school, and made it into John Dewey, a competitive high school in Brooklyn. He was glad to get into Dewey; he wanted to get out of his neighborhood, as he thought that would get him away from the trouble his friends were getting into in junior high school.

At John Dewey, it turned out, he knew ~~a lot~~ a great deal of people. So, it was not easy to stay out of trouble. He tried out for the track team, but did not make the team. Most of his friends were not attending school, and he slowly stopped going to school. After dropping out of high school, O’Ryan earned his general education development (GED) diploma, and enrolled in Mercy College, where he was studying computer programming.

While studying for his GED, and then at Mercy College, O’Ryan worked part-time at a series of jobs. He had a good job at a trucking company, but lost his job after getting into an argument with his boss. Unable to find a new job, O’Ryan had to quit school. With nothing to do, O’Ryan began hanging out again with his friends on the streets in Brooklyn. He tried to stay out of trouble though, because he hated the look on his mother’s face whenever she heard he was getting into trouble.

One evening, O’Ryan was hanging out, after spending the whole day inside with his girlfriend. A friend called to ask him for a ride, as his car had broken down in Hudson. O’Ryan went to pick him up. On the highway, they came upon a road block. At that point, his friend told him, “Yo, I’m dirty,” meaning that he had drugs with him and had not told O’Ryan. The police found the drugs and O’Ryan was sentenced to three to nine years for drug trafficking. He chose to do boot camp, so he only spent ~~18~~eighteen months in jail.

On the day of O’Ryan’s graduation from boot camp, his mother, his girlfriend, and his newly born daughter came to the graduation. O’Ryan saw his daughter for the first time. He was expecting to go home with them and start over. But, immigration agents were waiting for him, and told him he was going to be deported.

O’Ryan had been in the United States for nearly twenty years, and had no family he knew in Jamaica. O’Ryan qualified for citizenship when he was ~~11~~eleven years old. He did not apply, however, until his green card was about to expire in 1996. At that time, ~~legal permanent resident~~LPRs had to renew their green cards every ten years. O’Ryan, his mother, and his cousin decided to

apply for citizenship instead of going through the process of renewing their green cards. They submitted their applications for naturalization at the same time. His mother's citizenship went through, and then his cousin's. As his application was taking longer than it should to be approved, he went to check on his citizenship. The citizenship office told him he needed to redo his fingerprints. He finally received the letter saying he should go to the swearing in ceremony in 2001, five years later.

Unfortunately, O'Ryan had been arrested a few weeks earlier, and was in jail when his letter arrived. At the age of ~~25~~twenty-five, O'Ryan was deported to a country he barely knew. His grandmother's sister agreed to take him in, so he went to her house to live. Back in Jamaica, it is very hard to find work. He has found work occasionally, but never a permanent position. He also has trouble making friends in the small town where his aunt lives. He feels like he really has no one in Jamaica, except for his great-aunt.

Today, he is ~~32~~thirty-two years old. He has been in Jamaica for seven years. Still, for him, New York is his life. He talks to his neighbors, his cousins, his mother, and his daughter, now ~~7~~seven, every day. He showed me his cell phone. All of the calls he had

made recently were to New York. New York continues to be both an emotional and financial lifeline for O’Ryan. When we spoke, O’Ryan had been working for two months, earning U.S.-\$50 a week, barely enough to pay for his food and transportation. His mother sends him money when she can, and comes to visit every year.

O’Ryan says he understands he made mistakes, but finds it difficult to see it as fair that he should spend the rest of his life paying for those mistakes. He does not see a future for himself in Jamaica, where he feels like a foreigner. O’Ryan was deported because he and his mother waited too long to apply for citizenship, and then there was an unexpected delay in his citizenship application. A bureaucratic mishap turned into a lifetime punishment for O’Ryan.

It is hard for O’Ryan not to dwell on the “what ifs.” What if his citizenship application had been processed just a few months earlier? What if he did not get into an argument with his boss? What if he had not answered his phone that day to go pick up his friend? What if there was not a road block that evening? What if his mother had not moved to Brooklyn when they migrated to Jamaica?

It is difficult for O’Ryan to come to terms with the fact that he is a Jamaican citizen, not a U.S. citizen. He told me:

I am a Jamaican, you know and I just gotta accept [it].....
 I keep hearing from my family that you’re in Jamaica, you need to start thinking about Jamaica and it’s not easy to me. I’m still in America. I mean, that’s home regardless of that, I grew [up], I did everything there. I went to school there. I mean, that’s everything. Everything that happened to me for the first time happened to me in New York. I have no experiences of Jamaica.....

For O’Ryan, America, and specifically Brooklyn, is “home,” despite what his passport says.

Hector: College Graduate, Sales Manager, Deportee

I met Hector at the airport when he arrived in Guatemala along with a planeload of deportees. He seemed confident and in good spirits, and even cracked a couple of jokes. Later he would tell me he wanted to cry on the plane, but did not think it was a good idea to shed tears on a plane full of Guatemalan deportees. I asked him if I could call him in a few weeks to see how he was doing. He agreed

and gave me a number where I could reach him. A month later, I interviewed Hector and heard an amazing story.

Hector moved to the United States with his mother when he was three years old, in 1984. They joined his father who had migrated shortly after Hector was born. In 1990, his parents applied for political asylum, as Hector's mother had worked for the Guatemalan government and could be subject to persecution if they returned. They were issued work permits and waited for their cases to be heard. Hector grew up in an integrated neighborhood in San Fernando Valley, California. His parents had been middle class in Guatemala, but were not able to transfer their skills to the United States. His mother stayed home and his father worked in landscaping. They were able to earn enough to get by, but were not very well off. Hector realized at a young age that he was attracted to boys, and sought friendships in high school and college with others who shared his sexual preference and could understand the challenges he faced. Most of his friends in high school were white and middle class.

Hector and his family spent years waiting for their asylum case to be heard. Finally, in 1999, they were able to legalize under

~~NACARA~~—the Nicaraguan Adjustment and Central American Relief Act. This legislation enabled them to become ~~legal permanent residentLPRs~~. After being ~~legal permanent residentLPRs~~ for five years, they could apply for naturalization and become citizens. ~~Legal permanent residentLPR~~ status, however, guaranteed them the right to remain in the United States and made it easier for Hector to attend university. As an ~~legal permanent residentLPR~~, Hector could pay in-state tuition and qualify for some scholarships. Upon finishing high school, Hector was admitted to one of the University of California schools.

When Hector finished college, he had no trouble finding employment, and quickly was promoted to mid-level management. Things were going well for Hector. He was earning good money at the company and was promoted several times. Hector was eligible to become a U.S. citizen in 2004, and applied in mid-2005. However, by the time his interview came around in 2006, he had already been charged with a felony. When he went to his interview, they told him he had to stall the process until he finished his case. Had he applied the moment he became eligible, he would have been a U.S. citizen

when he was charged with a felony and would not have faced deportation.

Hector lived a law-abiding life all through high school and college. However, he became involved in a credit card fraud scheme with friends of his from San Fernando Valley after graduating from college. Hector used the extra money to buy designer clothes and shoes. Eventually, Hector was caught and convicted of possession of stolen property. He was sentenced to two years in prison. It was the first time he had ever been in trouble with the law, and he was scared. As a gay man, it was not easy to be incarcerated.

Hector spent three months in L.A. ~~county~~ County jail, where he was in a segregated cell for gay men and did not have any major problems. When Hector got to state prison, however, there was no segregated space for lesbian, LGBT-gay, bisexual, and transgender people. Instead, he had to choose if he wanted a cell mate who was white, black, or Mexican. He chose Mexican. In state prison, Hector soon figured out he needed protection and found it in a fellow inmate, who offered to enter into a relationship with Hector. Hector explains:

we actually ended really getting into a relationship really is what it is. For traditional gender roles, he was very much the man. I was very much the woman and I am going to leave it at that because I'm demure. ... I took care of the cooking, the cleaning, and the washing, really is what it was. I don't mind playing house. I mean, I love it. And he took care of everything else. Right? We shared everything, obviously, and we lived together. It's like playing house.

Hector explained to me that he and his partner have plans to be together once he gets out. His partner is ready to leave the gang-banging lifestyle behind and move to Guatemala to be with Hector. When Hector was released from prison, his partner still had a year left to serve. Hector went to immigration detention, and then was deported to Guatemala City.

While in prison, Hector got several tattoos. He explained that, in prison, tattoos are earned through various acts. And, once you earn a tattoo, you have to get one to avoid trouble. In Guatemala, tattoos are heavily stigmatized and Hector has to cover them up in order to avoid harassment by police and victimization by gang members. It has been hard for Hector to adjust to life outside of

prison and inside a country he barely remembers. He was able to secure employment at a call center, and imagines he will move up in the company. Hector told me his deportation was America's loss. The United States invested hundreds of thousands of dollars in his education, and now he has taken all of those skills and experience with him to Guatemala.

Hector traveled to the United States on a tourist visa on his first trip. He and his family lost their legal status as tourists when their visas expired. At that point, they applied for political asylum, and enjoyed the "liminally legal" (Menjivar 2006) status of asylum-seeker. Once they were granted asylum, they became ~~legal-permanent resident~~LPRs. Hector's criminal conviction, however, erased his former legal status and he became a deportable alien. Hector's movement over time between legal and illegal statuses provides a window into the unstable nature of illegality and legality.

Caleb: Father, Veteran, Deportee

Caleb was born in 1964 in St. Thomas, Jamaica, a parish not too far from Kingston. He grew up with his grandmother, who worked as a domestic, and his grandfather, who worked for the post office. In high school, Caleb was a police cadet. He became a police officer

when he graduated, and was stationed at the U.S. vice-consulate's house as a security guard.

Through this connection to the vice-consulate to the United States, Caleb was able to get a one-year visa to travel to the ~~US~~ [United States](#) in 1985. Once there, he married a U.S. citizen, and became an [legal permanent resident LPR](#) in 1988. Soon ~~afterwards~~ [ward](#), he joined the ~~US~~ [U.S. army](#) ~~Army~~. Caleb told me he was attracted to the idea of being in the military ever since he moved to the United States. With his law enforcement background in Jamaica, it seemed an ideal career choice. As a temporary migrant, however, he could not join the army. He spoke to the recruitment officers in town, and they told him that as soon as he became an [legal permanent resident LPR](#), they would sign him up. When his green card arrived, the first thing Caleb did was to join the army.

Caleb dreamed of a military career, but had to leave the army after two years of service because of an injury. He was in rapid deployment training when he was injured in a tank accident. He developed three hernias in his back, and was declared a disabled

veteran. Because of his injury, the [U.S.](#) military paid for his education, and Caleb went back to school.

Caleb studied [Computer computer Science science](#) at a community college in Florida from 1992 to 1996. Once he finished, he got a job with the city government. From there, he worked in several government jobs, all in the region, all in computing. In his Southern Florida neighborhood, Caleb volunteered at a local computing program in the evenings - a Head Start program for children. When Hurricane Andrew hit, Caleb signed up to volunteer with the relief effort. He also helped veterans at the hospital. Caleb considers volunteer service to be an important part of who he is as a person. Caleb told me he often stayed away from Jamaicans, [since](#) [because](#) many of the Jamaicans he met smoked marijuana, and he did not condone that behavior. With his police and military background, he chose not to do anything on the wrong side of the law. He lived a quiet, family life, spending most of his free time with his two children and his girlfriend.

I asked Caleb why he never became a citizen. He told me he saw the only two benefits to becoming a citizen were that he could vote and that he could get a federal job. The cost was that he

thought he would have to renounce his Jamaican citizenship. So, even though he served in the U.S. Army and wanted to live permanently in the United States, he decided he did not want to renounce his Jamaican citizenship, as a matter of principle. He knew people could be deported for committing crimes. But since because he considered himself a model citizen, and someone who avoids crime at all cost, he did not think he had anything to worry about. Caleb told me that he knew he could live in the United States with a permanent residence card, and did not apply for U.S. citizenship because he was not interested in the formal benefits: voting, securing a federal job, or applying for relatives to come to the United States. He was only interested in the ability to remain in the United States. He told me:

The United States is a great place to live and true enough I had made United States my home. I can live in America with a green card. It's just that I couldn't vote or get a federal job or file for son or daughter which I don't have. I was not interested [in pursuing citizenship] because I wasn't doing the things to go to prison.

As a former police officer, a ~~solidersoldier~~, and a college graduate, Caleb did not see himself getting into any trouble. He had never gotten into trouble with the law in Jamaica; in contrast, he was a police officer who upheld the law. Unfortunately, Caleb did end up on the wrong side of the law, more than once. The first time Caleb had problems with the law, it was while he was stationed in Germany. When he came home to visit his wife, he was arrested in his neighborhood, and charged with possession with intent to distribute cocaine. He protested the charge, insisting that it was impossible - he did not use or sell drugs. The prosecutor said they had proof of his crimes on tape. It turned out to be a case of mistaken identification. Caleb was stationed in Germany on the day the tape was recorded. Although his name was cleared, this charge stayed on his record, and would come back to haunt him.

The second time Caleb got in trouble, he was charged with aggravated assault. Caleb was out with friends, and some of his friends were involved in a fight. One man ended up injured badly and had to go to the hospital. He pressed charges and blamed his injuries on Caleb. Caleb told me he did not hit anyone, but was not

willing to place the blame on anyone else either. He pled guilty, and accepted a plea bargain of two years on probation.

The third time, Caleb was driving his Lexus to his friend's house. When he parked, a police officer pulled up behind him and asked him something about his tags. Caleb asked the officer if he was under arrest; the officer said he was not, so Caleb went into his friend's house. When he came out of his friend's house, the car was gone. The next morning, Caleb went to the police station, and found that his car had been impounded. The police officer charged him with resisting arrest without violence.

When Caleb went to get his car back, he found that it had been badly damaged. The police had taken off the doors and broken the glove compartment, presumably looking for drugs. They had not found anything. Caleb thinks that they did not want to be responsible for the car, so found something to charge him with. When Caleb went to complain about his car, he was placed under arrest. Caleb was held in jail for three months as he went back and forth to court. He continuously asked about his attorney, but was not appointed one. Five minutes before his jury trial, he met his court-appointed lawyer for the first time. She asked him about his

case. Given the fact that the case was going to trial in the next few minutes, Caleb decided he would rather represent himself. He told his side of the story, but the jury found that he had left the scene, which is grounds for resisting arrest without violence. The jury found him guilty, and the judge sentenced him to nine months in jail.

From there, Caleb had to go to court for violation of probation. The judge sentenced him to forty-six months in prison for violation of probation. After doing his time, Caleb was deported to Jamaica, the land he had left twenty years before. When I spoke to Caleb in 2008, he had two children - a ~~sixteen~~-~~sixteen-year-year~~-old boy and a ~~twelve~~-~~twelve-year-year~~-old girl. His children had a very hard time dealing with his deportation. His daughter cried every night for two months when he was deported. Finally, the kids were able to visit him in Jamaica. When they came to visit, and saw he was okay, they felt better. His son and daughter have come to visit each summer since he was deported four years ago. Caleb spoke proudly of his children. His son had recently won an award for public speaking, and had traveled to [Washington, D.C.](#), to meet the president.

Back in Jamaica, despite his college education and years of experience, Caleb has not been able to find work. In Jamaica, the

stigma of “deportee” is hard to beat, and makes it difficult for Caleb to find employment. Caleb has become somewhat of a public figure in Jamaica, telling his story on the radio and in the print media.

When people meet him, a tall, slim, clean-shaven, man whose military and police background are evident, they find it hard to reconcile that with their image of a deportee as a criminal, and a good-for-nothing. Caleb told me it is especially hard for him to reconcile with his deportation, because he has nothing to regret. Aggressive enforcement of criminal laws led to his criminal conviction, which in turn led to his deportation.

Citizenship and Territorial Belonging

These black and Latino men had made lives for themselves in the United States. They had been born abroad, but had no intention of returning to their countries of birth. They took the “permanent” aspect of their [legal permanent resident LPR](#) status seriously.

Through their stories, we can see clearly how the formalized political status of naturalized citizen is just that – a formal political status.

Four of these five men completed all of their schooling in the United States, meaning they have been socialized into U.S. society along with those born in the United States. Caleb is the only one of these

men who came to the [U.S. United States](#) as an adult. He, however, joined the U.S. military out of allegiance to the United States.

Despite their lack of U.S. citizenship, each of these men feels as if their home is in the United States. While in the United States, although they were not U.S. citizens, they considered themselves to be part of the cultural and social fabric of their communities. Victor's familial ties to the United States make him feel as though that is where he belongs. Vincent feels culturally alienated in Guatemala, because, for him, the United States is where he belongs. In Vincent's words: "I'm more citizen than some of the people [... ..](#) there." O'Ryan also feels as if Brooklyn is home, because he completed his schooling there, he grew up there, and all of his friends and family are there. Hector, like O'Ryan, had his citizenship application in process when he was deported. Now, Hector is dealing with the major life adjustment that his deportation brought as he struggles to get used to living in the country where he was born. Caleb planned to live permanently in the United States and thought his permanent residence card would ensure he would be able to [do so](#).

The stories of these men shed light on how a person can have access to social and cultural citizenship, even in the absence of formal citizenship. Their deportations also demonstrate that it is not always the case that civil and political rights precede social and cultural rights. These men felt as if they belonged in the United States. As [legal permanent resident LPRs](#), they had access to nearly all of the same benefits as U.S. citizens. Many of them would gladly return to the United States illegally, even though that would require them to live in the shadows. Victor, for instance, has tried to return illegally several times, as his primary objective is to return to his community in Brooklyn where he can be with his family.

Linda Bosniak ([2006](#): 9) argues that [non-citizens](#)' outsider status shapes their experiences and identities within the national community. She points out that "aliens are denied the vote and most significant welfare benefits, and, notwithstanding the ties they may have developed in and with the community, they are always potentially subject to deportation by the state." Because of the ways that citizenship status shapes the lives of noncitizens, Bosniak contends that alienage should be added to the list of key social identities that affect our lives such as race, gender, class, religion,

and sexual orientation. In each of the cases I present ~~above~~, deportees' status as ~~non-non~~citizens did not shape their lives until they faced the prospect of deportation. As ~~legal permanent resident~~LPRs, they were able to participate fully in U.S. society. It was only when they were placed in deportation proceedings that their political status as ~~legal permanent resident~~LPRs took on importance. Their stories point to the importance of territorial belonging, of being able to stake claims on the right to remain within a country, when one feels as if one belongs there.

Each of their lives has been dramatically altered because of their deportation. They have been separated from their families and placed in environments ~~where in which~~ survival is challenging. In Jamaica, Victor, O'Ryan, and Caleb have found it exceedingly difficult to earn enough money to survive and depend on remittances from their family members in the United States. Hector and Vincent have been able to use their English skills and U.S. education to secure employment in call centers in Guatemala. All of these men must deal daily with the emotional cost of being permanently separated from their loved ones in the United States. Although not members of the U.S. political community, they

perceive themselves to be members of U.S. society, and consider their deportation to be one of the worst punishments imaginable.

Future Research

Scholarly endeavors in the area of immigration law and its social consequences have an obligation to be socially and politically relevant. To state that immigration laws in the United States are unjust is not simply a moral stance: international human rights tribunals have consistently found the United States to be in violation of a host of international treaties with its immigration laws (Golash-Boza 2012). Despite being a nation that upholds justice and the rule of law, and being a nation of immigrants, immigrants facing deportation from the United States have surprisingly few rights.

Thus, when I reflect on future research in this area, I envision interdisciplinary collaborations ~~between~~ among sociologists, human rights and immigration lawyers, anthropologists, political scientists, and philosophers who come together to figure out how we can fix this broken system of immigration adjudication and create more humane laws. The role of future researchers in this area must be to: (1) inform the public about the lack of due process in immigration proceedings; (2) produce works that can be used in courts of law to

adjudicate immigration cases; and (3) collaborate with immigrant rights activists to design studies that benefit their communities.

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¹ See <http://www.dhs.gov/files/statistics/data/dslpr.shtm> (accessed August 8, 2011).