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Marriage and Legalization: Legal Consciousness of Latina/o Young Adults Navigating  
Marriage-Based Legalization Pathways

A thesis submitted in partial satisfaction  
of the requirements for the degree Master of Arts  
in Chicana and Chicano Studies

by

Lucia Praxedis Leon

2017

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2017

## ABSTRACT OF THE THESIS

Marriage and Legalization: Legal Consciousness of Latina/o Young Adults Navigating

Marriage-Based Legalization Pathways

by

Lucia Praxedis Leon

Master of Arts in Chicana and Chicano Studies

University of California, Los Angeles, 2017

Professor Leisy Janet Abrego, Chair

This master's thesis examines the experiences and legal consciousness of undocumented young adults during the marital-based legalization process. In this work I ask: (1) How do 1.5 generation undocumented Latina/o young adults experience and navigate the marriage-based legalization process? (2) How do undocumented young adults negotiate the social and cultural expectations of marriage? (3) How do structural limitations due to legal status and gendered expectations lead men and women to experience and negotiate the marriage based legalization process? I examine these questions through twelve in-depth interviews with undocumented Latina/o young adults in Los Angeles, California. Complementing the interviews, I conduct observational fieldwork with legal and immigration clinics. In examining the experiences of undocumented young adults, historically excluded from processes granting *legality*, my research bridges scholarship on *illegality* to *legality* to expand knowledge about the legalizing process, the long-term effects of *illegality*, and the ways gendered, social and cultural expectations of marriage interact with immigration policy.

The thesis of Lucia Praxedis Leon is approved.

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2016

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## INTRODUCTION

“Undocumented, Unafraid, Unapologetic.” “Our Dreams Can’t Wait.” These and other similar declarations have been publicly proclaimed by undocumented youth in demonstrations throughout the United States since the late 2000s. The visual imagery of the “*DREAMER*” donning caps and gowns and holding signs affirming undocumented identities is arguably the most prevalent representation of undocumented youth in the last decade. Indeed, undocumented youths’ organizing efforts created a movement rooted in resilient identities and a fearless demand for rights and inclusion. After obtaining some major victories, the undocumented youth movement continues to be shaped and reshaped by political changes and the diverse make up of this generation (Pallares 2015).

Concurrently, over the same decade, an area of study expanded the understanding of the 1.5 generation undocumented young adults, who entered as children and are currently younger than 35 years (Arnett 2000; Rumbaut 2004; Abrego 2006; Gonzales 2011; Gonzales and Chavez 2012). As they enter adulthood, undocumented young adults transition into *illegality*, the condition of existing within or outside of the law produced in both a globalized context and within each Nation-state sovereignty (Ngai 2004; De Genova 2002). The examination of their “transition into illegality” (Gonzales 2011) formulate this area of study, informing the ways *illegality* and age of migration impact 1.5 generation undocumented young adult’s daily lives, opportunities, and outcomes within the educational and labor sectors (Abrego 2006, 2008, 2011; Abrego and Gonzales 2010; Gonzales 2011, 2016; Gleeson and Gonzales 2012). While learning about *illegality* informed advocacy work in the educational realm (Abrego 2006, 2008; Perez 2009), many questions still remain about what happened to undocumented youth following the stage when they would wear caps and gowns. As undocumented youth leave the educational

system, researchers are only now beginning to explore their experiences as they enter adulthood (Gonzales 2016; Pila 2016; Enriquez 2017).

My research aims to address the lack of knowledge about the situational experiences of undocumented youth who enter adulthood and new family formations. For some undocumented young adults, their new family formations, primarily in the form of marital relationships with a U.S. citizen spouse, deems them eligible for a legalization pathway. While marriage to a U.S. citizen is not an automatic pathway to citizenship for 1.5 undocumented young adults, some members of this population are becoming eligible for legalization through marriage due to both their entry into family reunification categories (Pila 2016; Enriquez 2015) and the emergence of new policies that may provide reprieve from previous barriers (Creighton et. al. 2013). At this critical moment, as questions are emerging about how undocumented youth experience the transition from undocumented to documented, my work expands the understanding of young adult's legal consciousness through the marriage-based legalization process.

### *Research Questions*

This master's thesis examines undocumented young adult's legalization pathways through marital-based family reunification policies. Rooted in sociological and gender studies epistemologies, I ask: (1) How do 1.5 generation undocumented Latina and Latino young adults experience and navigate the marriage-based legalization process? (2) How do undocumented young adults negotiate the social and cultural expectations of marriage? (3) How do structural limitations due to legal status and gendered expectations lead men and women to navigate and negotiate the marriage based legalization process? I argue that the nexus of immigration policy and gendered expectations produce different outcomes for men and women as they negotiate the legalization process in gendered ways. I examine these questions through twelve in-depth



interviews with undocumented Latina and Latino young adults in Los Angeles, California. I analyze their experiences as young adults who are eligible to apply for adjustment of legal status through their marital relationship with U.S. citizens. In addition, complementing the interviews with participant observation, I conducted observational fieldwork with immigration related community based organizations and legal/immigration clinics in Los Angeles, California.

### *Significance*

In addressing these pressing questions, this thesis serves as an extension of the area of study of the 1.5 generation, beyond the scope of the educational system and into immigration legalization processes. Moreover, in employing a legal consciousness framework, I examine the complex nexus of immigration law and social life among 1.5 generation undocumented young adults. Understanding undocumented young adult's legal consciousness throughout the legalization process is increasingly significant due to recent immigration law changes (Creighton et. al. 2013), coupled with this generation's entry into adulthood and into marital relationships with US citizens, which may provide a pathway for legalization (Pila 2016; Enriquez 2015). These changes and transitions have allowed historically ineligible youth to make the transition from undocumented immigrants to naturalized citizens within a three-year period, a process that for some categories of migrants can take up to 20 years due to the backlog of legalization petitions (Bergeron 2013).

This work expands the intersectional analysis of the interlocking systems of inequalities and privileges affecting a sub-population of 1.5 generation undocumented young adults, historically excluded from processes granting *legality*. As such, my research bridges scholarship on *illegality* to *legality* to expand knowledge about the legalizing process, the long-term effects of *illegality*, and the ways gendered, social and cultural expectations of marriage interact with

immigration policy. This work provides a greater and more nuanced understanding about the intersection of legal consciousness and gender and marriage norms in order to demonstrate the complexity of the legalization process among young adults making dual-fold transitions into marriage and adjustment of legal status processes. I argue that this examination of undocumented youth's pathways into legalization through marriage can bring great insight into the structure of *legality* and the consequences of the process on individual's perceptions of their obtainment of *legality* through marriage. Conclusively, the guiding purpose of my work is to develop the understanding about undocumented youth's experiences and transition into *legality and marriage* in order to inform potential policy changes that can improve the trajectory into *legality*.

The next section will review the legal consciousness frameworks employed for this study. This framework provides the lens from which to examine how immigration policies are experienced within and through social and institutional norms as individuals interpret and apply their understanding of immigration law. Next, to contextualize my research, I provide background on the immigration policy changes that delineate the possibilities for legalization, an overview of the Legal Permanent Residency (LPR) process for undocumented young adults, and a brief overview of the current historical moment involving DACA, Advanced Parole and the 2016 Presidential election. Following, I provide a review of three literature areas, which form the pillars of my work: 1) previous scholarship on the experiences of 1.5 generation undocumented youth; 2) emerging scholarship on gender and family reunification immigration policies among 1.5 generation undocumented young adults; and, 3) growing body of work on first generation migrants, gender and family reunification policies.

## LEGAL CONCIIOUSNESS FRAMEWORK

Developed within the field of law and society in the 1980s and 1990s, the framework of

legal consciousness makes visible how people interpret, experience, and apply the law to their lives (Ewick and Silbey 1998). Migrants' legal consciousness is a complex nexus of law and social life. It is developed through formal and informal channels, such as interactions with legal institutions and actors (such as lawyers) and everyday activities (Menjivar and Lakhani 2016). A formal application of law can control behavior, however in practice, people's interpretation, mediated by their social locations and norms, can affect how they understand and apply the law, thus, legal consciousness intersects with and is mutually constitutive of social norms. Moreover, since legal consciousness is socially constructed, individuals' interpretations and application of the law can shift and change over time (Ewick and Silbey 1998; Abrego 2008). A recent publication by Menjivar and Lakhani (2016) addresses the "transformative effects of the law." They argue that the regularization and naturalization process itself can produce long-lasting and permanent changes within migrants, such as their mentalities and behavior, and in their actions in public spaces. These spillover effects are particularly felt by migrants who spend long periods of time in legal limbo (Menjivar 2006) and in hostile environments.

Among undocumented young adults, legal consciousness has been found to have developed as a result of their migration experiences, labor and educational policies, migrant's interactions with social institutions, and the social context and norms surrounding them (Abrego 2011). Immigration policies matter for undocumented youth who are keenly aware of the role of law and policies through the ways it has shaped their access to education, to employment and to social services. Across the U.S., in key states like California, Illinois, and New York undocumented 1.5 generation youth are collectively making claims for full inclusion (Nicholls 2013; Gonzales 2013; Pallares 2015). Since the introduction of the DREAM Act in 2001,

Undocumented youth have organized to demand that the federal bill to include a pathway for full inclusion through legalization (Pallares 2015, Abrego 2011).

For many undocumented youth in California, their legal consciousness stems from their experiences with the educational system, particularly through Assembly Bill 540, granting in-state college tuition, and the California Dream Act granting access to state financial aid (Abrego 2006, 2008, 2011; Gonzales 2011, 2016; Gleeson and Gonzales 2012). Abrego examines legal consciousness among 1.5 generation undocumented immigrants, to demonstrate how *illegality* intersects with and is experienced differently across immigrant generations and the ways this intersection affects their lived experiences (Abrego 2011, 2008). She finds that undocumented immigrant student beneficiaries of Assembly Bill 540 interacted with their belief in meritocracy to aid their subjectivities in their claims-making efforts for educational access and upward mobility (Abrego 2008). Moreover, having experienced changes in immigration law, such as the implementation and rescindment of executive order Deferred Action for Childhood Arrivals (DACA), undocumented students are hyper aware of the consequences of law (Nicholls 2013; Mena and Gombeg-Muñoz 2016). Articulations of the legal consciousness framework have also demonstrated the various ways disenfranchised groups experience being “against the law” (Abrego 2006, 2008, 2011; Menjivar and Lakhani 2016). Like other disenfranchised groups, undocumented youth’s immigration status places them “against the law.” However, through their quasi-inclusion via educational policies in California and for some through DACA, they acquire a type of liminal legality (Menjivar 2006), which despite being afforded certain protections continue to remain vulnerable to immigration law changes and deportation (Mena and Gombeg-Muñoz 2016). These conditional statuses offering some levels of inclusion serve to produce the precarious legal situations that place recipients under the purview of law, consequently, they

look to the law to understand their social position and what rights they have available to them (Abrego 2011; Mena and Gomberg-Muñoz 2016).

The framework of legal consciousness is suitable for this study as it provides a lens from which to examine the ways undocumented young adults understand the law, specifically the immigration laws structuring family reunification processes. As legal consciousness intersects with and is mutually constitutive of social norms, this framework will also serve to examine the ways social and cultural norms about marriage shape and are shaped by immigration law. Moreover, since legal consciousness is also influenced by people's interpretations, mediated by their social location, I utilize this framework to understand undocumented young adult's complex interpretations and application of immigration legalization laws as they intersect with their generation and gender.

## BACKGROUND

### *Immigration Law Changes Limiting Pathways to Legalization*

The increased difficulty of entering legally into the United States, coupled with limited pathways to legalization leaves many undocumented immigrants in indeterminate status (Boehm 2012; Dreby 2015). Prolonged indeterminate statuses can be directly linked to a series of restrictive and punitive immigration policy changes in the twentieth century. The 1965 Immigration Reform Act placed racially restrictive national caps to migrants from the Western Hemisphere, including Mexico (Abrego 2014, Lytle-Hernandez 2010; Golash-Boza 2012; Menjívar, Abrego and Schmalzbauer 2016). These restrictive caps were too low to accommodate the waves of Mexican migration. As a result, these changes in immigration law criminalized migration and led to diminished options for legal immigration into the United States from Mexico. Despite the limited options for legal entry, the 1986 Immigration Reform and Control

Act (IRCA) became the first policy to make it a crime for undocumented immigrants to work in the United States. A decade later, The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, increased border enforcement, expanded deportable offenses to include noncriminal offenses and retroactive offenses on legal residents, and eliminated mechanisms to fight deportation orders (Golash-Boza 2012). Together, these changes in immigration policy are of particular significance for my research on legalization, as marriage has become one of the only avenues from which to legalize, despite the risks of detention and deportation from retroactive policies, for undocumented Mexican migrants (Boehm 2012; Salcido and Menjivar 2012; Dreby 2015).

In 2003 the Department of Homeland Security (DHS) replaced Immigration and Naturalization Services (INS), increasing the financial and discretionary power of immigration law. Enforcement at the Mexican-U.S. border became heavily militarized and was accompanied by a growth of U.S. interior enforcement (Golash-Boza 2012). Golash-Boza reminds us that this shift to interior enforcement is particularly important for immigrants' pathways to legalization: "The DHS is charged both with enabling immigrants to become citizens and ensuring that those who are not eligible for citizenship are appropriately regulated" (2012:9). Housing both the detention, deportation, and the legalization processes under the same agency further points to the importance of understanding the constitutive relationship between the production of *illegality* and the production of *legality*.

Lastly, recent changes in immigration policies influence a variety of factors associated with the legalization process: the types of petitions migrants are eligible for, the length and cost of the process, and the level of deportation risk undertaken when applying for legalization. These policy changes make the obtainment of legal residency increasingly difficult while also leading

to higher rates of deportations (Abrego 2014). Thus, in examining immigration policies and their role in the production of *illegality* in the U.S., Abrego (2014) demonstrates the ways in which policies determine the life course of immigrants, including who is eligible for legalization. These variations are all indicators of the ways in which the production of *illegality* affects immigrants differently—a reminder of the discretionary and unequal consequences of punitive racialized immigration policies (Abrego 2014).

The undocumented young adult participants in this study experience their immigration statuses within these restrictive and punitive consequences of immigration law, consequently shaping their legal consciousness. Accordingly, in analyzing their experiences through a lens of legal consciousness, I pay particular attention to the ways immigration law changes have had an effect on how undocumented young adults interpret policies that restrict their entry into other legalization pathways, and the ways immigration status affects their personal and social decisions about marriage to shape their legalization processes.

#### *Legal Permanent Residency Process for Undocumented Young Adults*

There are two main pathways to apply for lawful permanent residency (LPR) or a “green card” contingent on where the applicant is living at time of application. Individuals applying as a status adjuster, are living in the United States at the time of application, whereas, new arrivals are applying for both a visa and residency from abroad (Mossad 2016). This paper is concerned with individuals already living in the U.S. and adjusting their status from undocumented/unauthorized<sup>1</sup> to lawful permanent residence. Eligibility to apply as a status adjuster requires immigrants to demonstrate they are admissible under the Immigration and

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<sup>1</sup> I utilize the terms undocumented and unauthorized to denote a category of migrants who do not have legal immigration status and are residing in the U.S. without legal permission. Participants in this study utilized undocumented to describe their legal status.

Nationality Act of 1965.<sup>2</sup> First, immigrants must fit one of the categories of admissibility; they must enter an adjustment process based on their eligibility for family reunification, employer based, or refugee/asylum petition. This study concerns itself with adjustors who apply under family reunification policies. Family Reunification eligibility is determined through undocumented immigrant's status as immediate relatives of U.S. citizens or residents, of which includes: spouses, parents, and unmarried children younger than 21 years of age. However, since many undocumented young adults aged out of being eligible for legalization as children of U.S. residents or citizens, their only avenue for legalization is through marital relationship to a U.S. citizen or resident.

An undocumented persons' status as an immediate relative to their U.S. citizen spouse is not an automatic qualifier. Immigrant's type of entry into the U.S. plays a critical role in their eligibility. Undocumented youth who entered the country with inspection, such as with a visa, are eligible to apply when they become immediate relative spouses of U.S. citizens. For immigrants who entered the country without authorization, their unlawful entry into the U.S. has placed significant barriers to legalization. Unlawful entry has led many undocumented young adults to remain ineligible, despite their marriages to U.S. citizens. However, the passage of Deferred Action for Childhood Arrivals (DACA) and consequently, DACA recipient's ability to enter the country legally through Advanced Parole has opened the door for many undocumented young adults to gain legal entry and consequently become eligible to apply through marriage based Adjustment of Status (AOS) petitions.<sup>3</sup>

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<sup>2</sup> The Immigration and Nationality Act of 1965 provides the categories of admissibility, outlines the immigration process and its requirements.

<sup>3</sup> In some cases, additional documents have allowed some immigrants with unlawful entry to gain eligibility, such as provision 245(i)- allowing undocumented applicants to adjust within the U.S. without facing a bar to readmission (Golash-Boza 2012).



Upon meeting the eligibility requirements to apply for marital based adjustment of status undocumented young adults begin the bureaucratic application process (Boehm 2012; Lopez 2015; Gomberg-Muñoz, Ruth 2016). There are a number of components to the application, which include three main areas: 1) Official documents to prove eligibility and identities 2) USCIS application forms<sup>4</sup>, and 3) supportive evidence to substantiate marriage. The third area, supportive evidence, is where most variability and discretionary power is present. The USCIS guideline to these documents reads: “Supporting evidence of your relationship, such as copies of any documentation regarding joint assets or liabilities you and your spouse may have together”.<sup>5</sup> Furthermore, USCIS documents state, “If your eligibility is based on your marriage, supportive evidence of the relationship must be presented.” “Supportive evidence” can include: “photos, correspondence or any other documents you feel may substantiate your relationship.” Following USCIS’s guidelines, applicants’ understanding of supportive evidence mainly translates to: joint tax returns, joint bank/credit card statements, joint utility bills and rental agreements, photos, correspondence, letters of support, and any other documents that “substantiate your relationship.”

Following the gathering of these documents, the process can take approximately four to six months before an interview is set. The interview requires the couple to attend an interview with a USCIS officer who reviews their application, original documents, and may request additional information about the applicant’s admissibility requirements and the marital relationship. If the AOS application is a success, a conditional legal permanent residency (LPR) or “green card” is granted for a conditional two-year period. During this provisional period they must maintain eligibility and for those who obtained status through marital petitions they must

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<sup>4</sup> All USCIS forms can be found online at <https://www.uscis.gov/forms>.

<sup>5</sup> These USCIS guidelines are stated in participant’s applications and correspondence from USCIS, of which I reviewed during my interviews and fieldwork.

prove to be “married in good faith.” At the two-year mark conditional residents must apply to remove conditions and become permanent legal permanent resident (a renewal process every 10 years).<sup>6</sup> To be eligible for citizenship through naturalization LPRs who applied through marriage to U.S. citizens must reside continuously in the U.S. for a minimum of three years (five years for all other LPR categories). During the naturalization process, they must demonstrate good moral character, demonstrate ability to read, write and speak English, and pass a U.S. history and government test. Taking the process for its totality, those who apply under marriage-based applications can expect a minimum of three years to complete the three applications: conditional residency, renewal of residency and naturalization.

#### *DACA, Advance Parole and the Presidential Election*

Centered on their 1.5 generation characteristics, two critical factors contribute to undocumented young adult’s entry into legalization through marriage: Deferred Action for Childhood Arrivals (DACA) and Advanced Parole (AP).<sup>7</sup> DACA, a 2012 executive order signed by former President Barack Obama, granted eligible undocumented youth a work permit and relief from deportation for a renewable period of two years. Another benefit to DACA was the ability to apply for Advanced Parole, which allowed them to leave the U.S. for humanitarian, employment and educational purposes.<sup>8</sup> During my field work in DACA workshops and legal

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<sup>6</sup> Although LPRs apply for the removal of “conditional”, their permanent LPR status still carries certain conditions such as, carrying “green cards” at all times (not doing so can lead to a misdemeanor offence), no felony offense, and renewing every 10 years.

<sup>7</sup> <https://www.nilc.org/wp-content/uploads/2016/02/DACA-FAQ.pdf>

<sup>8</sup> Advanced Parole (AP) provides the ability to leave the United States with permission and to receive legal entry upon re-entry to the United States. Legal entry is significantly important as it is an eligibility requirement to apply for adjustment of legal status within the United States. Prior to AP, many undocumented youth were ineligible to adjust, even through marriage, as they did not meet the legal entry requirement and were facing a potential 10-year bar or having to adjust their status from their country of origin (Gomberg-Muñoz 2016).

clinics, my conversations with immigration attorneys and organizers revealed that through DACA and AP some undocumented youth were able to amass the necessary requirements for an eventual legalization through marriage process.

The completion of fieldwork and interviews for this study bookended the 2016 Presidential Election. Explicably, the Presidential Election was a salient topic, particularly for the 10 out of 12 participants who were current DACA beneficiaries. While DACA and Advanced Parole have allowed some undocumented youth great opportunities and relief they were also keenly aware that these were not a permanent nor secure solution. During the election period participants shared feelings of uncertainty regarding DACA and what the future presidency meant for their lives. Interviews with participants post-election involved conversations detailing concrete contingency plans if DACA was to be rescinded, particularly for those who benefited from DACA's reprieve of standing deportation orders. Consequently, many participants made a time sensitive decision to apply for advanced parole as a way to protect themselves, by taking care of an essential requirement for a potential legalization pathway, legal entry and eligibility to legalize through marriage within the U.S.<sup>9</sup> The pressures of a new presidency, the realities of not meeting all the requirements for a future legalization through marriage prompted undocumented youth to apply for emergency Advanced Parole before inauguration on January 20<sup>th</sup>. In re-

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<sup>9</sup> A pathway to legalization via marriage to a U.S. citizen requires three admissibility requirements: 1) legal entry, 2) no criminal record and 3) no health impediments. All 12 participants in this study were married to a U.S. citizen and anticipated meeting the good health requirements. The biggest impediment was their legal entry into the United States. Of the 12 participants, only five met the eligibility criteria of legal entry (two entered the U.S. with valid tourist visas and three had a 245(i) provision). The remaining seven participants entered the United States without inspection. Prior to DACA these seven participants would not have been eligible to apply for marital-based legalization, however, DACA allowed them to apply for Advanced Parole and upon their return to the United States gained legal entry; thus, making them eligible to apply through marital petitions.

entering the U.S. with inspection undocumented youth pre-emptively secured the next step for their applications- legal entry. In sum, the election pushed undocumented youth to secure their eligibility requirements through advanced parole, in preparation for a future marital based adjustment of status process.

### *1.5 Generation Undocumented Young Adults*

Academic contributions to the understanding about undocumented Latino young adults is largely shaped by the study of the 1.5 generation. Coined by sociologist Rubén G. Rumbaut (2004), the 1.5 generation is defined as foreign-born persons who arrived in the United States as children. While Rumbaut specifically defines this generation as arriving from ages 6 to 12, researchers have adapted variations in age of arrival to include age 0 to age 12. Another feature of the 1.5 generation is provided by cultural anthropologist Hinda Seif (2004), citing youth's plans to live in the United States permanently as another central distinguishing characteristic. Furthermore, Roberto Gonzales (2016) cites population statistics to argue for the importance of focusing on this growing generation, estimating 2.1 million people belonging to the 1.5 generation, with about half of them now in adulthood. By examining the intersection of *illegality* and generation, scholars have begun to define the important characteristics of this generation, thus stimulating an area of study.

Previous research on 1.5 generation undocumented youth has increased the body of knowledge about the ways *illegality* and generation impacts lives, prospects, and outcomes within the educational and labor sectors (Abrego 2006, 2008, 2011; Abrego and Gonzales 2010; Gonzales 2011, 2016; Gleeson and Gonzales 2012). Undocumented youth's participation in the public educational system (K-12) gave undocumented students a positive sense of self as they felt the protection and inclusion of education policy (Abrego 2006, 2008, 2011; Gonzales 2011,

2016; Gleeson and Gonzales 2012). The landmark 1982 U.S. Supreme Court case *Plyer v. Doe* granted access to children, regardless of immigration status, to basic K-12 education. This momentous court case provided an avenue for the entry of undocumented children into the educational system, paving a path for their social and educational integration. In addition, beginning in the early 2000s various states passed legislative policies granting in state tuition to undocumented youth. As a result, among the 1.5 generation undocumented youth, the educational system served to ameliorate the negative effects of an undocumented status (Abrego 2006, 2008, 2011; Abrego and Gonzales 2010; Gonzales 2011, 2016). In contrast, undocumented 1.5 generation youth who entered the employment sector, did not feel protected by employment policy; rather, they felt exclusion in the work place due to their undocumented status. They learned to maneuver *illegality* and adapted to an outsider identity (Gleeson and Gonzales 2012), employed coping mechanisms, adapted aspirations, and accepted the potential of a permanent undocumented status (Gonzales 2011, 2016).

These academic contributions to the study of 1.5 generation undocumented youth, highlight the specific ways age, age of migration, and participation in educational and/or employment sectors interact with *illegality*. Undocumented youth's generation determines their participation in different institutions, influencing a diverse range of experiences, opportunities and challenges. Furthermore 1.5 generation undocumented youth have also become increasingly associated with educational success and arguably have become a less stigmatized class of immigrant. Given this positive academic and activist visibility if an immigration reform, or legislation similar to DACA, continues to come to fruition, undocumented youth will likely be among the first to benefit (Gleeson and Gonzales 2012). Thus, studying the conditions of gaining legalization and the role of a former undocumented status is important to ensure that gaining

*legality* will positively affect those who are currently marginalized by *illegality*. Furthermore, while recent studies have begun to focus on undocumented youth's mental health, showing that acculturation stress is higher compared to their documented counterparts (Gonzales et. al. 2013), and on gender differences among the 1.5 generation (Abrego 2014; Enriquez 2015; Pila 2016), little is known about the nexus of generation, gender, and the legalization process among 1.5 generation young adults.

### *1.5 Generation: Gender and New Family Formations*

To date, few researchers (Abrego 2013; Pila 2016; Enriquez 2017) examine the experiences of the 1.5 generations' gendered dating and marital experiences. Abrego (2013) in her study of 1.5 generation undocumented youth finds that generation complicates gendered forms of *illegality*. She illustrates the differential experiences for women and men as they interpret their legal status as a source for feelings of self-consciousness or feelings of shame, respectively. Through her work Abrego demonstrates the role of policies producing *illegality* in the shaping of gender and undocumented youth's romantic relationships. Similarly, Pila's (2016) interviews with 1.5 generation undocumented activists reveal the impact of legal status on romantic relationships. She argues that undocumented young adult's immigration status negatively impacts their "trajectories of intimacy and partnership" as their undocumented status impedes their "adherence to the hegemonic normative expectations of dating and courtship" (Pila 2016, p. 142). These exclusions and impediments are gendered and manifest in men and women's relationships differently. While undocumented men's legal status made it more difficult for them to fulfill gendered responsibilities, these same gendered expectations "awards them the advantage of "choice" (p. 147). On the other hand, for undocumented women the most pressing conflict was their fear of disclosing their legal status. They strongly felt that their legal status had

“unduly burdened their partners,” which was not the case for undocumented men (p. 148). Thus, undocumented women were more likely to point to the inequalities and vulnerabilities of being an undocumented partner than were the men in the study. Despite these differences, both genders faced levels of exclusion that negatively impacted their romantic relationships, making the impact of their legal status salient in the beginning stages of family formations.

More recently, Enriquez (2015) examines 1.5 generation parents’ intersection of generation, *illegality*, and the family formation process within their mixed-status families. Enriquez (2015) conceptualizes multigenerational punishment as the “legal sanctions intended for a specific population which defuse through social ties and day-to-day interactions to affect individuals who are not targeted by the law” (p. 950). She demonstrates the ways *illegality* spills over from the undocumented 1.5 generation parent, to the family as a unit, including the younger generation of U.S. citizen children. The undocumented status of the parent in effect becomes a *de facto* undocumented status and punishment for U.S. citizen children. In Enriquez’s examination of the 1.5 generation as parents and focus on the family unit, she bridges the area of study on the 1.5 generation and family reunification.

Undocumented immigrants experience the nexus of family formation and immigration policy at all stages, including childhood, adolescence and adulthood. This saliency of legal status on the life course of undocumented immigrants has urged scholars to suggest that the impacts of legal status may also be salient in all stages of their family formations (Hagan 1998; Pila 2016). While Abrego (2011), Pila (2016), and Enriquez’s (2015) examination of 1.5 generation undocumented young adults allows us to draw connections between generation, social context, and the role of legal status on romantic relationships and family formation, relatively little is known about the experiences of 1.5-generation undocumented young adults who move from

dating to marital relationships and into potential avenues for legalization. Is their experience with the legalization process also a gendered process like Abrego (2011) and Pila (2016) found among their dating experiences?

*First Generation: Gender and Family Reunification Policies*

Family reunification is an underlying principle of U.S. immigration policy founded on the notion that marriage and family are fundamental human rights that should not be impeded by nationality laws (Boehm 2012, Salcido and Menjívar 2012). Since its creation in 1965, family reunification privileges nuclear family ties and has become the largest category for legal entry, particularly for first generation immigrant women (Salcido and Menjívar 2012). Furthermore, family reunification modifications in the 1980s and 1990s, have expanded state structures and policies that construct, define, (re)produce, (re)unite and divide families, resulting in lasting implications for immigrants and their families (Abrego 2014; Boehm 2012; Fix and Zimmerman 2001; Gomberg-Muñoz 2016; Hagan 1998; Lopez 2015). Although in theory *family reunification* claims to reunite families, scholars argue that in practice we need these policies because immigration laws separate families to begin with (Abrego 2014; Boehm 2012; Hagan 1998; López 2015; Menjívar, Abrego, and Schmalzbauer 2016; Salcido and Menjívar 2012).

While other legalization processes (like employment-based and asylum and refugee) can provide immigrants with a pathway to legal status, marriage continues to be the primary avenue for gaining legal status (Salcido and Menjívar 2012). Precisely because of the primacy of legalization through marriage, marital based processes have been conflated with the “green card myth”- a common myth about immigration law which falsely assumes marriage to a U.S. citizen will allow undocumented immigrants to regularize their status (Mercer 2008). However, recent



scholarship has begun to complicate this myth, providing a much more complex understanding of the marital-based legalization process (Enriquez 2015, Pila 2016; Massey and Malone 2003).

Various studies describe the legalization through marriage process as one that is heavily policed and invasive, thereby creating stressors and anxieties for mixed-status families (Boehm 2012; Gomberg-Muñoz 2016; Hagan 1998; López 2015; Salcido and Menjívar 2012). This is poignantly exemplified by López (2015) as she outlines the ways in which U.S. citizens and their families are subjected to the process of legalizing through marriage. She reviews the implications, ranging from the inconveniences of the process (money, time, resource gathering), to the critical examination of “having the legitimacy of your love scrutinized by immigration authorities,” and more drastically the temporary or permanent physical separation of family members through deportations (López 2015, p. 99). While her research reveals the scrutiny and punitive nature of the immigration system, her analysis centers the perspective of the US citizen spouse, without the inclusion the undocumented spouse.

Of the research focusing on undocumented immigrant spouses, gender and legal status are analyzed jointly to provide an understanding of first generation undocumented immigrants’ family formations and interactions with immigration policies and processes (Abrego 2014; Hagan 1998; Lopez 2016; Pila 2016; Salcido and Menjívar 2012). These studies find that the marital-based legalization process also continues to be a gendered experience for most men and women who undergo the marriage-based legalization pathway (López 2015; Pila 2016; Salcido and Menjívar 2012). Abrego (2014), Hagan (1998), and Salcido and Menjívar (2012) primarily focus on the gendered experiences of first generation Latin American and Central American undocumented migrants in obtaining legal residency through family reunification policies. In their examination of the lived experiences of undocumented migrants they find that the family

reunification process is a heavily gendered experience. Immigration policies and systems are embedded with gender ideologies and structures that result in differential experiences for men and women. Although immigration law and processes are presumed to be gender neutral, researchers argue social positions such as race/ethnicity, class, and gender intersect to inform processes of inclusion and exclusion present in the legalization process.

Primarily, these studies demonstrate that men and women encounter gender privileging that values male-associated attributes and relies on heteronormative, patriarchal structures (Pila 2016, Hagan 1998, Boehm 2012, Salcido and Menjívar 2012). Gender ideologies embedded in the immigration system relegate women as members of a family unit, as mothers, wives, daughters and sisters, while men are assumed to be breadwinners and head of households (Salcido and Menjívar 2012:351). Women are consigned to a primary role as dependents and men as workers and providers; rendering women largely reliant on their male relatives to petition them for legal status. The authors argue that in each legalization avenue gender matters and illustrate the gender privileging that exists in U.S. society within a patriarchal culture that values male-associated attributes. Furthermore, the consequences of these gendered assumptions are highlighted by Hagan (1998), as she sites that women abandoned their legalization petitions at a much higher rate than men. Salcido and Menjívar (2012) also discuss how these gendered experiences intersect with class. For poor women, their legalization process is often times unaffordable and unachievable, due to the immigration process' required 125 percent of the federal poverty line. Salcido and Menjívar (2012) in their examination of gender inequalities in the legalization process find that legalization is a gendered pathway. Despite immigration law's gender-neutral claim, gender differences remain central in the immigration experience as immigration law, embedded with gender ideologies, ensure women remain dependent on men

during the legalization process and men are presumed to be head of households and breadwinners.

Overall in the developing scholarship of family reunification policies, literature continues to focus primarily on the experiences of US citizen spouses of undocumented immigrants (Golash-Boza 2012; Gomberg-Muñoz 2016, López 2015, 2017) or US citizen and non-citizen children (Fix and Zimmerman 2001, Enriquez 2015). While a growing body of literature examines the gendered experiences of first generation undocumented immigrants (Abrego 2014; Hagan 1998; Salcido and Menjivar 2012; Lopez 2015), fewer pay particular attention to the nexus of generation, gender, and legalization process among 1.5 generation undocumented young adults (Pila 2016; Enriquez 2017). Thus, building on the existing knowledge, I examine the intersection of *illegality*, gender, and generation among 1.5 generation undocumented young adults navigating the legalization through marriage process.

#### QUALITATIVE RESEARCH DESIGN

Given that the research questions were developed from multi-disciplinary knowledge, it is essential to employ a research design, methodology, and analysis that also borrow from various disciplines. Utilizing sociological and feminist standpoint epistemologies, I use a qualitative design in this study. A qualitative methodology is especially suited both for the examination of immigration processes and to analyze how undocumented young adults interpret both legalization processes and their lived experiences. Additionally, the sensitivity of the topic lends itself to be studied through a qualitative detailed interaction between researcher and participant.

*Research Site: Status Adjusters in California*

Under U.S. law a legal permanent resident is defined as a person who is granted legal rights to live and work permanently in the United States (Mossaad 2016). While there are limited pathways for the obtainment of LPR status in the United States, The Office of Immigration Statistics' latest report, *U.S. Lawful Permanent Residents 2014 Annual Report* (Mossaad 2016), indicates that the annual Legal Permanent Residency flows have generally had an upward trend since 1945. This most recent annual report accounts a total of 1,016,518 persons obtaining LPR status in 2014 (Mossaad 2016). Of the 1 million new LPRs over half (53%) were status adjusters, that is applicants who were living in the U.S. when granted legal status.

California is the state of residency for almost 20% of new legal permanent residents, the highest rate in the nation (Mossaad 2016). Two California metropolitan areas of residence are ranked among the top 10 leading metropolitan areas of new LPRs: Los Angeles-Long Beach-Anaheim area was ranked second with 7.9% of new LPRs and San Francisco-Oakland-Hayward area ranked seventh with 3.2% of new LPRs. My research is situated within these legal permanent residency trends. Utilizing the aforementioned annual reports provided by USCIS and Homeland Security I have designed my research site to fit these trends. I situate my study in the state of California, by examining the status adjustment applicants in the Los Angeles metropolitan area.

### *Interview Participants*

Participants sought for this study shared similar characteristics to the majority categories of new Legal Permanent Residents (LPRs), as reported by the Office of Immigration Statistics' 2016 review (Mossaad 2016). The most common LPR applications are filed as family-based petitions, for applicants who qualify as immediate relatives of U.S. residents and citizens<sup>10</sup>

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<sup>10</sup> Immediate Relatives are defined as: parents, unmarried children under age 21, and spouses of U.S. residents and citizens.

(63.5%). Of those family-based petitions, the highest category were filed as spousal immediate relatives of U.S. citizens (41%). Additionally, USCIS reports the median age of LPRs is 32, with age bracket 25 to 35 years accounting for 25% of LPRs. It is important to note that new LPRs are also more likely to be female (54%), with female applicants 8% more likely to be granted LPR than their male counterparts. Lastly, 59% of new LPRs were married at the time of application. Additionally, Mexico continues to be the top country of birth for new residents; immigrants of Mexican origin constitute 3.9 million (13.2%) of the LPR population.

In congruency with the national trends of new LPRs, participants in this study were screened to fit the following eligibility criteria: 1) ages 18 to 35 years old, 2) entered the country as children<sup>11</sup> 3) born in Latin American countries, 4) applying for adjustment of legal status through a marriage based petition; and 5) applying in Los Angeles, California. In total, I conducted semi-structured interviews with 12 participants from Los Angeles, CA who were legalizing through adjustment of status applications, sponsored by their U.S. citizen spouse. All participants entered before the age of 8, with their age at time of interview ranging from 22-33 years old.<sup>12</sup> Having entered as children, and now in adulthood, participants ranged from 16 years to 25 years of undocumented status. Participants were predominantly from Mexico, with the exception of two participants: one from Guatemala and another who identified as being from Mexico-Guatemalan origin. In terms of gender identity, six participants identified as women, five as men, and one as gender non-conforming. In addition, four of my participants identified as members of the LGBT community and described their relationships as same-sex marriages. Accounting for a third of my participants, I anticipated finding differential outcomes; however,

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<sup>11</sup> Rumbaut 2005; Abrego 2006, 2008; Gonzales 2006, 2011

<sup>12</sup> Age of entry and current age ranges are congruent with the literature defining 1.5 generation young adults: Arnett 2000; Rumbaut 2005; Gonzales 2006, 2011; Gonzales and Chavez 2012; Enriquez 2017

my data reveals similar patterns held across same-sex and heterosexual couples. These similarities provide strong evidence that the legalization through marriage process is experienced as a similar transition across both heterosexual and same-sex couples.

### *Recruitment*

Participants were recruited through community based organizations (CBOs) and immigration clinics in the city of Los Angeles, CA. These sites were identified for their primary focus on providing resources for Latino immigrants. During summer 2016, I spent three months in various CBO, DACA workshops, and Immigration Legal Clinics. During these workshops and legal fairs, I attended as an observer and spoke to various key players in the immigration field, including: lawyers, CBO employees and volunteers, and undocumented families. During fieldwork I learned that many undocumented youth who are legalizing through marriage are doing so through private lawyers or undertaking the process on their own. Consequently, in addition to fieldwork, as a former immigrant youth organizer I recruited potential participants through my own networks in CBOs and immigrant rights advocates. I disseminated information about my research through my network's respective email and social media accounts. Interested participants were asked to contact the researcher directly<sup>13</sup> to discuss details of the project and conduct a screening protocol to establish eligibility. Participants receive \$50 cash for their time.

### *Interviews*

I utilized in-depth interviews, as they allowed for the exploration of my specific inquiries, while being flexible enough to explore other unexpected themes. In addition, "Interviews can also be a valuable way of gaining a description of actions and events-- often the *only* way, for events that took place in the past or for situations to which you can't gain observational access"

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<sup>13</sup> In cases where participants were recruited through organizations or networks their participation was not disclosed to their pertaining organizations or networks.

(Maxwell 2013:103). Thus, through interviews I gained a description of my participants' perceptions during these important events—their legalization process. Moreover, the interviews allowed for some insight regarding my participants' private interactions with their family members and the confidential meetings with lawyers and agents of the immigration process.

Interview locations were determined between the primary investigator and the research participant, with special consideration given to the individual's location and privacy. The duration of the in-depth interviews ranged from 1 hour to 3.5 hours, with an average of 2 hours and 15 minutes. Interviews were conducted primarily in English, with some respondents utilizing Spanish phrases during the interview. Interviews were primarily conducted in private rooms at various public libraries in the city of Los Angeles. A few interviews were also conducted in public parks and coffee shops.

During interviews, the conversations focused on four major areas: (1) immigration journey and background, exploring participants' family background, migration and educational/work experiences; (2) the legalization process, discussing participants' perceptions, decision making process, motivations, and feelings and reactions to their legalization experience; (3) social and cultural expectations of marriage and gendered expectations as experienced by participants, and 4) Future plans, exploring participants' perspectives on belonging and long-term goals.

I also inquired about their relationships with their families, family and spouse's perceptions about the process, support networks and future plans. Throughout the interviews, I paid particular attention to how and in what ways gender mediated the legalization experiences for men and women. This includes being attentive to any gendered dimensions in participants' responses. Lastly, when appropriate and with participants' permission, I also examined five

participants' application documents, which included: written correspondence from USCIS, letters of support from family members and friends, joint documents with their spouses collected for the application, and any other written documents pertinent to the legalization process.

### *Observational Fieldwork*

Accompanying semi-structured interviews, and in order to learn more about the norms of the legalization process, I supplemented my interviews by employing some aspects of observational methodology developed with ethnographical research. I observed families seeking resources for the legalization process in three distinct locations: 1) Community Based Organizations, 2) Immigration Clinics, and 3) during workshops on DACA or Citizenship. As part of my IRB protocol, I first obtained verbal permission to conduct observational research from organizers of the events. To protect community member's confidentiality, in the transcription of field notes I utilized pseudonyms in place of community members' names and perspective organizations.

During the site visits and events, when I interacted with community members or organizers, I explained my role as a researcher and my intent to observe. In my field notes I included my observations of interactions between family members seeking immigration services and the various brokers of the legalization process, including: lawyers, consultants, volunteers and staff of hosting CBOs or community legal clinics. These distinct locations allowed for an analysis of Los Angeles based community sites where the research population sought resources and spoke of social norms associated about the legalization process. I utilized journaling techniques to write field notes to track my observations, including: the locations, a general description of spaces, types of services offered, and demographics of people interacting in these spaces, attendee's commentary about the legalization process, and perspectives on the then



upcoming 2016 election and its implications for undocumented families. Additionally, I wrote analytical memos post-interviews and following events and workshops.

### *Data Analysis*

The data analysis process included three distinct steps. First, I transcribed the audiotape-recorded interviews. All interviews were transcribed verbatim, with the exception of name changes to protect informants' identities.<sup>14</sup> When words or phrases were in Spanish I inserted the corresponding English translation in brackets. Second, I used open coding techniques to identify conceptual labels to code words, concepts, themes and patterns (Creswell 2009). Next, I identified meta-themes in each interview and meta-themes across all interviews. Similarly, to interview data, I coded my observational journals and analyze emerging words, concepts and themes. These codes and themes include: family history of immigration, experiences regarding legal status and immigration law, social and cultural expectations of marriage, gendered roles and expectations, interpretations of the legalization process, motivation to apply for legalization, resources, and thoughts/feelings about the legalization process. After coding, de-identified qualitative data was organized and prepared utilizing the qualitative software Dedoose.

### *Human Subjects Protection: Confidentiality*

This study required University of California Los Angeles Institutional Review board (IRB) approval. Given the sensitive nature of my participants' current undocumented status, measures were taken to ensure confidentiality. All records associated with this study were kept confidential. To maintain anonymity of participants, all interview participants were assigned a pseudonym during the screening process to determine eligibility in the study. Pseudonyms were then carried over to their corresponding audio recording, transcriptions. For observational data,

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<sup>14</sup> The direct quotations included in the findings of this paper were taken from these interview transcripts. I have made minor edits to these excerpts for clarify.

all records were collected and transcribed utilizing pseudonyms. Data entered into digital files only appears in coded pseudonym form. Data on immigration status was only recorded confidentially with the utilization of the pseudo name and is not linked to participants' identifiable information. In addition, only pseudo names will be utilized in the presentation of results. Furthermore, during the consent protocol participants were asked to provide oral consent, subsequently no written record exists of their interview participation.

## FINDINGS

Undocumented young adults interviewed for this study entered the United States as children and form part of the 1.5 generation of Latin American immigrants (Rumbaut 2004). Having entered the U.S. at an early age as children and now in young adulthood the undocumented young adults in this study hold prolonged unauthorized presence ranging from 16 to 25 years of undocumented status.<sup>15</sup> While experiences with long-term undocumented status have been well documented by researchers of the 1.5 generation undocumented youth (Abrego 2008, 2011; Gonzales 2011, 2016), little has been studied about their gender differences and even less so about their potential pathways towards legalization. While a growing body of literature on legalization through marital petitions among first generation migrants demonstrates that marriage continues to be the primary avenue to regularize legal status (Abrams 2007; Mossad 2016), only in recent emerging literature have researchers begun to examine the role of gender and *illegality* in the dating lives/family formation of 1.5 generation undocumented young adults (Pila 2016; Enriquez 2015, 2017). This study adds an analysis of the experiences of 1.5 generation undocumented young adults, at a time when they are emerging into adulthood and

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<sup>15</sup> At the time of interview participants' ages ranged from 22 to 33 years old. Their age of entry into the U.S. ranged from 1 to 8 years old. With some small variation in when they lost their legal status, they have prolonged unauthorized presence ranging from 16 to 25 years.

entering romantic relationships with U.S. born and naturalized citizens. This two-fold transition into adulthood and marriage with a U.S. citizen has lead the undocumented young adults in this study into their only viable pathway for legalization.<sup>16</sup>

At the time of interview all twelve participants were married to their U.S. citizen partners, ranging from seven months to three years of marriage.<sup>17</sup> Regardless of length of marriage, none of the participants applied for adjustment of status immediately after they received their marriage license. Among participants, the time frame from marriage to submission of legalization application ranged from 5 months to 2 years. At the time of writing this piece only two participants had received provisional legal permanent residency, three were scheduled for their immigration interview, and the remaining seven had recently submitted their applications and were awaiting a response on their cases.

#### *Social and Cultural Expectations of “Marriage for love” and “Marriage for papers”*

Much like their U.S.-born counterparts, undocumented young adults enter romantic relationships and contemplate the next steps in their relationships- mainly engagement and marriage. However, for undocumented young adults their decisions to get engaged and to marry are mediated by a complex negotiation between their personal decisions about their relationships, the social/cultural expectations of marriage, and the role of their marriage as the medium for a legalization pathway and the obtainment of their legal status.

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<sup>16</sup> Not all undocumented young adults are eligible to apply for adjustment of status (AOS) when they marry U.S. citizens. To be eligible for AOS, through marriage, applicants must demonstrate legal entry, hold no criminal record, and no health impediments. For more information see background section on the legal permanent residency process.

<sup>17</sup> Four participants were in same-sex marriages. The repeal of the Defense of Marriage Act in 2013 allowed for same-sex couples to apply for family reunification processes.

Participants cited instances in which family, friends, coworkers and even strangers advise them to fix their “immigration problem” through “marriage for papers.” Indeed, “marriage for papers” is a popular social and cultural notion that many undocumented young people confront from well-meaning people (Mercer 2008, Pila 2016, Enriquez 2015). “Marriage for papers” is closely tied to Mercer’s (2008) notion of the “green card myth”- a common myth about immigration law which falsely assumes marriage to a U.S. citizen will allow undocumented immigrants to regularize their status- as both notions are predicated on popular assumptions that marriage can serve as an expedited pathway for legalization. Despite the prevalence of the idea of “marriage for papers” as a practical solution to their long-term undocumented status, participants’ decision-making process about when and how to marry point to the complexity beyond “marrying for papers” or “marrying for love.” Their experiences in deciding to marry their partner involve a much more nuanced process that includes considerations about their nuclear family’s<sup>18</sup> legal statuses, changing immigration policies, and gendered expectations.

#### *Marriage as the Only Legalization Pathway*

Undocumented young adults in this study were acutely aware that their only feasible pathway towards legalization is through a marital relationship to a U.S. citizen spouse. Many had discussed the topic of how to regularize their undocumented statuses with their nuclear families and friends. Some went further and sought information from community groups or legal counsel on their legalization options. They all heard the resounding message that the only way for regularizing their legal status was through marriage. As Karla recounted:

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<sup>18</sup> I utilize nuclear family in reference to participants’ immediate family members, which includes parents and siblings. Of the twelve participants, three participants were part of single-parent households and four were members of mixed-status families, where in at least one sibling in the family had legal status.

*[What have you heard about legalizing through marriage?]* That's always been the like the main way, the only way, that I've heard of people actually legalizing. So, I've always known it was fairly quick. As far as the interview process, I've heard people saying that they get asked like 'What kind of underwear does your partner like? What like certain positions?' ...very personal questions.

Karla here points to the popular narrative that legalization is mainly achieved through marriage to a U.S. citizen. It is also popularly known to be a timely legalization process, but one that involves an element of peering into the personal, the romantic relationships, that must be legitimized in order to obtain a successful application. Similar to Karla, Diana referenced the process as a "fairly quick one." This is another common but inaccurate narrative that presumes that the legalization through marriage process is "easy" and the only "feasible" process. Diana shared her experience of discussing legalization through marriage with friends and family:

Every time, when I talk about this [legalizing through marriage], when I mention it to someone I'm like 'Why haven't I done this before?' It seems so easy and by easy I mean it really seems to be the only feasible way at this point, which is sad and ridiculous but that's just how it is, right? So, when I think about this and go through this I'm like I could have done this when I was younger. I could have had papers by now.

Diana saw legalization through marriage as the "only feasible way" and although she found this sole option to be "sad and ridiculous" she pondered why she hasn't legalized through marriage sooner, if it is as "easy" to achieve as it is popularly known to be.

Given that 1.5 generation youth often are confronted with messaging that marriage provides the only "feasible way" to adjust an undocumented status, it is not surprising to find that they feel pressured to marry in order to gain access to a legalization pathway. For Karla and

Diana, their understanding of the limited pathways for regularization and the social pressures to marry their partners for papers, shaped their interpretation of marriage as the only practical, and deeply intimate, pathway to adjust their legal status. For Diana, her skepticism of ease of the process is rooted in her long-term undocumented status, she has been undocumented for over 18 years and has felt the force and scrutiny of immigration law most of her life. Moreover, she makes meaning of the pressures to marry in order to enter the “easy” process of legalization as being in contradiction with both her personal and legal ramifications of her decision about when to marry. As such, a transition into marriage is much more than a transition in family formation or into legalization, it is a two-fold decision caught in the uncomfortable in-between of “marriage for love” and “marriage for papers.”

*Deciding to Get Married: A Convergence of “Love and Papers”*

When discussing with participants how they arrived at their decision to marry their partners, a few expressed their unease and discomfort in adjusting their status through marriage. As Diana shared:

I never really thought I was going to get married. I thought I was just not going to do anything like that. But the older I get it’s hard to imagine how else am I going to change my circumstances and those of my family. So, I’m going to go through this process. I feel uneasy about it, but I have a very loving partner. He thinks the process is a pretty straight forward process so we are just gonna push forward, get married, and get started on this.

Like, Diana all of the participants in this study described being in relationships with loving partners, yet they all pointed to the uneasiness and discomfort of adjusting their status through marriage. Despite their reservations to “marry for papers” their circumstances and those of their immediate family members made it difficult to conceive an alternative solution to their

undocumented status. Similarly, Christina shared that her decision to marry was based on the uncomfortable convergence of love and opportunity:

This is an important opportunity for me and my family to really radically change our lives and I am going to take it even if it's not a comfortable way. Now we're trying to be fine with the process, we'll just blame the immigration system, but also that I don't want to struggle to find secret doors anymore.

Christina's description of adjusting her legal status through marriage as a "not a comfortable way" was mediated by her affirmation that it is also an "opportunity" for her and her family to "radically change our lives." Her decision to move forward with marriage was also mediated by her and her spouse's mutual understanding of an unfair immigration system that constantly had her struggling to find "secret doors." Having experienced being undocumented for 15 years, Christina recounted the limitations of her undocumented status. Prior to DACA, as a high school and undergraduate student her lack of a social security number required her to struggle to find internships with minimal stipends or unpaid volunteer work during her college years. After receiving her bachelor's degree, she applied for DACA and gained employment with a non-profit organization in Los Angeles. DACA also allowed her to obtain a state ID, driver's license, a car loan, and gave her the opportunity to travel for work. Upon the rescinding of DACA, she faced having to continue finding "secret doors" to obtain employment, state documents, and participate in social and leisure events freely. Fearing the imminent loss of DACA's conditional levels of inclusion and protection from deportation, Christina became intensely aware of her vulnerability to immigration law changes. Her continued trajectory within precarious legal situations informed Christina's awareness about the limitations of her undocumented status and the critical role of marriage in facilitating her claim to a potential avenue for legal permanent residence.

Despite undocumented youth's awareness of the limitations of their undocumented status they described their decision to marry as one heavily mediated by their feelings for their partner, their nuclear family's circumstances and their own undocumented status. In fact, many described having turned down a few proposals before deciding to move forward with marrying their partners. This is clearly exemplified by Hugo, a bioengineering student, who discussed having turned down a few proposals from his girlfriend before deciding to marry.

Everything was going well and because she saw me struggling with not being able to get loans, not being able to do a lot of stuff, she told me 'Why don't we get married? Because you'll have all those benefits if you become a resident.' At that point it was a little too early so I told her 'I don't think that's a good idea just because we are barely getting to know each other.' We had barely moved in together and I just didn't think it was a good idea and I didn't think it was fair to her because I thought we shouldn't just get married because I need my residency. I wanted it to be something special for her too, special for the both of us. She brought it up again and it just felt different because of all the time we had spent together and I thought maybe it was a good idea and we decided to get married. Although Hugo and his partner's relationship was going well, and she seemed particularly aware of the difficulties he faced due to his undocumented status, he reasoned his initial rejection of her proposal on the grounds that "we shouldn't just get married because I need my residency." A year later, when she proposes marriage again, he decided that their relationship had progressed significantly and that marriage was a good step forward for both their relationship and as a solution to his and his family's immigration situation. In describing his nuclear family's immigration statuses, Hugo discussed the unsuccessful legalization pathways undertaken by his nuclear family. In the last year, his mother had applied through employment sponsored petition,



however, the company shut down and her petition was terminated. Additionally, Hugo has a U.S. born little sister who through her citizenship will be able to adjust the family's legal status. However, as is true in all cases like theirs, this will not be possible until the U.S. citizen child turns 21 years of age- at the time of interview Hugo's sister was two years old.

Within the span of a year from his girlfriend's original proposal Hugo felt that his relationship has progressed into a stage where he felt more comfortable entering marriage. Coupled with his realization that his family has no feasible legalization pathways, Hugo came to rationalize that he is not entering marriage simply because "I need my residency"; rather, his decision to marry carried two meanings: the social and cultural meaning of "marriage for love" and entering marriage for the adjusting of legal status, "marriage for papers." While all participants distinguished between "marriage for papers" and "marriage for love", similarly to Hugo, ten of the participants state having made an affirmative decision to marry once these two seemingly mutually exclusive motives converge – love and papers. Moreover, this convergence of love and papers, was heavily mediated by their understanding of "marriage for papers" as a feasible option to adjust their legal status and also their immediate family members, none of whom have other viable options for legalization.

In effect, immigration law influences undocumented young adult's intimate decisions about how and when to enter marriage. Immigration law shapes personal decision about the private lives of young adults navigating their romantic relationships, familial responsibilities and their precarious immigration statuses. Like Diana, Christina, Karla, and Hugo, participants in this study have prolonged experiences with *illegality*, having experienced the limitations of their undocumented statuses though out their childhood, adolescence and now their young adult lives. As such, their precarious situations as undocumented immigrants in an increasingly hostile anti-

immigrant environment informed their understanding of their increasing vulnerability. Their understanding of marriage to a U.S. citizen as the only viable legalization pathways subsequently informed the ways they began to conceptualize marriage for love and marriage for papers. In converging these seemingly competing expectations of marriage, they adjusted their beliefs about marriage. This personal adjustment, in turn, facilitated their rationalization that their marriages are founded on both intimate decision of love for their partners and practical solutions to their and their nuclear family's undocumented status. This shift in thought, ultimately, allows undocumented youth to take action, they entered legal unions with their partners and began to make plans in order to secure a claim to a permanent form of legal incorporation.

*Deciding to Apply: A Nuclear Family Matter*

While not all participants in this study were the first in their families to enter legalization petitions they were the first to meet eligibility requirements to apply for adjustment of status through their marriages with U.S. citizen partners.<sup>19</sup> Their unique positions as the first in their families to have a viable legalization pathway, has been pre-determined by the stipulations of family reunification policy. Family sponsorship processes treat immediate familial relationships as singular individual applicants. As such, undocumented young adults must apply as individuals married to U.S. citizens. Upon establishing their residency, they may subsequently petition members of their immediate family (Boehm 2012).

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<sup>19</sup> Participant's families had tried to adjust their status through various avenues, mainly through siblings and employers. Five participants had parents who attempted to regularize their status through a sibling petition, however these petitions had been in process for a minimum of 10 years. Four participants were in mixed-status families, they had siblings who were U.S. born citizens. Since these children's ages ranged from 2-5 years old, their parents would have to wait until their children were 21 years old before being sponsored by a U.S. citizen daughter/son. Two participants' parents had tried adjusting their status through their employer; in one case the employer rescinded the application, in the other case the company closed down before the petition was completed.

The majority of participants in this study cited their legalization process as one to facilitate their families' own pathways, thus constituting the family as a central motivating factor. Such is the case of Eduardo, who explained how he came to be the first member of his family to be eligible to apply for legal residency:

*[And are you the first one to go through this process?]* Yes. So, my sister is married but her partner is undocumented as well so unfortunately, she is not able to fix [her legal status]. My dad is in the process but through his brother and you know that wait is a really long time. So, what we hope to get out of this is to hopefully speed up the process and help everybody else. That was part of the reason why me and my wife decided to get married now, as opposed to waiting, because we wanted to have the big fancy wedding like everybody does, but it was just not the thing the right thing to do. Unfortunately.

In explaining his position as the first to legalize through marriage, Eduardo provided insight into his nuclear families' immigration pathways. His sister, who nearly missed DACA eligibility due to her age, married an undocumented man and as a result had no avenue for legalization.

Eduardo's entire family was under a pending familial petition, sponsored by his uncle, for twelve years. Under the realization that he held the quickest most viable legalization pathway he and his wife weighted their options and decided to "get married now" as the proactive solution to move his legalization forward and create his family's potential pathways.

Baring witness to the economic, legal and social barriers their parents face as undocumented first-generation migrants, participants were profoundly aware of their parents' experiences with *illegality*. Participants' long-term *illegality* was also a condition they share with their parents, who in most cases have been undocumented for longer periods of time. One resonating experience shared among the majority of participants centered on their grandparent's

passing and on their parents' inability to go "see his dad one last time" or to "go home."

Undocumented young adults came to understand their parents' inability to see family members or to go home as consequences of punitive immigration policies that bear a heavy burden on their parents' physical and mental wellbeing. Motivated to provide their parents with the "opportunity to go home" participants felt that their personal decision to marry also included a factor of familial responsibility, mediated by the families' undocumented status. As a result, participants described holding discussions with their parents and siblings to share their thoughts regarding their motivation to regularize their status as an avenue to facilitate the legalization process for all members of the family. During said conversations, participants' parents and siblings also expressed hope that they may be able to legalize if participants gained legal status.

Family conversations regarding the staggered legalization process led many participants and their families to discuss participants' entry into *legality* as a both an individual benefit and a family matter. Consequently, a successful obtainment of a legal status for undocumented youth held a dual meaning for them as individuals and for the future legal status of their parents and siblings. In a follow-up conversation with Eduardo, one of two participants who successfully obtained his green card, he explained that receiving his residency was as much an individual benefit as it was a triumph for the family:

It's a life changing card. It's a piece of paper that tells me that I don't have to be scared of being kicked out of the country. It's a piece of paper that tells me you can go and finally meet your family after 20 years. And the fact that that residency is what's going to give me that opportunity as opposed to just being able to work properly. It's definitely a big game changer. Also in terms of my family, because that just creates...it's that window that just cracked open for everyone. The door was shut on everybody but now

it's slowly opening up. It's another three years for me and then once that three-year mark happens I can petition my mom and then hopefully as fast as my process, six months later, she gets her residency and she petitions my dad. Then its a matter of everyone waiting a year after my three years. So, it's still going to be a process that's going to take a long time but we all have been waiting for twenty years now.

Eduardo's successful obtainment of his green card, the "life changing card", eliminated many barriers for Eduardo and his family. It provided him with relief from deportation, an opportunity to meet his family members, a permanent work permit, a pathway for citizenship and a pathway for his family's legalization. His description of the obtainment of his residency as "that window that just cracked open" and a door "slowly opening up" is a fitting illustration of the next step for Eduardo in the immigration system. Like the other undocumented youth in this study, his obtainment of residency marked the beginnings of a lengthy and frequent interaction with immigration bureaucratic process. Two years after receiving conditional legal residency, he and the other participants, will have to apply to remove the conditional status. At three years, if eligible, they will be able to apply to become U.S. citizens. Following their naturalization, they may be eligible to enter additional immigration process, this time as U.S. citizen petitioners for the adjustment of status of his parents. As undocumented young adults described this lengthy process it is evident that they had developed a legal consciousness centered on their positions as the first in their nuclear families to obtain a viable legalization pathway. While this keen awareness of their social location influences their decision to enter marriage and the legalization process, as the next section will demonstrate, their negotiation of the application process itself is further mediated by a legal consciousness rooted in concerns and anxieties about legitimizing their marriages.

### *Delays in Submitting Adjustment of Status Application*

Once arrived at their decision to marry their partners when both love and papers converged, participants entered their marriages prior to commencing or actively filing their adjustment of status applications. Participants' decision about when they married did not correlate with their submission of their adjustment of status application, rather, they faced another set of negotiations in their decision-making process about when and how to submit their adjustment of status cases. The first step was deciding when to start the application. All participants in this study, expressed concerns with being "suspected of marrying for papers" by their spouse, their spouse's family and by the official reviewing their application. In turn, these suspicion about their motives for marriage mediated their negotiations about when to submit their marital-based legalization applications.

As previously mentioned, at the time of interview all twelve participants were married to their partners, ranging from seven months to three years of marriage. Independent of length of marriage, none of the participants applied for adjustment of status immediately after they received their marriage license. When examining their timelines, including: length of relationship, date of marriage, and dates of starting and submitting their AOS applications there was a consistent trend- a considerable delay from time of marriage to time of filing application. This delay can be attributed to participants' concerns with being perceived as having "married for papers." They shared concerns that their partners, their nuclear and in-law families, and extended networks might suspect them of having married their partners not just for love, but for ulterior motives of "just for papers." Such is the case for Brenda, whose concerns with being "questioned" by "people" and family were significant enough that she intentionally factored a year's delay in between when she married and when she applied for adjustment of status.

I started thinking about applying, I was eight months pregnant, eight or seven months pregnant, I think it was July or August because I had my son in September. I remember I didn't want to apply straight once I got married, cause I thought they are going to question me, I don't know. [*Who did you think was going to question?*] You know. I don't know, people, family, just people. So, I wanted to wait a little bit, at least a year of being married and then start applying and all of that.

Despite having a child with her husband in their first year of marriage she continued to feel pressure that she might be perceived as having married her husband for his citizenship and as a result delayed her process for nearly two and a half years. Other participants alluded to stories they had heard about people who had “green card marriages” or “marriages de conveniencia” and the resulting increase in the discretionary power of immigration officials to discern between these “green card marriages” and “legitimate marriages.” Consequently, through these prevalent narratives about the increased scrutiny of marriage-based legalization process, undocumented young adults developed a legal consciousness rooted in concerns. They experienced anxieties about a burdensome process that required them to legitimize their marriages and was dependent on the discretionary power of immigration officials reviewing their cases. Consequently, participants' concerns and anxieties manifested in decisions to delay their applications for adjustment of status.

While Brenda's concerns were with what people, family, and immigration officials would suspect her of having ulterior motives beyond love for her husband, other applicants expressed concerns that their spouses' might suspect their motives. Such is the case of Alex, who explained:

I felt a little worried that by focusing on that [*submitting the application*] right away that Sofia might have thought like ‘Oh is this the only reason why you married me.’ I thought about that, so that’s part of the reason why I didn’t want to pressure her and move fast even though part of me wanted to. I’m sure I could have talked to her about that. She loves me and I love her. I think that it would have been fine, but it to me is still a concern. I don’t want her to ever think that I married her just because she is a citizen. But I think I’ll always have that.

Alex expressed mediating concerns of being perceived as rushing the process or having married Sofia solely because she is a citizen. While in the case of Alex the delay was not as severe as Brenda’s, Alex’s delay was about 5 months from time of marriage to submitting the application. However, the concerns about Sofia’s perceptions about Alex’s motives, point to the negotiations applicants make about how soon after marriage to submit their applications. Participants’ legal consciousness is thus rooted in concerns and anxieties about the legitimacy of their intimate relationships. In their description of mediating these concerns through delays in their process, participants demonstrated the difficult balance between navigating the narrative of “married for papers”, protecting their relationships with their family and spouses, and the importance of submitting an application that for many undocumented young adults and their families is the first viable legalization pathway they’ve ever had.

## GENDERED EXPECTATIONS

### *Men: Financial Stability and Legal Representation*

Financial stability was a major concern for the men in this study. Their decisions to marry and move forward with the application process was deeply connected to their perceptions about their ability to provide for their new family, finance the application process, and afford legal



representation. Such is the case of Felix, who shared that his family and friends consistently asked why he had not adjusted his status through marriage. When asked how he answered their queries, he stated:

I didn't want to be engaged without being able to provide a decent life for both of us. So that's why it took so many years to even get engaged in the first place because you know we both got really great jobs. We had our own place. Everything is going really well for us so it just seemed like the perfect time as opposed to before, when we first started going out I didn't even have DACA at the time. I was working at [a restaurant] with a fake social, making minimum wage, working part-time. But then I got DACA and I was able to get this new job that I'm currently at and I was able to move up to the manager position so with that we were able to be financially stable in order to survive. It came down to where I was just ready financially to be able to say I can provide for my fiancé, now wife, and possibly in the future for my children.

Felix exemplifies the ways gendered expectations to be a provider, for his partner and future children, delayed his decision to marry his long-term girlfriend of five years. In his case, he credited DACA and the work permit it granted, as the catalyst that allowed him to move from a minimum wage job to a managerial position in a new company. In turn, his job mobility provided Felix the financial stability he required in order to make the transition. Despite feeling that his five-year relationship was ready to enter marriage, the gendered expectations to be a provider and the financial limitations of his undocumented status led him to waiting a significant amount of time prior to marriage and submitting his application.

Another central concern for men was the management of the application process. Most men expressed having partners who thought the application process was “an easy process” and one

they could undertake on their own. However, most men urged their partners to consider the seriousness of the process and the benefits of retaining an attorney's services. When asked if he had considered doing the application on his own, Hugo explained:

Yeah, I did actually. Since the deferred action everybody was telling me get a lawyer but I like to do stuff on my own so I did it [DACA] on my own with very little help and it was approved. I renewed it on my own and it was approved. So, I thought maybe I could collect the documents and see what the requirements are, fill out the paperwork myself but I thought I was maybe a little way over my head because this is a lot more serious so I thought I'd play it safe and do it with a lawyer. I still have to pay all those fees to the government regardless but what really is extra is those 1,000 dollars for the lawyer and since I'm doing it in payments I thought it shouldn't be that bad, so why risk it.

Despite having submitted his DACA applications on his own, Hugo explained the different level of seriousness between DACA and adjustment of status. Identifying the lawyer's services as a way to "play it safe" he rationalized this "extra" cost as a necessary part of his application process. Furthermore, while he saw the gathering of documents and application process as a joint process of mutual investment between him and his wife, he explained that he refused his wife's school loans to pay for the immigration lawyer. As a result, his refusal of his wife's financial help delayed the submission of his application by six months, the time it took him to save enough to pay the lawyer's deposit and application fees.

It is important to note that male participants felt proud and a sense of agency in their negotiations of their gendered expectations as providers and their prioritization to obtain legal representation. However, this does not mean that their negotiations were made without consequence. For men like Felix and Hugo their decision to enter marriage only upon seeing

themselves as stable providers and able to afford the attorney fees resulted in significant delays for their legalization process. Without significant consideration about the role of their undocumented statuses they held themselves to the same gendered pressures to become financial providers prior to legalization. Thus, for undocumented men the nexus of gendered expectations and economic barriers due to their undocumented status limitations resulted in undue pressures to become stable providers prior to marriage. This unwillingness to accept aid from their partners, and thus alter traditional gendered expectations, proved to delay the legalization process significantly.

*Women: Dependency and “Legitimizing our Love”*

Similar to the men in this study women cited concerns about how to finance the process, however, most women financed the application fees on their own or with the aid of a pool of different sources: including their own income, spouses, family members, scholarships, and loans. One key distinguishing factor in financing the legalization process was in regard to the attorney fees. The majority of women in this study did not retain attorneys for their cases, rather, they received low-cost legal services at local organizations or on college campuses. This decision to apply on their own or with low-cost legal services was stated to be an intentional decision to reduce the cost of the application process. However, the absence of legal aid meant the majority of the work in filling forms, gathering documents, and organizing the application was done by undocumented women applicants, whereas, men benefited from an attorney’s expertise. Consequently, women experienced unique concerns centering on the emotional and organizational labor of submitting an adjustment of status application independently. Furthermore, the private and intimate nature of the process of legalization through marriage resulted in central concerns about the nature of the adjustment of status process: the dependency

on their relationship with their spouses and the anxieties about the intimacy of having to “legitimize” and “document” their relationships.

During my fieldwork and interviews for this study I learned a great deal about the differential experiences between the application process of DACA and the adjustment of status marital petitions. These differential experiences ranged from unequal resources to the nature of the applications themselves. For example, in contrast to the independent DACA applications, undocumented youth’s adjustment of status process through marriage is reliant on their marital relationships to a U.S. citizen spouse. Christina met her husband while they were undergraduate students. After a two-year relationship, they moved in together before deciding to get married. Four months after their wedding she began to put together their application, with the aid of a friend who had undergone the legalization process a year before. In contrasting her DACA and her adjustment of status experience Christina points to the issue of dependency.

Really different because this one, the marriage one, is through someone that is petitioning me. So, I’m going through it with someone, whereas the DACA application was little more independent. So, I guess in that sense, it is a different process in comparison to marriage, because there is another person petitioning me and that dependency is kind of odd. Nothing compared to when I was going through my process of DACA.

Christina, through her previous experience with immigration policies like DACA, identifies the AOS application as a process where her spouse, a U.S. citizen, is petitioning her. In doing so she articulates the issue of dependency and the “odd” feelings it creates for her. To alleviate these concerns of dependency she decided it was best for her to be “proactive” about spearheading both the cost of the application fee and the gathering of the documents required for the application. At the time of our meeting she and her husband were preparing for their interview

with the immigration official. As she showed me her archive of documents she had organized to take with her to the interview, I asked her how she felt about attending the interview, she shared:

I'm feeling really nervous about it. It feels horrible. I don't know how people have gone through it. It just feels so scary to feel that you are trying to legitimize your love for someone, that you care about someone. That's a horrible feeling that we have to go through. I feel that it's very dehumanizing and very invading. But I love my husband, so I guess its ok to go through this process of documenting our love. To go through having to share these private moments to show them [USCIS] that it's a legit marriage.

Notwithstanding her concerns about dependency, Christina cites her love for her husband as a foundation to shoulder her fears about her upcoming interview with an immigration official. Having heard many stories about the invasiveness of the immigration interview, Christina like the other women in the study, root their legal consciousness in shared anxieties about the personal questions they will be asked and the burden they will have to endure in convincing an immigration agent, who holds great discretionary power, that their marriages are legitimate. As a result, women internalize and enact the constant burden to legitimize their love.

In studying undocumented women's legal consciousness rooted in anxieties about "documenting our love", I examined seven participants' application documents. Looking through their portfolios I was able to observe that women were more likely than men to negotiate the burden to legitimize their relationships by *hyperdocumenting*<sup>20</sup> their relationships. Women's understanding of the burdensome and highly discretionary power of the legalization process led to their internalization to perpetually prove that they "have built a life together." This

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<sup>20</sup> In her personal essay, Aurora Chang describes *hyperdocumentation* as "the effort to accrue awards, accolades, and eventually academic degrees to compensate for her undocumented status."

internalization manifested in thoroughness of their documentation; they provided volumes of evidence, among them: photos, love letters, emails, social media posts, printouts of their online correspondence, letters of support from family, friends, and coworkers. In *hyperdocumenting* they present their most intimate moments as proof of their “legitimate” relationships, in hopes of ensuring a successful outcome. When discussing how it felt to collect these documents to prove they have “built a life together” Leslie explained this process as “slightly uncomfortable” but one bearable due to the current political climate.

What’s the feeling? I guess slightly uncomfortable. It’s not really a big deal, but the thought of me collecting intimate moments to legitimize our relationship feels a little uncomfortable and not too much just because of the importance of it. I guess I didn’t think that I was ever really going to get papers. It’s not something that oh you know I’m going to be married and fix my papers, I thought I was going to be undocumented for a while, forever, especially with the current administration so it’s kind of like you gotta do what you gotta do so even if it feels slightly uncomfortable I’m going to just lean right in and do my best and try to do a better job at checking in with my partner, especially around the interview because that’s going to be a bigger deal to go to the interview.

Leslie’s awareness of the current administration and the increase in punitive immigration policies, informed her perceptions of the application process as uncomfortable, but necessary, in this political moment. Having compiled her application packet, Leslie’s main concern began to shift from collecting the items to document their relationship towards the next concern- the interviews. Fearing the invasion of privacy that could occur during the interview, Leslie identified the interview as a potential site where issues with her partner could surface.

Other applicants shared similar concerns about some points of conflict in their relationships, as a direct result of enduring the legalization process. Thus, in the midst of submitting their adjustment of status applications, through their legal consciousness participants began to anticipate the long-term effects of the legalization process on their marriages. While most women negotiated these concerns by checking in with their partners, others sought support from friends who had undergone the process. Upon the recommendations of some friends, other women sought mental health providers and shared future plans to attend couples counseling. These concerns about the long-term effects of immigration policy on their intimate relationships demonstrate the ways undocumented women experience the discretionary power of the state during the legalization process. Through their participation in the marital-based legalization process, undocumented women come to understand the implications of immigration law as consequential to their intimate relationships with their spouses. These concerns manifested in participant's actions to seek services or support to mediate the negative effects of a burdensome legalization process. Thus, their legal consciousness has informed their understanding, interpretations, and actions throughout the legalization process and it is likely it will also inform their post-legalization experiences as they mediate any long-term effects that linger into their transitions as legal subjects.

## DISCUSSION

My research aims to address the limited knowledge about the situational experiences of undocumented youth who enter adulthood, new family formations, and into marital-based legalization pathways. At this critical moment of increasing restrictive immigration policies and limited legalization pathways my work addresses emerging questions about how undocumented young adults experience and navigate the marriage-based legalization process. Employing a legal

consciousness framework, I address the ways undocumented young adults negotiate the nexus of immigration policy, the social and cultural expectations of marriage, and the gendered expectations through the marital-based legalization process. This thesis, therefore, provides a nuanced understanding about the legalizing process, the long-term effects of illegality, and the ways gendered, social and cultural expectations of marriage interact with immigration policy. Through in-depth interviews with twelve 1.5 generation Latino young adults and observational fieldwork in Los Angeles I demonstrate the complexity of the legalization process among young adults making dual-fold transitions into marriage and adjustment of legal status processes.

In this study, I have examined the ways participants' legal consciousness mediate their decisions and management of the legalization through marriage process. Their legal consciousness- informed by their long-term undocumented status, generation, gender- greatly influenced their decisions about when to marry, when to apply for legalization, and the tactics they employ to manage the process. Moreover, their understanding of social and cultural norms of marriage intersected with their legal consciousness when they were faced with dichotomous views of "marriage for love" or "marriage for papers." For undocumented young adults, this nexus of immigration law and marriage norms led them into grey area where "love and papers" converge. As a result, their transitions into marriage are two-fold transitions into new family formations and legality. Furthermore, their decisions to enter marriage and legalization are rationalized by both the prospects of gaining their own legal permanent residency and that of their undocumented parents and siblings.

While participants' decisions to apply for adjustment of status are mediated by their understanding of immigration law changes, their positions as the beacons of a family legalization pathways, and the convergence of "marriage for "love and papers", their navigation of the



process was also heavily mediated by their gendered expectations. Men were impacted primarily by gendered expectations of men as providers. Their decisions to enter marriage only upon seeing themselves as stable providers resulted in significant delays for their legalization process. Adherence to their gendered expectations coupled with the economic limitations of the undocumented status led men to hold themselves to the same gendered pressures to become financial providers as those with legal permits to work. Consequently, for undocumented men the nexus of adherence to gendered expectations and economic barriers due to their undocumented status proved to delay the legalization process significantly. Women, on the other hand, were primarily concerned with the application process itself, citing their concerns with the dependency on their partners, the intimacy of “legitimizing our love”, and the discretionary power of immigration officials. Furthermore, their understanding of the legalization process as a heavily bureaucratic process informs their internalization of having to “legitimize their love”, consequently, they employ tactics of *hyperdocumentation*. Ultimately, the interaction between their understanding of the punitive reach of immigration law, cultural and social expectations of marriage, and gendered expectations influence the ways participants interpret, negotiated and managed their legalization process as individuals and with their spouses, parents and siblings.

At the time of the writing of this article, only two applicants had received their residency, an additional three were scheduled for their immigration interview, and the remaining seven had recently submitted their applications and were awaiting a response on their cases. Having experienced the limitations of their undocumented status for the majority of their childhood, adolescence and young adulthood and with no prior feasible legalization prospects, participants in this study submit their applications with a both excitement and concern. Their feelings of

concern are informed by their legal consciousness rooted in their long-term experiences as undocumented immigrants in an increasingly anti-immigrant climate.

My examination of undocumented young adults' experiences in their pursuit of legal permanent residence has important implications regarding how participants mediate the nexus of immigration regularization policies and their marital relationships. Given the complexity of the dual process of entering marriage and entering legalization processes, their experiences demonstrate how the phenomenon of being “suspect of a marrying for papers” and the discretionary power of immigration policy, manifests in significant delays in the process and in increased internalization of having to “legitimize your love.” How, then, can we address the cultural and social assumptions that deem undocumented immigrants married to U.S. citizens “suspect of marrying for papers”? What kind of support do applicants need to aid their management of the process? What policy changes are possible for immigration processes regulating the legalization through marriage process? Addressing these critical questions can ameliorate the secondary effects of the scrutiny of a burdensome legalization process. In turn, the diminishing of negative effects has the potential to lessen applicant's difficulty mediating love and papers, their decisions to delay their timelines, and their overall experiences in deciding when to legalize, negotiating their adjustment of status process, and post-application effects on their marital relationships.

With these questions in mind, this research project serves as a foundation for my future dissertation work. A future dissertation project will progress into an examination of the long-term effects of the legalization process on the individual and their marital relationship. Moreover, to further examine the role of marriage for “love and papers” during the legalization process future work will also include comparative groups beyond those who are undocumented

and adjusting through marriage, for example visa holders who adjust their legal status through marriage. Lastly, while the Los Angeles metropolitan area is among the top three national cities granting new legal permanent residents, future work should examine other cities within the state of California which produce much lower numbers of new residents.

## REFERENCES

- Abrams, Kerry. 2007. "Immigration Law and the Regulation of Marriage." *Minnesota Law Review* 91:1625-1709.
- Abrego, Leisy. 2006. "“I Can’t Go to College Because I Don’t Have Papers”: Incorporation Patterns of Latino Undocumented Youth." *Latino Studies* 4(3):212-231.
- Abrego, Leisy. 2008. "Legitimacy, Social Identity, and the Mobilization of Law: The Effects of Assembly Bill 540 on Undocumented Students in California." *Law & Social Inquiry* 33(3):709-734.
- Abrego, Leisy. 2011. "Legal Consciousness of Undocumented Latinos: Fear and Stigma as Barriers to Claims Making for First and 1.5 Generation Immigrants." *Law & Society Review* 45(2):337-369.
- Abrego, Leisy, J. 2013. "Latino Immigrants’ Diverse Experiences of Illegality." In *Constructing Immigrant “Illegality”: Critiques, Experiences, and Responses*, edited by Cecilia Menjivar and Daniel Kanstroom, 139-60. Cambridge: Cambridge University Press.
- Abrego, Leisy. 2014. *Sacrificing Families: Navigating Laws, Labor, and Love Across Borders*. Stanford, CA: Stanford University Press.
- Abrego, Leisy, J., and Robert Gonzales. 2010. "Blocked Paths, Uncertain Futures: The Postsecondary Education and Labor Market Prospects of Undocumented Latino Youth." *Journal of Education of Students Placed at Risk* 15:144–157
- Arnett, Jeffrey J. 2000. "Emerging Adulthood: A theory of Development from Late Teens Through the Twenties." *American Psychologist* 55:469-480.
- Bergeron, Claire. 2013. "Going to the Back of the Line. A Primer on Lines, Visa Categories, and Wait Times." Washington, DC: Report Published by the Migration Policy Institute. At

- <https://www.migrationpolicy.org/research/going-back-line-primer-lines-visa-categories-and-wait-times> (accessed February 3, 2016).
- Boehm, Deborah. 2012. "Family 'Reunification: *Intimate Migrations: Gender, Family, and Illegality among Transnationals.*" New York: New York University Press, 53-67.
- Creighton, Emily, Mary Kenney, Patrick Taurel, Susan Schreiber and Tatyana Delgado. 2013. "Advance Parole for DACA Recipients." Silver Spring, MD: Report Published by the Catholic Legal Immigration Network, Inc. At <https://cliniclegal.org/resources/articles-clinic/advance-parole-daca-recipients> (accessed June 28, 2017).
- Creswell, W. John. 2008. *Research Design: Qualitative, Quantitative and Mixed-Methods Approaches* 3<sup>rd</sup> Edition. SAGE: Thousand Oaks, CA.
- De Genova, Nicholas P. 2002. "Migrant 'Illegality' and Deportability in Everyday Life." *Annual Review of Anthropology* 31(1): 419-47.
- Dreby, Joanna. 2015. *Everyday Illegal: When Policies Undermine Immigrant Families.* Berkeley: University of California Press.
- Enriquez, Laura. 2017. "Gendering Illegality: Undocumented Young Adults' Negotiation of the Family Formation Process." *American Behavioral Scientist* 61(10):1153-1171.
- Enriquez, Laura. 2015. "Multigenerational Punishment: Shared Experiences of Undocumented Immigration Status Within Mixed-Status Families." *Journal of Marriage & Family* 77(4):939-953.
- Ewick, Patricia, and Susan S. Silbey. 1998. *The Common Place of Law: Stories from Everyday Life.* Chicago: University of Chicago Press.
- Fix, Michael, and Wendy Zimmerman. 2001. "All Under One Roof: Mixed-Status Families in an Era of Reform." *International Migration Review* 35(2):397-419.

- Gleeson, Shannon and Roberto G. Gonzales. 2012. "When Do Papers Matter? An Institutional Analysis of Undocumented Life in the United States." *International Migration* 50(4):1-19.
- Golash-Boza, Tanya M. 2012. *Immigration Nation: Raids, Detentions and Deportations in Post-9/11 America*. New York, NY: Paradigm Publishers.
- Gomberg-Muñoz, Ruth. 2016. "The Juárez Wives Club: Gendered Citizenship and US Immigration Law." *American Ethnologist* 43(2):339-352.
- Gonzales, Roberto G. 2011. "Learning to be Illegal: Undocumented Youth and Shifting Legal Contexts in the Transition to Adulthood." *American Sociological Review* 76(4):602-619.
- Gonzales, Roberto G. 2016. *Lives in Limbo: Undocumented and Coming of Age in America*. Berkeley: University of California Press.
- Gonzales, Roberto G., and Leo R. Chavez. 2012. "Awakening to a Nightmare: Abjectivity and Illegality in the Lives of Undocumented 1.5 Generation Latino Immigrants in the United States." *Current Anthropology* 53(3):255-281.
- Gonzales, Roberto G., Carola Suárez-Orozco, and Maria Cecilia Dedios-Sanguinetti. 2013. "No Place to Belong: Contextualizing Concepts of Mental Health among Undocumented Immigrant Youth in the United States." *American Behavioral Scientist* 57(8):1173-1198.
- Gonzales, Alfonso. 2013. *Reform Without Justice: Latino Migrant Politics and the Homeland Security State*. Oxford University Press.
- Hagan, Jacqueline M. 1998. "Social Networks, Gender, and Immigrant Incorporation: Resources and Constraints." *American Sociological Review* 63(1): 55-67.
- López, Jane Lilly. 2015. "'Impossible Families': Mixed-Citizenship Status Couples and the Law." *Law & Policy* 37(1-2): 93-118.

- Lytle-Hernandez, Kelly. 2010. *Migra!: A History of the U.S. Border Patrol*. Berkeley: University of California Press.
- Massey, Douglas S. and Nolan J. Malone. 2003. "Pathways to Legalization." *Population Research and Policy Review* 21(6):473-504
- Maxwell, Joseph A. 2013. *Qualitative Research Design: An Interactive Approach*. SAGE: Thousand Oaks, CA.
- Mena Robles, Jorge, and Ruth Gomberg-Muñoz. 2016. "Activism After DACA: Lessons from Chicago's Immigrant Youth Justice League." *North American Dialogue* 19(1):46-54.
- Mejívar, Cecilia. 2006. "Liminal Legality: Salvadoran and Guatemalan Immigrants' Lives in the United States." *American Journal of Sociology* 111(4):999-1037
- Mejívar, Cecilia and Sarah M. Lakhani. 2016. "Transformative Effects of Immigration Law: Immigrants' Personal and Social Metamorphoses Through Regularization." *American Journal of Sociology* 121(6):1818-55.
- Mejívar, Cecilia, Abrego, Leisy J., and Leah C. Schmalzbauer. 2016. *Immigrant Families*. Cambridge, UK: Polity Press.
- Mercer, Julie. 2008. "The Marriage Myth: Why Mixed-Status Marriages Need an Immigration Remedy." *Golden Gate University Law Review* 38(2):293-325.
- Mossaad, Nodwa. 2016. *U.S. Lawful Permanent Residents 2014 Annual Report*. Office of Immigration Statistics. Retrieved May 19, 2016.
- Nicholls, W. (2013). *The DREAMers: How the Undocumented Youth Movement Transformed the Immigrant Rights Debate*. Stanford, California: Stanford University Press.
- Ngai, Mae M. 2004. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton, NJ: Princeton University Press.

- Pallares, Amalia. 2015. *Family Activism: Immigration Struggles and the Politics of Noncitizenship*. New Jersey: Rutgers University Press.
- Perez, William. 2009. *We ARE Americans Undocumented Students Pursuing the American Dream*. Sterling, Virginia: Stylus.
- Pila, Daniela. 2016 “‘I’m Not Good Enough for Anyone’: Legal Status and the Dating Lives of Undocumented Young Adults.” *Sociological Forum* 31(1):138-157.
- Rumbaut, Rubén G. 2004. “Ages, Life Stages, and Generational Cohorts: Decomposing the Immigrant First and Second Generations in the United States.” *International Migration Review* 38(3):1160–1205.
- Salcido, Olivia and Cecilia Menjívar. 2012. “Gendered Paths to Legal Citizenship: The Case of Latin-American Immigrants in Phoenix.” *Law & Society Review* 46(2):335-368.
- Seif, Hinda. 2004. “‘Wise Up!’ Undocumented Latino Youth, Mexican-American Legislators, and the Struggle for Higher Education Access.” *Latino Studies* 2(2):210–230.