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Incomplete Inclusion: Legal Violence and Immigrants in Liminal Legal Statuses

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Although US political discourse suggests otherwise, no simple dichotomy separates “documented” from “undocumented” immigrants. By examining the integration prospects of immigrants in “liminal” legal standings beyond undocumented status but short of permanent residency, we demonstrate that even when they are legally present, the implementation practices of a multilayered immigration policy regime may cause them harm. Our analyses draw on 108 qualitative interviews with immigrants who have been granted humanitarian relief, including U Visa holders, beneficiaries of the Violence against Women Act provisions, political asylees, and Temporary Protected Status recipients. As a result of “legal violence,” these legally present immigrants remain vulnerable to blocked mobility, persistent fear of deportation, and instability, confusion, and self-blame.

INTRODUCTION

After twenty-four years of living outside of the law in the United States, Yesenia’s U Visa application was approved. With U Visa standing—a temporary legal status based on humanitarian relief that provides a path to permanent residency and US citizenship—she expected her circumstances to improve drastically. Three years later, however, she reflected, “When someone is a ‘wetback,’ the way they call us here, doors are closed to you a lot . . . [If things continue] like this, I will never come out of poverty. I don’t have a bank account. I don’t have a job. I’m not completely okay. I’m not *legally* okay!” Yesenia’s *legal* legitimacy had not translated into *social* legitimacy in key transactions of daily life. Her U Visa status put her in a type of “liminal legality” (Menjívar 2006), a tenuous legal position with more protections than undocumented status but short of permanent residency and

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citizenship; while it granted her legal permission to reside and work in the country, the only document immediately associated with it—the Employment Authorization Document (EAD)¹—was less recognizable than a green card² and therefore did not afford her all of the rights she expected to receive.

As immigration and criminal laws continue to converge in the country and mainstream media outlets use language and images that criminalize immigrants, many people are led to believe that immigrants are either documented or undocumented, legally present, enfranchised members of the state or unauthorized outsiders. However, Yesenia’s experiences as a U Visa holder reveal what many of the millions of immigrants in liminal legal statuses already know: there is no simple dichotomy between being “documented” and being “undocumented.” Even when immigrants are legally present in the United States through forms of humanitarian relief or other temporary programs, widespread misinformation about these legitimate yet lesser-known standings and the implementation practices of a multilayered immigration policy regime in a hostile political climate may cause immigrants harm.

Drawing on in-depth, semistructured interviews with 108 individuals in two independent studies, including U Visa holders, beneficiaries of the Violence against Women Act (VAWA) provisions, political asylees, and Temporary Protected Status (TPS) recipients in Los Angeles, we analyze the barriers immigrants face when seeking to activate legal statuses attained through humanitarian relief programs. Like the immigrants with TPS and pending asylum cases that Menjívar (2006) examined in her seminal article on “liminal legality,” these humanitarian relief recipients remain vulnerable to misfires that emerge when attempting to use their legal standings in society. We rely on the strengths of qualitative methods to reveal that although immigration “law in books” extends certain legal rights and protections to these liminally legal immigrants, the bureaucratic hoops, general lack of awareness of temporary, humanitarian statuses, and an anti-immigrant context often renders immigration “law in action” harmful to relief recipients (Pound 1910). Specifically, the implementation of laws under the current immigration regime makes immigrants occupying liminal legal statuses vulnerable to blocked social mobility,³ persistent fear of deportation, and instability, confusion, and self-blame. As we explain in the following sections, these experiences are visible through a legal violence theoretical lens.

IMMIGRANT INTEGRATION AND LEGAL STATUS

Along with human, economic, and social capital, legal status is a central determinant of an immigrant’s life chances (Menjívar and Abrego 2012). The various legal statuses that one can have in the United States, as conferred through immigration policies upon individuals and groups, determine complex rewards and penalties that, in turn, stratify immigrants’ experiences and integration processes. On the immigration legal status spectrum,

undocumented immigrants are the most marginalized by their legal “nonexistence” (Coutin 2000, 27) as compared to immigrants with a temporary legal standing, or those who have acquired permanent residency or citizenship. Naturalized citizens, legally granted all civic, political, and social rights, are situated in the most advantageous place. Undocumented immigrants, from their position outside the law (Motomura 2014), earn less and work in more dangerous jobs on the whole than immigrants with other forms of legal status (Gleeson 2012), and have little access to financial and other forms of aid (Abrego 2006). In the long run, these disadvantages can prevent undocumented immigrants from thriving economically and integrating socially into the United States. There are ripple effects for immigrant families and communities as well (Abrego 2014; Suárez-Orozco et al. 2011).

Immigration policies shape the daily lives and long-term integration prospects of the 11 million undocumented immigrants estimated to be present in the United States. Everything from access to health care and higher education to employment and police protection are closely associated with immigrants’ legal status (Gleeson 2012; Armenta 2011; Holmes 2007; Massey 2007; Abrego 2006, 2008; Stumpf 2006; Walter, Bourgois, and Loinaz 2004). Moreover, undocumented legal status can have dire consequences: deportations devastate families and communities (Dreby 2015); workers live in prolonged economic insecurity (Donato and Armenta 2011); and individuals grapple with the mental anguish associated with the possibility of being deported at any moment, in any public or private space (Gonzales and Chavez 2012; Menjívar and Abrego 2012).

LEGAL VIOLENCE

The legal violence framework (Menjívar and Abrego 2012) provides an important analytical lens through which to understand the experiences of contemporary immigrants in the United States. Rather than begin from the perspective that immigration laws are neutral, the framework draws out the many ways that immigration laws serve as legitimating sources for the harmful treatment of immigrants. A primary organizing principle of the framework is the recent convergence of immigration law (which has historically been mostly in the realm of civil and administrative law) with criminal law (Chacón 2012; Stumpf 2006). Menjívar and Abrego (2012) argue that this legal reorganization has promoted a view of immigrants that enables dehumanizing acts to be perpetrated against them in inconspicuous ways. Specifically, Menjívar and Abrego (2012) contend that as legal language is used to label immigrants as “criminals” for behavior that historically was not considered criminal, the current immigration regime facilitates forms of structural and symbolic violence that harms immigrants and their loved ones.

Structural violence refers to insecurity in wages, a chronic deficit in basic needs such as housing, and a constant, general uncertainty that effectuates a

slow death for vulnerable communities prevented from thriving socioeconomically (Farmer 2004). This type of violence is concealed in social structures such as exploitative labor markets and discriminatory educational systems that produce inequality through standardized policies and practices rather than through individual decisions and behaviors. Symbolic violence refers to the internalization of social inequalities by individuals who, through repeated exposure to various forms of inequality, become inured to them (Bourdieu and Wacquant 2004). This psychological process encourages people to take patterns of inequality for granted and, instead of attempting to dismantle the structural apparatuses that sustain them, accept responsibility for their position in the social hierarchy. Both immigrants and nonimmigrants internalize the lessons of exclusion promoted via these mechanisms.

The legal violence framework is especially useful in our analysis because it underscores the central role of law in making possible and providing legitimacy to structural and symbolic forms of violence against immigrants. Unlike more general forms of structural violence located ubiquitously in various social structures, the legal violence framework identifies “the law” as the site that simultaneously generates violence and makes it socially acceptable. Under the current immigration regime, society accepts and normalizes practices that harm immigrants precisely because “they broke the law.” Law provides a widely recognized and respected discourse that inherently justifies mistreatment of people who “did not follow the law.” In this article, the legal violence framework allows us to demonstrate how laws can marginalize even those people deemed legally worthy of humanitarian relief, leaving them not only unprotected but also vulnerable to forms of abuse that the public often understands as “unintended” and acceptable.⁴

HUMANITARIAN RELIEF AND LIMINAL LEGAL STATUSES

Although the academic literature on the effects of legal status and popular dialogue on immigration often assume that immigrants are either documented (with a full or nearly full complement of civil, social, and political benefits) or undocumented (with very limited benefits), immigration policies confer a wide range of legal statuses with varying levels of protections and rewards (Heeren 2015; Menjivar 2006; Mountz et al. 2002). For example, some provide recipients the opportunity to apply for permanent legalization, while others increasingly bestow limited, temporary benefits with no path to a more stable legal position. Menjivar and Abrego (2012) point to the broad reach of the contemporary immigration regime into the integration processes of undocumented immigrants and those with TPS. Following their lead, we examine how current policies affect immigrants’ lives in several liminal legal statuses conferred through humanitarian relief to provide protections superior to undocumented standing but short of residency and citizenship.

Many immigrants in these statuses hold considerable rights, including permission to reside in the country, to work, and to draw social services and financial aid. Yet the nebulous character of liminal, humanitarian legal categories in a broader inhospitable context may create difficulties when immigrants seek to convert their status into tangible resources by signaling their legality to social intermediaries who dispense benefits and control opportunities (Lakhani forthcoming). Thus, we argue that the ability to project a valid legal identity to others is essential to mobilizing an approved legal status. When this ability is compromised, immigrants are directly vulnerable to the forms of structural and symbolic violence that the legal violence framework captures, regardless of their legal standing and entitlements in principal. Therefore, although immigrants in liminal, humanitarian legal statuses may be officially authorized to dwell, labor, and receive public benefits in the United States, they may nevertheless face barriers stemming from the implementation of immigration laws in the contemporary sociopolitical era that hinder their integration and well being in both immediate and lasting ways.

Millions of immigrants in the United States hold temporary legal statuses, occupying a precarious space between the enduring and socially recognizable residency and citizenship standings and marginalized undocumented status in the legal “twilight” (Martin 2005; see also Heeren 2015).⁵ These standings may be acquired via circumstances warranting humanitarian intervention, employment skills, family ties to immigrants in the United States, travel to or study in the country, or other means.⁶ Menjívar (2006) coined the concept “liminal legality” to refer to the difficult legal, social, and psychological position of immigrants with TPS and pending asylum cases. In line with Menjívar’s (2006) conceptualization, we focus on several humanitarian standings that leave individuals in liminal sociolegal and psychic circumstances.

POLITICAL ASYLUM

Through legislation first established during the Cold War, individuals who are “unable or unwilling to return to their country of nationality because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion” may apply for political asylum after having entered the United States. There is no limit on the number of individuals who may be granted asylum in a given year.⁷ In 2013, 25,199 individuals were granted asylum, with the leading countries of nationality for asylees being China, Egypt, and Ethiopia (Martin and Yankay 2014).

Individuals who receive asylum are allowed to remain in the United States, authorized to work, and entitled to benefits including employment assistance, a social security card, and social services (*ibid.*). Although asylees are eligible to apply for permanent residency after one year in legal standing, they are not

required to do so. Asylum status may last indefinitely, but it may also be revoked.⁸ The process of adjusting from asylum status to permanent residency varies widely in length, with some applicants waiting years for a response. There are no limits on the number of asylees eligible to obtain permanent residency in a given year (Burt and Batalova 2014).

TEMPORARY PROTECTED STATUS

TPS is a form of administrative relief that resulted from Salvadoran immigrants and their allies' organized protests in 1990 (Coutin 2000; Weitzhandler 1993). In 2015, over 337,000 immigrants from eleven countries rely on TPS to legally reside and work in the United States for an assigned period of time.⁹ The Secretary of the Department of Homeland Security (DHS) designates which foreign nationals are eligible for this temporary legal status when people already present in the United States cannot return to their home countries due to conflict, environmental disaster, or other extreme conditions. TPS does not lead to permanent resident status.

One distinguishing feature of TPS is that it can be reapproved multiple times. In the Salvadoran case, for example, this has meant that over 200,000 Salvadoran nationals have been TPS beneficiaries continuously for over fourteen years since 2001 (currently set to expire in September 2016). Another 61,000 Honduran nationals and 2,800 Nicaraguan nationals have benefitted since December 1998 (currently set to expire in July 2016 for both countries). If the program is reapproved, eligible immigrants must reregister. The Secretary of Homeland Security decides whether to renew the program every eighteen months, each time requiring recipients to pay fees (currently amounting to \$515 per person) to have their employment authorization extended and to continue residing in the United States legally. In each cycle, beneficiaries face the possibility that the program will not be extended, putting them in an extended precarious position as they await annually their fate: whether they will be allowed to remain legally for another eighteen months or become undocumented if the program is not reapproved.

VAWA AND DEFERRED ACTION STATUS

Battered spouses, children, and parents of US citizens or permanent legal residents may file for immigration benefits without their abuser's knowledge, independently, by self-petitioning via VAWA, legislation initially passed in 1994. The VAWA self-petition allows survivors of domestic violence to obtain a legal immigration status, called "deferred action," that must be renewed annually but allows individuals to remain in the United States and makes them eligible to apply for a work permit and certain public benefits (Abriel and Kinoshita 2008). VAWA includes protections against

deportation from the United States for immigrant victims of violence whose abusers report them to DHS or cause them to end up in immigration proceedings. Yet once immigrants acquire deferred action through VAWA, they are not necessarily guaranteed against deportation; it merely marks individuals as a low priority for removal.¹⁰

Currently, there is no annual limit of VAWA deferred action approvals that may be issued. In 2011, approximately 6,200 VAWA petitions were granted (Kandel 2012). Individuals who obtain deferred action through VAWA may apply for permanent residency as long as they are not “inadmissible”¹¹ to the United States on criminal, security, or other grounds.

U VISA STATUS

Created in 2000 as part of that year’s VAWA reauthorization, U Visa status is a temporary legal standing granted to immigrant crime victims who collaborate with US law enforcement in the investigation and/or prosecution of violent crimes¹² they endured. Currently, Congress limits the number of U Visas issued to 10,000 annually, although an unlimited number of “derivative” U Visas may be given to certain family members, including children or parents of the main, or “principal,” petitioners. In 2014, 10,020 individuals were approved as “principal” U Visa recipients, along with 8,500 of their family members.¹³

With U Visa status, immigrants may work legally, and in some US states, including California, they are eligible for state and local government benefits and social services, as well as federal welfare programs such as food stamps and Medicaid (Kinoshita et al. 2012). U Visa status lasts for four years and may not be renewed. However, individuals holding U Visa status may apply for permanent residency after three years if they are eligible.¹⁴

There is significant uncertainty surrounding U Visa standing, some of which derives from its relative novelty as a form of legal relief, and recipients’, service providers’, and others’ developing knowledge of its existence, eligibility and application requirements, and entailed resources (Lakhani 2013a, 2014). The remedy was created legislatively in 2000, but it was not actually available to individuals until 2007, when the first adjudicative and administrative regulations for the relief were implemented. While regulations for the U Visa now exist, they remain interim, subject to change until final regulations are issued (Kinoshita et al. 2012). Most recently, U Visa status has been cloaked in another layer of liminality: demand for the program far exceeds the 10,000/year visa cap, with tens of thousands of potentially eligible immigrants lingering on a waitlist for their applications to be reviewed, and approved applicants waiting for the next batch of available visas to become available (Linthicum 2015).

The four humanitarian standings discussed here reveal that inadequate understandings of legal immigration statuses have important repercussions for the millions of immigrants in liminal legality.

DATA AND METHODS

We draw on data gathered through two separate studies with overlapping emphases, including immigrants' legal and social incorporation in general and their experiences in precarious legal standings specifically.¹⁵ Abrego draws on thirty-two semistructured, in-depth interviews conducted in 2005 and 2006 with Salvadoran TPS recipients ($n = 9$; 5 women, 4 men) living in Los Angeles and relatives who rely on them in El Salvador ($n = 23$). This subsample was part of a broader qualitative study of 130 Salvadorans in El Salvador and the United States. At the time of interview, study participants with TPS had been residing in the United States between three and fifteen years. The single-session interviews with TPS recipients and their relatives abroad lasted between one and three hours. Abrego recruited participants with TPS in various locations in Los Angeles and through different entry points, including businesses, churches, union halls, day labor sites, public parks, and community-based organizations. In El Salvador, Abrego located participants through public and private high schools and colleges in urban areas of the country. The in-person interviews lasted between forty-five and ninety minutes. Semistructured interviews with TPS holders covered several topics, including reasons for migration, and family and work experiences during the settlement process. Interviews with family members addressed benefits and disadvantages of family separation and plans for reunification as determined by migrants' legal status in the United States. All immigrant interviewees held low-income jobs in construction, garment manufacturing, cleaning, or other service sectors.

Lakhani draws on several sources of qualitative data collected as part of a larger study of the humanitarian-based legalization process in Los Angeles. From January 2009 to December 2011, Lakhani volunteered as a law clerk at Equal Justice of Los Angeles¹⁶ ("Equal Justice," or "EJLA"), assisting lawyers and immigrants with hundreds of applications for victim-based forms of legal relief, including deferred action status through VAWA, U Visa standing, and political asylum. Most immigrants whose cases Lakhani worked on were low-income women from Mexico and Central American countries, such as Guatemala and El Salvador, who were applying for U Visa status, although immigrant clients of the organization seeking these legal remedies were from other countries as well. In conjunction with this work, Lakhani attended strategizing sessions between Equal Justice and other non-profit immigration lawyers in Los Angeles ("Network" meetings) during which attorneys discussed case difficulties posed by immigration policies. In turn, over a period of six months in 2011, Lakhani observed case preparation meetings between lawyers and immigrant petitioners at two organizations represented in the Network. Lakhani also relies on forty in-depth, semistructured interviews with immigrants petitioning for permanent residency status (including twenty-five U Visa recipients, eleven asylees, and four VAWA deferred action holders)¹⁷ who were Equal Justice clients and

thirty-six such interviews with EJLA and Network immigration attorneys. Immigrant interviews, which lasted between thirty minutes and two hours, covered subjects including immigrants' experiences before, during, and after the legalization process, with particular attention to how acquiring legal status affected immigrants' lives and whether they hoped or intended to pursue other legalization avenues. Attorney interviews, which lasted between forty-five minutes and two hours, explored a number of topics, including challenging and rewarding cases and aspects of their jobs.

After completing each study independently, we joined our data, compared and contrasted study participants' experiences, reviewed the literature, and arrived at the conclusion that the legal violence framework most appropriately allowed us to unearth the structural and symbolic violence in the lives of immigrants who have been granted humanitarian relief. Then, in a process of constant comparison (Strauss and Corbin 1994), we arrived at the analytical categories that best captured the most common patterns. For each of these substantive areas, we present a few cases from each site to illustrate our main analytical points about the structural and symbolic violence to which immigrants in liminal, humanitarian legal statuses are subject. Importantly, these cases were not isolated; rather, through an iterative and collaborative analytical process, we chose the most representative and revealing examples.

INCOMPLETE INCLUSION

In this article, we use the legal violence framework and apply it to the integration experiences of immigrants in several liminal, humanitarian legal statuses. We argue that many of the structural and symbolic forms of violence imposed on undocumented immigrants through US immigration policies and their implementation are also evident in the experiences of immigrants who have various levels of authorization to reside in the country (see also Heeren 2015). Our analyses reveal that one of the most difficult aspects of being in a temporary, humanitarian status for immigrants is the challenge of signaling to others that they are wholly "legal," even if they command circumscribed rights, benefits, and protections (Lakhani forthcoming).

As the next sections will demonstrate, in contexts that are hostile to immigrants, when service providers and potential employers do not automatically recognize immigrants as "legal," they often assume immigrants are undocumented and attempting to stake illegitimate claims to resources. Indeed, all entitlements associated with a legal standing in principle can be mediated by social intermediaries' ability to recognize immigrants' legal presence in the country. That is, in order to mobilize benefits of a legal status—including the socioeconomic stability and advancement that frequently accompanies the attainment of education, secure employment, and supplementary welfare benefits like food stamps and health insurance—individuals must be able to

successfully indicate their standing. When others do not understand the kind of legal standing and entitlements that immigrants in liminal, humanitarian legal statuses officially have, immigrants may experience blocked mobility, a persistent fear of deportation, instability, confusion, and self-blame. These experiences come into sharp relief when immigrants' lives are examined using a legal violence lens (Menjívar and Abrego 2012).

BLOCKED MOBILITY

Fundamentally, the ability to project a valid identity is essential to converting one social status into others (Torpey 2000). Immigrants in this study signaled their approved legal standing to caseworkers, employers, and educational staff via an EAD, the primary identity document associated with their temporary, humanitarian legal statuses. But furnishing EADs did not consistently enable migrants to access services they qualified for, obtain or hold onto jobs, or complete a college education.¹⁸ This left immigrants vulnerable to blocked educational and financial mobility.

For example, some immigrants in liminal, humanitarian legal standings who were eligible for public benefits did not apply for them when dissuaded by misinformed social services workers. In these cases, immigrants preferred to go without key resources because it was "safer." Such was the case for Melody, a VAWA recipient from Guatemala who was compiling paperwork for her adjustment to residency. In a meeting with Charlotte, an Equal Justice attorney, Melody mentioned her problem accessing public benefits. Her Department of Public Social Services' caseworker alleged that drawing welfare entitlements could affect Melody's ability to obtain a green card. Visibly upset, Charlotte responded to Melody, "Some people think that, but for people with VAWA, that's not true." Affirming to Melody that she *did* qualify and that getting benefits would *not* affect her residency, Charlotte asked if Melody had given the caseworker the letter she wrote for her that explained her legal eligibility for resources. Melody answered that she had, but the caseworker repeated her warning, so Melody was hesitant to apply.

Following immigration and welfare reforms in the 1990s, immigrants applying for permanent residency who had previously procured public benefits—even if they had done so legally—were deemed "public charges" and faced significant delays in their legalization applications; in some cases, they were even unable to become residents (Park 2011). Immigrants with humanitarian forms of relief, including VAWA deferred action, U Visa status, and asylum, are not subject to the same public charge constraints as other immigrants¹⁹ and may receive benefits without ramifications for their residency. But caseworkers unfamiliar with the nuances of the public charge rules, especially when informed by an anti-immigrant political context, can prevent eligible individuals from acquiring support that could help stabilize their lives and facilitate socioeconomic mobility. In Melody's case, despite her attorney's reassurances, she decided to try to live without the food

stamps, cash aid, and Medi-Cal for which her VAWA deferred action qualified her. As a single mother, Melody and her children stood to gain a great deal from these forms of assistance, but she felt cornered into forgoing health care because it seemed necessary to eventually obtain the more recognizable and advantageous residency. Amidst an anti-immigrant climate of legal violence that pervades benefit agencies and immigrant communities alike, immigrant respondents were often tentative to mobilize social services that their humanitarian legal statuses conferred upon them. Humanitarian relief recipients faced a complex interaction of immigration, welfare, and criminal laws, and inadequately trained service providers that forced them to make difficult resource-related decisions (Broder and Blazer 2011; Hagan, Rodriguez, and Nika 2003).

In some instances, humanitarian legal statuses categorically denied immigrants access to socioeconomic resources, clearly blocking their mobility. Samira, an EJLA attorney, described the situation of one of her clients, a young man from El Salvador. Pedro, age eighteen, had recently won asylum after a court battle that lasted years. As an asylee, Pedro could apply for jobs, but barriers loomed that could prevent him from the mobility path he desired. As Samira explained in an interview, “his dream was to work with the police . . . but he can’t do that now because he’s still only an asylee.” A variety of jobs that provide economic stability and highly desired health benefits—including positions in government, law enforcement, and the medical field—are off limits to immigrants with humanitarian legal statuses who must wait until they obtain green cards before applying. Asylees are eligible to apply for permanent residency after one year in status, but Pedro’s case (and many others like his) was complicated. The government attorney who opposed Pedro’s claim for asylum in immigration court had appealed the judge’s grant of status, so Pedro’s legal standing was in flux. Although his asylum status would stand while the government’s appeal ran its course, he would not be able to apply for residency until and unless the case closed and his political asylum was upheld, a process that could drag on for several years. As Samira elaborated, this was a daunting prospect, not only because it continued Pedro’s sense of instability, but also because:

The immigration courts are backed up for upwards of a year or more for these things, so while his case sits in a courtroom and is delayed for who knows how long, the young man cannot apply for residency. He can work with his work permit, but in order to pursue what he really wants to do, to work for law enforcement, he must be an LPR (Lawful Permanent Resident) . . . he’s lingering now. You know, he can’t go forward.

Despite providing legal permission to reside and work in the United States, asylum and many other humanitarian forms of relief prevent people from being considered for certain jobs. On the longer road toward social and economic integration in the United States, this legal barrier can be devastating for immigrants. If it takes years—even decades—to acquire the legal

status necessary to pursue particular careers, people may age out of desired courses, undoubtedly shaping their sense of belonging in the country.

In other cases, barriers were less clearly discernible, but no less consequential. Nineteen-year-old U Visa holder Vera, for instance, described that over the past three years she has “been legal,” she has had mixed experiences in her work endeavors. With her EAD, Vera was thrilled to land a position at a nutritional center for new mothers and their babies, an “ideal” job because it paid well and she enjoyed working with new mothers like herself. But a couple of weeks into the job, when Vera presented her work permit to finalize the payroll paperwork, her boss questioned its authenticity:

When I brought my last card [in], the lady even told me, “This is fake.” I’m like, “No, it’s not.” . . . My lawyer then wrote them cards, letters, everything. I even took the actual [U Visa] application [to my job] and they still told me that it was fake. I had something that approved me, but they didn’t want to accept it.

With advocacy from her Equal Justice immigration attorney, Vera maintained the job for about a month, but she was ultimately fired when her boss decided that she did not want to “deal with” Vera’s “paperwork” anymore. Despite having advanced her categorical position along the legal status spectrum, Vera’s life had only improved “to a certain point” with U Visa standing. She had recently found another job where she was very unhappy as a janitor at a retirement community. She prayed daily for her green card to arrive in the mail, commenting, “I don’t want to be treated like undocumented people anymore.”

Vera, who had been born in Mexico but raised in the United States since age two, explained that she felt stuck. “[F]or school, I can’t do anything. You’re on your own without a green card.” Without financial aid for college²⁰ and knowing that employers may not accept her EAD, Vera was unable to access well-paying jobs. Others’ suspicion and unwillingness to recognize her legal standing prevented her from fulfilling its full potential. This produced a condition of dependency that held Vera back socioeconomically and on a psychic level. The legal violence framework’s focus on intended and unintended consequences of immigration policies captures this sense of marginality. Such marginality contributed to Vera feeling as if she was still undocumented, living in liminality despite having garnered legal status.

Other respondents described similar experiences of disenfranchisement in temporary, humanitarian legal statuses as they attempted to mobilize their legal standing to acquire employment and access critical social services. Irma, a forty-one-year-old mother of two from Mexico, had adjusted her status from undocumented to U Visa holder in 2008. Meeting with her Network attorney and Lakhani in 2011, it surfaced that the work permit Irma received with her U Visa standing had not helped her obtain a job in the mainstream economy. Instead, she had pieced together a monthly income of about \$1,110:

What happens is that if you call me and you say, “Can you clean my house?” “Oh,” I say to you, “Yes.” And if someone else calls and says to me, “Can you take my dog out for a walk?” I tell them, “Yes.” It’s like, I do a lot of things for money, but I don’t have an office. Normally, I clean houses. Right now a friend of mine has a beauty salon, and she doesn’t have anyone who helps her cut hair. So I go with her, and she pays me because I keep the salon clean, organized. For example, she tells me, “Oh, wash her hair.” She says, “You’re my assistant.” So I also do that.

Given the complicated nature of her work situation, Irma had difficulty converting her legal standing to social services benefits she was entitled to as a U Visa holder. Her explanation highlights the precariousness of humanitarian legal standings:

One time [the welfare office] cut off my food stamps because I didn’t bring them proof that says, “Here’s my income.” Why? Because the person pays me cash. She wouldn’t give me a letter. If I say [to the caseworkers], “I work with Maria and Juana,” they want the person I work for to write a letter for me that says, “She comes with me on Tuesday, Thursday, and Friday from 2:00 to 5:00.” And when I asked the person, “Will you write me a letter?” “Oh no, I don’t want to wind up with problems.” They are scared about what I’m going to do with the employment paper. When they don’t give it to me, I say to myself, they’re doing me a favor hiring me. I can’t be demanding too much. It’s really difficult when people [caseworkers] want a paper, because you end up saying it’s better not to apply.

Unable to parlay her U Visa status into a formal job, Irma was left in the vulnerable position of asking her multiple, reluctant informal employers to vouch for her work. This series of events is not uncommon among immigrants with temporary, humanitarian forms of relief who, despite being legally present in the country, are nonetheless limited in their ability to draw tangible benefits—including stable and remunerative jobs, educational experience, and healthcare—from their acquired legality.

Legal status shapes immigrants’ and their families’ incorporation experiences in various public spheres, including access to employment and educational opportunities and social services benefits. These resources affect immigrants’ capacity to financially support and maintain the health and well being of their families (Lakhani forthcoming; Dreby 2015; Suárez-Orozco et al. 2011). Thus, immigrants’ ability to secure these resources facilitates or blocks opportunities for upward mobility. The prolonged inability to access rights that our respondents experienced will have long-term consequences for many of these immigrants and their family members who age out of educational and occupational opportunities. Therefore, although respondents indicated that they were able to achieve more socioeconomic stability when they transitioned from undocumented to humanitarian legal statuses, their prospects for sustained mobility and integration remained constrained by their ambiguous legal positions in a social context influenced by anti-immigrant attitudes, policy limitations, and shortcomings during implementation.

FEAR OF DEPORTATION

Beyond facing conspicuous barriers to resources, immigrants in humanitarian legal statuses also struggled with a persistent fear of deportation (Menjívar and Abrego 2012; Kanstroom 2007). As a central component of “illegality”—the sociopolitical condition of living in a country *without* legal status (De Genova 2002)—the prospect of deportation should not concern immigrants with legal standing, in theory. Nevertheless, we found that deportation was a source of stress for those we interviewed. For example, immigrants with TPS who had been waiting for reapproval of the program and reregistering every eighteen months for several years experienced a sense of anxiety that weighed heavily on them. Unable to access rights, services, and protections that come with greater legal stability, immigrants who obtain TPS and other temporary, humanitarian statuses find themselves in a prolonged precarious space that can prevent them from settling and thriving.

Compared to undocumented status, TPS certainly provides a few crucial resources for immigrants. TPS beneficiaries in this study, for example, were better able than undocumented immigrants to obtain higher paying jobs that offered benefits. They were also more likely to apply for worker’s compensation after an injury on the job, a right extended to all US workers regardless of legal standing but that many immigrants resist claiming (Gleeson 2012). One of the more telling examples of the benefits of TPS comes from the narrative of fifty-year-old Felipe. He migrated from El Salvador with a tourist visa that expired, and after a couple of months of being undocumented, he became eligible for the newly reinstated TPS program in 2001:

Felipe: The first months were hard . . . I didn’t want to be deported. But later, TPS came out and I went to apply right away and then things got better.

Abrego: For example, what would you say changed?

Felipe: Well, look, at first I was just doing these [informal] landscaping jobs that didn’t pay much, and I wasn’t satisfied with what I made. And then, with TPS, you just show your card and they give you a job that actually pays well, where you get days off, and you won’t be fired for just any reason.

After getting TPS, Felipe had the legal status and associated authorization to work, and found that he enjoyed greater pay and more stable employment. Prior to obtaining TPS, he earned about minimum wage, but feeling secure with his new EAD card,²¹ Felipe moved on to acquire a year-round job as a janitor for a large luxury apartment building that paid better wages than his informal landscaping job previously; during the summer he supplemented his income with landscaping at a golf course.

Yet despite his relatively high earnings in an otherwise low-income immigrant community, Felipe lived with great stress. In 2006, he explained that he worked and saved as much money as he could while holding his temporary legal status because he knew that there was always a possibility that TPS would not be extended another time and it would be difficult to live as an undocumented immigrant in the United States:

Depending on who is elected president, the chances are that they will probably not give us TPS again and to be here undocumented, that's not easy. Just a short time ago there was a[n Immigration and Customs Enforcement (ICE)] raid and they took forty workers from one place nearby. Some of these other guys that I live with, they don't have papers and they just stay home, and you can see it, they worry about being deported.

Aware of the economic repercussions and fear of deportation that haunts undocumented immigrants, Felipe worried that he, too, could easily and momentarily lose even the limited protections of TPS. In turn, the fact that TPS did not offer a path to permanent residency made Felipe tentative about his future plans. He recognized that changing political tides might block a renewal of TPS, worsen his job prospects, and produce socioeconomic instability and a constant fear of deportation that he witnessed through his roommates' experiences.

Another challenge of TPS that causes its beneficiaries to fear deportation is the seemingly unending paperwork and bureaucracy of the renewal process. TPS holders must spend over \$500 every eighteen months to renew their work permit and pay for fingerprints.²² Some eligible immigrants become unable to reapply if they lack funds during their brief renewal window (Menjívar 2006). Moreover, because each national origin group has a different allotted period of time for renewal, the lack of consistency can get confusing. Individuals may lose their TPS protections upon the standing's expiration and fall into undocumented status.²³ Such was the case for Milton who, after obtaining TPS the first eighteen-month period it was available for Salvadorans, failed to reapply during the two-month window while renewal applications were being accepted. Then unemployed, Milton simply did not have the means to pay the required fees. Having lost TPS, he lived in continual fear of being detained—even at home—because the United States Citizenship and Immigration Services (USCIS) had acquired all of his personal information in the process.

Even when they follow all the guidelines, immigrants with TPS are vulnerable to falling out of status at various points in the reregistration process. In one example that was documented in a newspaper article, a TPS holder moved to another home, and in changing his address, his paperwork was lost in the mail (Gorman 2008). ICE agents then came to his new home to detain and deport him to El Salvador, even though he lived with his US citizen wife and children. Immigrants in other liminal, humanitarian legal standings were also not necessarily safe from detention or deportation. In our interviews, people mentioned cases they knew of in which people with temporary, humanitarian standings had been deported—whether because of authorities' confusion surrounding individuals' permission to be present in the country or due to administrative errors. Such errors are prevalent in a belabored legal and bureaucratic process that unfolds across various government agencies and civic and social institutions (Kanström 2007).

Given the various points in the process at which mistakes can happen, many immigrants with humanitarian forms of relief live with great fear of being deported for matters beyond their control. Nina, a mother of two originally from Mexico, provides an example. As a VAWA beneficiary, Nina returned to her Equal Justice immigration attorney each year to renew her work permit. She had not been able to apply for permanent residency because she had entered the United States without inspection at the border—a matter that is not waived for deferred action recipients through VAWA. During a visit in 2009, Nina told Jackie, her lawyer, that her boyfriend had assaulted her; afterward, the police arrived and took a report. Expressing her laments that Nina had experienced domestic violence, Jackie pointed out that because of the event, Nina could apply for U Visa status. The violence could be transformed into something positive for Nina, because if she were granted U Visa standing, Nina could eventually apply for permanent residency. As a U Visa holder, the inadmissibility issue that blocked her path to residency through VAWA standing was capable of being waived by USCIS.²⁴ This distinction is significant in that it highlights the legally-sanctioned differences among immigrants who are lawfully present in the United States that the undocumented–documented binary fails to capture. It also provides a view into the innumerable technicalities of each status that make it difficult for recipients, service providers, employers, and even attorneys to understand. In a social and political context that criminalizes immigrants, these technicalities cause further harm when they block immigrants' ability to access legally-granted rights.

Weeks later, Nina returned to EJLA to prepare a personal declaration for her U Visa application. Before the conclusion of Nina's appointment, Jackie listed some supplementary documents Nina should gather for her petition. The lawyer instructed Nina to go to the Mexican consular office to obtain a passport from her country of origin. They would need to submit copies of the identification document to USCIS.

With a quiver in her voice, Nina asked Jackie if "Immigration" was going to be there when she got her passport. Jackie said no. The attorney clarified that the Mexican consular office was [in] downtown [Los Angeles], just like the Immigration [USCIS and ICE] offices were, but that the Consulate was a support office for immigration-related issues. Nina silently nodded her head in acknowledgment, paused, and then asked Jackie if she would be deported if her U Visa application were not approved. Jackie said no, but quickly qualified her response: "nothing is 100 percent secure." Jackie told Nina that she was more secure than others in her position because she had an "approved VAWA." The lawyer added: "However, we [immigration attorneys] can't control what Immigration does. You need to be careful." Nina nodded again, asking a third question. Could she be deported if Immigration showed up at the garment factory where she worked? Jackie replied that if something like that happened, first of all, Nina should call her immediately. The attorney explained that with her status through VAWA, Nina had "some

protection” from deportation, but she would have “even more” with U Visa standing since she could apply for permanent residency after three years.²⁵

When Nina left, Jackie explained to Lakhani that she always advised her clients who obtain status through VAWA to “be careful,” because “you don’t want them in prison under any circumstances. Even with an approved VAWA, if ICE does a prison sweep, you can get caught up in that and deported, and have a very difficult time getting back in the country.” Although Nina had legal status and permission to seek numerous employment positions, her socioeconomic status (six years of formal education, a limited work history, and minimal English proficiency) channeled her to a manufacturing job where she labored alongside undocumented immigrants. And as a Mexican-origin immigrant residing in a nation whose undocumented population is 80 percent Latino and nearly 60 percent Mexican (Hill and Hayes 2013), Nina’s US social standings in a racist, anti-immigrant context further mitigated the sense of security her humanitarian legal status should have provided. Nina’s concerns and her lawyer’s reactions point to the instability of temporary, humanitarian legal statuses in the daily lives of recipients, as well as the limits of attorneys’ assistance in the face of immigration authorities.

The lens of legal violence (Menjívar and Abrego 2012) reveals that fear of deportation or “deportability” (De Genova 2002) is a fundamental experience for undocumented immigrants. The mental anguish of knowing that they may be detained and deported in any public or private space weighs heavily on them (Gonzales and Chavez 2012). Although this possibility has come to be considered normal and acceptable for undocumented immigrants (*ibid.*), it is important to understand that the same anguish may apply to immigrants with legal permission to reside and work in the country. Concern about deportation leads to several other problems for immigrants in temporary, humanitarian statuses and their families as they contend with their often prolonged, liminal situations.

INSTABILITY, CONFUSION, AND SELF-BLAME

In confronting blocked pathways to mobility and dealing with persistent fear of deportation, many immigrants in humanitarian legal statuses internalized the mixed messages they received through US policies. On the one hand, they were legally welcomed to make the United States their home, at least temporarily; on the other hand, they were not guaranteed protection from deportation or full access to rights to which they were officially entitled. The marginal membership offered by their legal standing left immigrants deeply vulnerable to structural and symbolic violence.

The liminality of TPS, for example, has been well documented (Menjívar 2006; Mountz et al. 2002). TPS holders in this study similarly described a sense of temporary stability that made them feel vulnerable over the long term. Guillermo, an immigrant in Los Angeles, described his feelings around

the status in the following way: “TPS, you know, it’s a good thing because you can work, but that’s all it gives you. I don’t complain, but you just never know when they’re not going to renew it again and then one is left with nothing.” It was precisely that prolonged feeling of insecurity—and the perception that everything they had achieved could be snatched away at any moment—that tormented beneficiaries of TPS.

Along with creating a drawn-out period of instability, holding humanitarian legal statuses also generated confusion that affected immigrants’ and their families’ well being. TPS recipients, for example, were often pained that they could not file visa applications for their children who remained in their countries of origin. These immigrants were left with impossible hopes of a legally-sanctioned family reunification. TPS beneficiaries are unable to petition for family members’ legalization; U Visa holders, VAWA deferred action recipients, and asylees may apply for the legalization of certain immediate family members abroad, but reunification is not guaranteed. Family members’ applications are scrutinized and may be denied. Even if applications are approved, immigrants may be forced to wait for lengthy periods of time before actual reunification occurs, as family members navigate legal, bureaucratic, and economic hoops that can thwart their international relocation (Lakhani and Timmermans 2014).

We found that many immigrants in humanitarian legal statuses who faced obstacles to family reunification experienced significant anguish but eventually resigned themselves to the legal reality that controlled that facet of their lives. However, some TPS recipients maintained hope that regulations would be modified at some point in the future to allow them to qualify for LPR status. As green card holders, these immigrants would finally be able to petition for family members to join them in the United States. Forty-seven-year-old Lydia, for instance, thought:

We’ve been living here so many years, we’ve been working and we’ve been paying [for TPS applications], that they should give us the papers already. With so many years, give us the papers because we’ve completed the time and we’ve been paying. They should recognize that, right?

Lydia described her experience of TPS as a form of punishment, and she felt she had suffered the consequences long enough. She wanted to petition for residency for her three children in El Salvador whom she had not seen in over fifteen years.

Under the circumstances, and at the time of this writing, Salvadorans with TPS have qualified for this dispensation since 2001 and Hondurans and Nicaraguans since 1999. Over fourteen years later, these immigrants have gone through multiple reapplications, paid thousands of dollars in renewal and processing fees, repeatedly proved that they were of “good moral character,”²⁶ and worked consistently to establish their lives in the United States. In their minds, these long-term contributions should serve as proof that they

are deserving of a more stable legal status in the country, but without any possibilities for adjustment to residency, many become frustrated.

Repercussions can be devastating for families. Among study participants with TPS, after years of unfulfilled hopes or a decade in some cases, many children remaining in their countries of origin felt abandoned because the day of their reunification had never come. Asylum holders also had parallel experiences. Their children felt similarly abandoned after the protracted and unpredictable legalization process needed for family reunification. A Cambodian asylum applicant tearfully described to Lakhani that his four children, whom he left as teens but whom had aged into their twenties while their family petitions were pending, were so hurt and frustrated that they would no longer come to the United States, even if an opportunity eventually materialized. In the decade he and his wife had lived in Los Angeles without these children, they had two additional children in an attempt to fill the gap in their family.

Immigrants with other temporary, humanitarian standings who were eligible to apply for permanent residency also lingered in a state of limbo while their applications were evaluated. The case of Nina, a repeat domestic violence victim of two different romantic partners, very clearly illustrates the precariousness of humanitarian forms of relief. Nina held deferred action standing through VAWA, having regularized her undocumented status in the mid-2000s after enduring abuse from her ex-husband, a permanent resident. Eligible for a work permit and welfare benefits through VAWA, Nina risked deportation if she applied for permanent residency via her VAWA standing because she had entered the country without inspection. Although many individuals with VAWA deferred action may convert their standing to permanent residency, having entered without inspection makes it difficult to qualify. Had Nina been denied permanent residency, she would have lost her permission to stay and been immediately deportable. Nina therefore found herself stuck in a gray area between undocumented marginality and permanent residency. She was legally present but not on a path to something more secure. The legal violence framework captures precisely these gray areas made possible through current immigration policies, which will likely have long-term effects on how these immigrants integrate into US society.

In another example, Ana had acquired deferred action standing through VAWA in 2002 with help from Equal Justice, along with three of her children (two others were native-born US citizens). Ana's children adjusted to permanent residency a few years later, but Ana, who was legally inadmissible for adjustment because of briefly returning to Mexico to care for an ailing parent,²⁷ was blocked. When the U Visa remedy became available, however, Ana was able to apply for and obtain U Visa status in 2008, which facilitated a path to residency for her. In 2011, Ana was finally eligible to apply for a green card, and she returned to her attorney's office to prepare and sign the last documents. Lakhani interviewed her afterward. Ana, who had resided in the United States since the late 1980s, described that her stomach was in

knots. She linked her nausea to stress associated with the legal uncertainty that had plagued her life for decades, explaining, “to be waiting and thinking about whether they’re going to give it [residency] to me after this long, it’s difficult. . . . That’s something that makes one anxious.”

Besides affecting her physical and emotional well being, the unintended repercussions of immigration policies in Ana’s life damaged her sense of self-worth. Without LPR or citizen status, Ana perceived that others treated her as less than human:

I have received many forms of help that I couldn’t have without the VAWA and the U Visa. I could get a work permit, my social security card . . . I have Medi-Cal too. I could get food stamps, various things. For me this was very important. However, in reality I would like to be a citizen because I feel like when someone is a citizen, there isn’t as much discrimination [directed at that person] than there is for the illegals, for me. For the undocumented people there is a lot of discrimination. They always see us poorly, as if we were nothing.

Ana’s remarks are revealing. At the same time as she listed resources her two temporary, humanitarian standings had afforded her, she nonetheless included herself among “the illegals,” “the undocumented people” who were treated “as if [they] were nothing.” In underscoring the partial inclusion her legal standings provided, Ana’s comments echoed those of Yesenia, who, quoted at the beginning of this article, referred to herself as a “wetback,” a pejorative term for a recently arrived Latino/a undocumented immigrant. Yesenia felt like a “wetback” even though she had held U Visa standing for three years. Ana’s legal position also failed to yield the kind of social approbation she hoped for, and she was burdened by the lack of respect she sensed from others. This made it difficult to integrate more fully into society.

Asylum holders also experienced protracted waiting periods in anticipation of superior legal standing. Jamal fled his native Sudan in the 1990s after being detained and tortured several times by government figures for political activism. Residing in Los Angeles, he was granted asylum in the late 1990s and applied for permanent residency in 2007. He came to Equal Justice in 2010 seeking help because he had not yet received a decision from USCIS about his green card application and did not understand why. Lakhani was tasked with trying to discern if Jamal had been involved in any social groups in Sudan that USCIS might consider a “terrorist organization” as defined by the Immigration and Nationality Act (INA), the basic body of US immigration law. If yes, USCIS could be debating whether to label Jamal’s activities as “terrorism,” delaying the adjudication of his application in the meantime. A “terrorism” designation could make Jamal inadmissible for a green card. Even worse, it could land him in deportation proceedings. Under the Terrorism-Related Inadmissibility Grounds implemented in 2005, individuals associated with a group deemed a “terrorist organization” by the secretary of state or who have engaged in “terrorism-related activity” (including providing forms of

“material support” regardless of whether it was voluntary) may be barred from admission and made ineligible for most immigration benefits.²⁸

During several case meetings, Jamal conveyed that he was discouraged by how long he had had to wait for word from USCIS as compared to his friends and family members, many of whom had applied for and received their green cards in the time that his application had been pending. Before coming to Equal Justice, Jamal had tried to contact USCIS himself to determine the status of his petition. He called the phone number listed on his residency application receipt but ran into problems both reaching a USCIS representative and getting definitive answers to his questions. Exasperated, he relayed his experiences:

In your paper, when you check the case, they have [a] number to call them if you need something . . . That number is really hard to answer . . . I called them a lot and even I check with them about the time difference, the hours, because Nebraska [USCIS Service Center], I think, [has] different hours [than the USCIS Service Center in Los Angeles]. I wake up from 4:00 in the morning and I stay on the phone like this. Nobody answer[s]. [It was] like this [for] almost one week . . . [and] even [when] they answer, they took the information and everything and they told you . . . “Check next month for update.” Why they don’t tell me now?

Jamal’s inability to get helpful information from the Service Center about the status of his application caused him to view the entire US immigration system as unfair. He conveyed that while he knew green card applicants had to wait to become residents, he felt he had been patient for an excessive period. As a contributing member of US society, Jamal felt the country’s immigration system should “treat [him] better:”

I came here and I make asylum, and I stay here, I get my paper, everything. I’m working, I pay taxes . . . [and] still [I] get trouble. I think my point is just look for the people who have paid, who help the United States. It’s not fair. I can’t get the visa. Only if you’re a superstar, like a doctor or something like this, something top [can you obtain residency]. That’s what it seems [like].

Although he had already been given a form of legal status, he felt he was being punished and excluded by immigration legal authorities in ways that were so random and all encompassing that he felt powerless.

After months of research by EJLA advocates on the organizations Jamal was involved in when he was in Sudan, out of the blue in December of 2010, Jamal received his green card in the mail. Neither Jamal nor Equal Justice lawyers ever learned what was holding up his application, as granting permanent residency is discretionary and USCIS is under no obligation to justify inordinately prolonged decision-making processes.

Immigration attorneys have difficulty explaining to their anxious clients the indeterminacy of USCIS when adjudicating legalization petitions. In Network meetings Lakhani observed, a frequent topic of conversation among lawyers was the length of time certain types of applications were

lingering at USCIS offices. Attorneys at these gatherings tried to pool knowledge about their own individual casework to piece together a more comprehensive, representative picture of how “fast” adjudicators were moving at any given time. At the end of these discussions, significant ambiguity remained about the timing of decisions, with lawyers attributing a level of unpredictable “random[ness]” that no amount of strategizing could dispel. At a May 2011 meeting, one lawyer shared what an adjudicator recently told her: “nothing was impossible” when it came to application processing times. Adjudicators could evaluate legalization petitions within twenty-four hours of submission if they wanted to.

While “nothing was impossible” for immigration decision makers, immigrants subject to this and other forms of structural and symbolic violence faced multiple cumulative and intersecting social, economic, and psychological barriers as they went about their daily lives in precarious, humanitarian legal statuses. The repercussions of being “legal” but not necessarily “legally OK” plagued respondents’ lives—adding stress, lengthening their uncertainty, and reinforcing messages that they were undeserving and even inhuman in this country. Such destructive experiences not only make it difficult for immigrants in liminal, humanitarian legal statuses to integrate into US society in the immediate present but also decrease their chances of thriving over the long term, even if they ultimately acquire more stable, recognizable, and advantageous legal positions.

IMPLICATIONS AND CONCLUSION

Scholars are increasingly recognizing the significance of legal status in shaping immigrants’ short- and long-term integration prospects (Menjívar and Lakhani forthcoming; Heeren 2015; Gonzales and Chavez 2012; Menjívar and Abrego 2012; Donato and Armenta 2011). In the US context, there is a spectrum of legal standings ranging from undocumented status to citizenship. Immigrants’ position on that spectrum, which is dictated by their ascribed legal standing, determines their level of access to civic, social, and political rights in the country and to resources tied to those rights. As compared to their legally present counterparts, unauthorized immigrants tend to attain fewer years of education, earn less money from working, have less stable jobs, and experience minimal access to social services (Gleeson 2012; Passel and Cohn 2009; Hagan, Rodriguez, and Nika 2003). Too often, however, the discourse surrounding legal standing and associated rewards focuses on differences in socioeconomic opportunities and outcomes between immigrants who are “undocumented” and those who are “documented,” glossing over the numerous, unique, and internally stratified legal categories encompassed *within and between* those two groupings.

In this article, we examined immigrants’ experiences specific to four temporary, humanitarian legal standings that fall in between the notoriously

stigmatized undocumented status and the well-known, enduring residency and citizenship on the US legal status spectrum. These “liminal” (Menjívar 2006) legal statuses meant to provide humanitarian relief grant immigrants certain legal rights and protections in theory, but given the general lack of awareness of these statuses and the bureaucratic hoops associated with them, the standings do not guarantee access to resources in practice, particularly in a social context that is inhospitable to immigrants. Despite the humanitarian goals of these programs, their implementation creates vulnerability for immigrants. Recipients of these statuses are, therefore, limited in their ability to convert their legal standing to social inclusion. We argue that in a legal context that makes structural and symbolic violence against undocumented immigrants widely possible (Menjívar and Abrego 2012), those in temporary, humanitarian statuses are similarly vulnerable. Unable to consistently activate their rights by asserting entitlement to opportunities and protections vis-à-vis skeptical or hostile intermediaries, immigrants in temporary, humanitarian legal statuses have difficulty thriving.

Following the logic of recent laws prioritizing the identification and deportation of “criminal aliens,” individuals with humanitarian forms of relief should not experience social marginalization stemming from their legal standing. However, in this article we show how and with what consequences U Visa holders, TPS recipients, political asylees, and VAWA deferred action awardees are in fact vulnerable to blocked mobility, persistent fear of deportation, and instability, confusion, and self-blame—manifestations of the legal violence shaping immigrants’ incorporation in the United States today (Menjívar and Abrego 2012).

Indeed, in the current political context, the harsh consequences of dehumanizing immigrants affect not only undocumented immigrants but also those whose presence is legally approved. In the case of immigrants with EADs (whether received through VAWA, TPS, asylum, or U Visa status), they faced a level of scrutiny that when paired with vast misunderstandings of their rights and protections, frequently deterred them from procuring benefits to which they were legally entitled, stoked a fear of deportation, and produced prolonged instability and confusion. The more their legal legitimacy was questioned by suspicious employers, service providers, and prejudiced individuals, the more immigrants seemed to internalize a sense of blame for their marginalization, feeding a process of social and psychological alienation that prevented immigrants’ socioeconomic advancement and integration more broadly. Thus, we argue that the ability to project a valid legal identity to others is essential to mobilizing an approved legal status and to evading the consequences of structural and symbolic violence made possible through the contemporary immigration regime. Without more streamlined processes and more effective dissemination of information about these statuses, the complexities and fears immigrants grapple with will also thwart their full incorporation and mobility over the long term, whether or not they are eventually able to adjust to permanent residency. Our findings strongly

suggest that as immigrants are prevented from improving their lives through channels they had reason to believe American law and society would open to them, they begin to doubt the utility of their efforts to attain legal and social incorporation. This could lead to disinterest in civic and political participation, as others' work has suggested (Bloemraad 2006), with negative implications for American society at large. After all, members of a more positively integrated immigrant community are likely to be more invested in their schools, neighborhoods, and workplaces, thereby contributing to a stronger society in general.

Improvements need to be made to facilitate these immigrants' access to the resources theoretically provided by their statuses. For example, staff at public benefits offices could be updated annually on the different immigration statuses of potential clients and their associated benefits. Immigrant recipients of temporary, humanitarian standings could be given more paperwork that attests to their legal status, and/or business cards with a website, that they could present to service agency workers, employers, and others who want to know their status. Being able to more adequately signal belonging through legal legitimacy will likely allow immigrants to develop a stronger sense of belonging overall.

These matters are particularly important at this precise moment in history. Given the ongoing changes in immigration policies, programs like Deferred Action for Childhood Arrivals are creating greater numbers of liminally legal immigrants whose fates in the United States are tenuous and their legal protections limited. Moreover, in recent discussions about comprehensive immigration reform, legislators' most promising plans offer only a "provisional status" with narrow benefits to millions of currently undocumented immigrants. Under this plan, immigrant recipients would not be allowed to obtain permanent residency and citizenship for a decade or more.²⁹ It should be unequivocally clear from our findings how problematic these temporary legal statuses can be when they prevent immigrants from establishing firm roots in the country. Blocked from upward mobility and treated with disrespect, too many contemporary immigrants will be unable to develop a strong sense of belonging in the country, with negative consequences for the US social fabric.

NOTES

1. An EAD is a plastic, credit card-sized document that shows proof of the individual's authorization to work in the United States and contains a photograph of the individual. See <http://www.uscis.gov/news/fact-sheets/uscis-re-designs-employment-authorization-document-and-certificate-citizenship-enhance-security-and-combat-fraud-fact-sheet> (accessed August 13, 2015).
2. Permanent residents are colloquially known as "green card" holders for the color of the identity document they carry.
3. In this article, we examine immigrants' "social mobility" by evaluating their educational and career advancement.

4. We leave this term in quotes to denote the fact that the consequences do not match proponents' and law enforcers' discourse.
5. It can be difficult to obtain clear and comprehensive numerical data about the legal statuses of the US immigrant population from government sources (Massey and Bartley 2005). Recent legal scholarship places the number of immigrants in temporary legal statuses in the millions (Heeren 2015; Martin 2005). The slice of the immigrant population in temporary standings that we examine is small; a conservative estimate based on several government sources suggest that at least 450,000 immigrants in the United States currently hold political asylum, Temporary Protected Status, deferred action through the Violence against Women Act, and U Visa status. Nevertheless, we believe that immigrants with temporary legal statuses are likely to share some commonalities in their social experiences regardless of how their standing was derived, and therefore, that our findings are relevant to the larger population of US immigrants in temporary legal statuses.
6. See <http://www.uscis.gov/tools/glossary/nonimmigrant> (accessed August 13, 2015).
7. See <http://www.uscis.gov/humanitarian/refugees-asylum> (accessed August 13, 2015).
8. Asylees may no longer qualify for asylum status with the right to remain permanently in the United States if country conditions change in their home countries or if they no longer meet the definition of an asylee due to changed circumstances. Access to certain social services for asylees ends after designated time periods.
9. Currently, the only countries whose citizens are eligible for Temporary Protected Status in the United States are El Salvador, Guinea, Haiti, Honduras, Liberia, Nicaragua, Sierra Leone, Somalia, Sudan, South Sudan, and Syria. See <http://www.uscis.gov/humanitarian/temporary-protected-status-deferred-enforced-departure/temporary-protected-status#Countries> Currently Designated for TPS (accessed June 6, 2015).
10. Technically, "deferred action" through VAWA or other means (such as the more recently enacted Deferred Action for Childhood Arrivals) does not constitute lawful immigration status. Obtaining "deferred action" means that the Department of Homeland Security has deemed an individual a "low priority" for immigration enforcement efforts that in recent years have prioritized the identification and removal of "criminal aliens." See, e.g., <http://www.ice.gov/removal-statistics/> (accessed March 30, 2013).
11. Under a variety of health-, criminal-, and security-related grounds, among others delineated at section 212(a) of the Immigration and Nationality Act, individuals applying for US immigration benefits may be deemed "inadmissible" to receive legal standing (that is, ineligible to be admitted to or remain in the country lawfully). A determination of inadmissibility may also result if individuals are considered likely to become public charges, or if they entered the country illegally, or committed other immigration violations.
12. For a list of qualifying crimes, see <http://www.uscis.gov/files/form/i-918instr.pdf> (accessed February 1, 2013).
13. See <http://www.uscis.gov/tools/reports-studies/immigration-forms-data/data-set-form-i-918-application-u-nonimmigrant-status> (accessed June 6, 2015).
14. U Visa holders may be eligible to apply for residency as long as they are not inadmissible to the United States and have complied with any reasonable requests for assistance in the investigation or prosecution of the crimes, among other requirements (Kinoshita et al. 2012).
15. All aspects of Abrego's and Lakhani's research received Institutional Review Board (IRB) approval (Abrego: University of California, Los Angeles IRB #G04-03-080-04; Lakhani: University of California, Los Angeles IRB

- #11-002773; American Bar Foundation IRB approval). Conducting research inside legal organizations, Lakhani was attentive to issues surrounding attorney–client privilege. Lakhani consulted with a legal ethics expert who indicated that because the research would occur in the context of clients working with attorneys pursuant to their legal cases, as long as the information discussed in research findings was invoked anonymously and without attribution to any clients, Lakhani would not abridge or otherwise impact the attorney–client privilege. In accordance with IRB protocol, Lakhani disclosed her researcher role to the organization and to each attorney and immigrant client she worked with and observed (for a more detailed account of study methods and relevant ethical considerations, see Lakhani [2013b]).
16. “Equal Justice of Los Angeles” is a pseudonym used to protect study participants.
 17. The gender and regions of origin of Lakhani’s interviewees are as follows: U Visa recipients ($n = 25$; all women; all from Latin America); asylees ($n = 11$; 6 women, 5 men; 5 from Africa, 3 from Asia, 3 from Latin America); and VAWA holders ($n = 4$; all women; all from Latin America).
 18. Given the racialization process in the United States that equates all Latinos with undocumented immigrants, it is likely that Latino immigrants are especially targeted and excluded (Ponce 2012). We do not, however, have enough variation among our study participants to appropriately address differences in experiences by race. More generally, it is probable that immigrants’ gender, race, and social class also shape their integration experiences in temporary, humanitarian legal statuses, and future work on this population should examine how variations in these characteristics alter immigrants’ ability to convert these forms of legal legitimacy to social legitimacy.
 19. US immigration laws allow legal decision makers to deny applications for permanent residency if they determine that immigrants are “likely to become a public charge.” Although drawing cash assistance can contribute to a public charge determination, noncitizens holding humanitarian legal statuses may draw any resources for which they qualify without it “counting” towards a public charge determination (Broder and Blazer 2011).
 20. At the time of interview, in 2011, U Visa holders were not eligible for federal or California state financial aid. Effective January 1, 2013, California law AB 1899 (“Postsecondary Education Benefits for Crime Victims”) conferred U Visa holders with eligibility for the same state financial aid and nonresident tuition exemption as undocumented AB 540 students. See http://www.e4fc.org/images/E4FC_CADAGuide.pdf (accessed April 5, 2013).
 21. Individuals who have been granted TPS are required to apply for an EAD as part of the TPS application process. See <http://www.uscis.gov/humanitarian/temporary-protected-status-deferred-enforced-departure/temporary-protected-status> (accessed August 13, 2015).
 22. See *ibid.*
 23. At that point, it becomes very difficult to regain TPS. See *ibid.*
 24. Unlike immigrants with deferred action via VAWA, U Visa holders are eligible to apply for a waiver of most inadmissibility issues (Kinoshita et al. 2012). In Nina’s case, having entered without inspection at the border would no longer prevent her from applying for LPR status.
 25. The identities of individuals whose VAWA and U Visa applications are denied are not supposed to be conveyed to ICE or forwarded to an immigration court for removal proceedings, but asylum seekers and TPS applicants are promised no such protection (Kinoshita et al. 2012). Nevertheless, as the lawyer’s comments suggest, any time undocumented immigrants or immigrants in precarious legal standing expose themselves to immigration authorities, their actions carry risk.

26. All immigrant petitioners must demonstrate “good moral character.” Precise requirements vary. In practice, good moral character means staying out of trouble with the law altogether and acting in civically-expected ways, as the assessment of good moral character is determined on a case-by-case basis by legal authorities (Lakhani 2013a; Lapp 2012).
27. By living in the United States for more than a year without authorization, leaving the country, and reentering, Ana accrued what is known as “unlawful presence.” Because Ana’s departure and return were not associated with the abuse she suffered that made her eligible for deferred action through VAWA, her unlawful presence was considered a permanent bar to adjustment to residency, an inadmissibility issue that was not waivable (ILRC Staff Attorneys 2013).
28. See <http://www.uscis.gov/laws/terrorism-related-inadmissibility-grounds/terrorism-related-inadmissibility-grounds-trig> (accessed August 13, 2015).
29. See, e.g., <http://www.nytimes.com/2013/04/11/us/politics/bipartisan-group-of-senators-agrees-on-outline-of-immigration-bill.html?pagewanted=all> (accessed April 12, 2013).

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