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Intersectional Illegalities:

Latina/o/x Undocumented Young Adults and The Marriage-Based Legalization Process

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in Chicana & Chicano Studies

by

Lucia Praxedis Leon

2022

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ABSTRACT OF THE DISSERTATION

Intersectional Illegalities:

Latina/o/x Undocumented Young Adults and The Marriage-Based Legalization Process

by

Lucia Praxedis Leon

Doctor of Philosophy in Chicana & Chicano Studies

University of California, Los Angeles 2022

Professor Leisy Janet Abrego, Chair

This dissertation examines Latina/o/x young adults' interactions with law as they navigate and create meaning out of the invasive bureaucratic process of legalization through marriage. I draw on three years of participant observation between 2016 and 2020 and longitudinal interviews with 36 heterosexual and LGBTQ young adults in Southern California. I argue that for young adults the intersecting mechanism of illegalization and regularization produce a challenging entry into legality and imprint negative effects on their intimate lives and legal incorporation.

In Chapter Two, I theorize *constricted agency* as young adults' negotiation and enactment of restricted actions to counter the stressors of fear and powerlessness that emerged during the Trump Era and the ensuing attacks on DACA and the Immigration System. I

emphasize the structural factors that constrict young adults' actions and the ways they negotiate fear to create strategies of protection and preservation. In Chapter Three, I examine how the compounding health, economic and political precarities present during the onset of the COVID-19 pandemic shaped young adults' passage through legalization. In the face of compounding forms of precarity, young adults drew on their prior knowledge of navigating illegality to develop an *oppositional legal consciousness* – as a navigation of law that allows for more liberatory and fulfillment-seeking actions. In Chapter Four, I theorize the process of becoming legal as a *transition towards legality* – a navigation of the shifts in changing legal statuses that involve a contention with the legal violence embedded in the laws and systems that produce (il)legalization. I examine laws' harmful effect on young adults as they face conflicting feelings of relief and guilt and contemplate their identity and sense of belonging. They also experienced negative effects to their health; they developed chronic illnesses, anxiety and depression stemming from the coupling of prolonged illegality and regularization. In Chapter Five, I offer the implications of this work, future directions and recommendations. In a research field that rarely studies the lasting effects of legalization, particularly of young adults, my interdisciplinary work expands the scope of legal consciousness to capture the long-term consequences of law on identity, belonging, health and legal incorporation.

The dissertation of Lucia Praxedis Leon is approved.

Robert C. Romero

Matthew Alejandro Barreto

Teresa Cecilia Menjívar

Leisy Janet Abrego, Committee Chair

University of California, Los Angeles

2022

DEDICATION

To all the immigrant young adults who generously shared their stories and reflections.

And to all undocumented immigrants and their families.

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National Association of Chicana and Chicano Studies, Online, April 14, 2021: Panelist,
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CHAPTER ONE: LATINA/O/X YOUNG ADULTS AND LEGALIZATION

Do you think you've found your person? Someone you want and plan to be with and really love? Because with the amount of emotional energy and stress and time investment and financial investment that's involved in the process, you got to have someone who has your back and is willing to go to bat for you. Going through my adjustment, someone asked me, "So do you think that it would be easy to do a green card marriage?" And I'm like, "No! Are you fricking kidding me?" I was kind of offended by that. Because I feel I've lost years of my life due to chronic stress that this country has put me through. It's almost laughable that this green card means so much. It's so inhumane. Because it's so tolling and taxing, especially with my dilemma of unlawful entry. It was so stressful to deal with it. Everything about you is put into question. I heard horror stories about really intimate questions about your sex life. I came out of it really battered.

Wendy arrived in Los Angeles at the age of three. Now, as a 28-year-old she reflected on the cost of growing up undocumented and on her attempt to become legal. Like Wendy, there are nearly 2 million undocumented young adults in the U.S. They have navigated a lifetime of illegalization and of wanting to regularize their status, but there are few legal pathways in the US for undocumented immigrants to become documented. Marriage is one of those limited options – in fact, it is the most common for the generation that has attained Deferred Action for Childhood Arrivals (DACA). However, as Wendy explains, it is also a complex, high-risk and emotionally involved pathway that can propel immigrants into legal inclusion or if denied, expulsion through deportation.

Using interdisciplinary methods, my work locates key moments in the legalization process when undocumented and recently legalized¹ young adults must assert their own agency and belonging while their legal right to be present in the country is being questioned by state bureaucrats with great discretionary power. When legalizing through marriage, also being questioned is the authenticity of their romantic relationship, creating added stressors to an already intricate legal process. In this dissertation I examine how heterosexual and LGBTQ Latina/o/x young adults navigate these limited and invasive options and what they learn about belonging and unbelonging as a result. Societal messages are resoundingly clear: marriage is for selfless love, and never for material gain. How do undocumented immigrants navigate (and create meaning) – simultaneously as lovers and as state subjects – out of this invasive, high-stakes and bureaucratic legal process for love *and* for papers? And what do their experiences teach them about their place in U.S. society?

For undocumented young adults, their undocumented status renders them subject to the *production of illegality* – the social, political and legal condition of existing outside of the law produced by the state (De Genova 2002). Distinctively, as the 1.5 generation, their young age of

¹ In my conversations with young adults, I gained a deeper understanding of the term, “undocumented” as a complex concept with various meanings. Folks discussed undocumented to signal an immigration status, an identity, political commitments and/or ideology. Out of respect for the spectrum of reflections shared with me, in the writing of this dissertation I use various terms that center on the axis of legal status. I utilize, “undocumented” to refer to immigrants who at the time of the interview were residing in the U.S. without legal status. To denote the experiences of participants who, at the time of the interview, were conditional or legal permanent residents, I use the terms, “U.S. residents” and “recently legalized” to acknowledge the change in legal status. I use “U.S. citizen” or “naturalized citizen” for participants who at the time of the interview had undergone the naturalization process. In chapter five, I offer an analysis of the difficulties of navigating shifts in legal status and identity, particularly tied to conversations around undocumented identity and fears of the erasure of an undocumented experience that centrally shaped their lives for so many crucial years. These preoccupations also signal the importance of language when theorizing issues of illegality, changing immigration statuses, identity and representation.

arrival to the United States grounded their experience in the educational context with similar socialization experiences as their U.S. born counterparts (Abrego 2006, 2008; Abrego and Gonzales 2010; Gonzales 2011, 2016; Gonzales and Chavez 2012). As they entered youth and young adulthood, their construction as *impossible subjects*, whose inclusion is both a social reality and a legal impossibility (Ngai, 2004), created foundational knowledge on the ways illegality and age of migration impact undocumented young adults' political mobilization and life course (Abrego 2008, 2011; Gonzales 2011, 2016; Gonzales, Heredia, and Negrón-Gonzales 2013; Negrón-Gonzales 2013; Nicholls 2013). As members of the 1.5 generation aged into different life stages, scholarship expanded beyond the educational and activist focus and into examinations of their social sphere of family life, including dating, marriage and parenting experiences (Cebulko 2015; Enriquez 2017, 2020; Leon 2020; Pila 2016; Valdivia 2021). My dissertation extends this approach by examining the contemporary and intersectional experiences of Latina/o/x undocumented and recently legalized young adults through their trajectory into new family formations and their process of legalization through marriage.

Notably, while marriage to a U.S. citizen or resident is not an automatic pathway to legalization, for some members of the 1.5 generation, this new family formation deems them eligible for legalization under family reunification processes. Generally, migrants who entered the country with inspection, such as with a visa, are eligible to apply when they marry documented partners. However, for those who entered the country without authorization, their unlawful entry and subsequent unlawful presence places significant barriers by triggering a potential 10 year-bar² from the U.S. Yet, the passage of *Deferred Action for Childhood Arrivals*

² The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) set three and ten-year bars to re-entry for migrants who entered the country without inspection. Migrant's

(DACA)³, allowed some recipients to be considered lawfully present though not with legal status.⁴ Others were able to enter the country with permission through *Advanced Parole*,⁵ a dispensation permitted for DACA-recipients. These options opened the door for some to become eligible to apply through marriage-based Adjustment of Status (AOS) petitions.⁶ With exceptions, for undocumented young adults of the 1.5 generation, their ability to legalize is largely facilitated by a complex convergence of their entry into family reunification categories and the emergence of temporary policies that provided reprieve from previous barriers.

Research Questions

For this dissertation, I examine how 1.5 generation Latina/o/x young adults in heterosexual and same-sex marriages negotiate the marriage-based legalization process. With a conceptual framework drawing from key bodies of migration literature, I combine intersectional and legal consciousness frameworks to examine how undocumented and recently legalized young adults' immigration status intersects with other social markers during the legalization process. From this inquiry stem the following research questions:

length of unlawful presence in the U.S. determines the number of years migrants are banned from applying to legal permanent residency.

³ Deferred Action for Childhood Arrivals (DACA), a 2012 executive order signed by former President Barack Obama, granted eligible undocumented youth temporary work permits and relief from deportation for a renewable period of two years.

⁴ DACA beneficiaries are considered to be lawfully present, meaning for admissibility purposes they are not accruing unlawful presence. However, they are not considered to hold a lawful immigration status.

⁵ Advanced Parole allowed some DACA beneficiaries to apply for permission to travel abroad for humanitarian, employment or educational purposes.

⁶ As will be discussed later in this chapter, in some cases additional documents have allowed some immigrants with unlawful entry to gain eligibility. For example, Provision INA 245(i) allowed some undocumented applicants to adjust within the U.S.

- 1) In the contemporary period, what various related laws, policies, and practices have shaped the legalization through marriage options for 1.5 generation young adults?
- 2) Given the high stakes and the many technicalities of the law, how does the process inform young adults' legal consciousness about legalization?
- 3) How do race, gender and sexuality play out in the legalization process for young adults?
- 4) How do undocumented young adults transition to legality?
- 5) What are the effects of the legalization process on young adults' identity, sense of belonging, and health?

To investigate these questions, I employed a qualitative research design of longitudinal interviews with thirty-six Latina/o/x undocumented and recently legalized migrants and three years of ethnographic fieldwork in Southern California. Interviews focused on the experiences of heterosexual and LGBTQ migrants at various stages of the legalization process. To more holistically understand legalization as a legal process, I also conducted interviews with attorneys, paralegals, and participant observation during in-person and virtual events. This method illuminates the mutually constitutive relationship between migrants and brokers of the legalization process that shape the strategies enacted to legitimize migrant's claims to legal residency.

Chapter One Description

In this chapter I introduce the dissertation topic, theoretical framework and methodology of the dissertation. I present the study of legalization through marriage as an important and timely topic for Latina/o/x young adults and outline this projects' significance and potential contributions to the study of 1.5 undocumented young adults and migration research. I outline my conceptual framework by drawing on five major bodies of literature – the production of

illegality, racialized illegalities, 1.5 generation undocumented young adults, first-generation migrants and family reunification experiences, and sexuality of migration. To tether this study in an examination of law, I outline how the current legalization through marriage operates. I end the chapter with a description of the methodology and empirical chapters of this dissertation.

Significance

Empirically, few studies have examined how immigrants engage with U.S. immigration law during the legalization process and how the process itself can have lasting effects on immigrant applicants who engage with law during regularization (for a notable exception, see (Menjívar and Lakhani 2016). This is a significant gap within studies on undocumented young adults as this generation has been found to have constant interactions with immigration laws that target them as a set of immigrants with distinct social characteristics (Abrego 2011; Gonzales 2016). While some undocumented youth found protections in the education system and political engagement, for others the consequences have been more dire as they experience the detention and separation of their families and adverse effects on their physical bodies and mental health due to daily stressors of illegality (Aranda and Vaquera 2015; Mena and Gomberg-Muñoz 2016; Unzueta Carrasco and Seif 2014, 2014). While the consequences of illegality are undeniably onerous, this generation has resiliently continued to mobilize, adapt and prosper.

Through these efforts, some find themselves limited to the marginal inclusion of temporary programs such as *Deferred Action (DACA)*. Nevertheless, under the previous Trump administration and the continuing national renewal of xenophobia and nativist discourse, even those with temporary reprieves once again find themselves in legal limbo as the program continues to be under constant threat. The Trump administration lived up to its central 2016 campaign promises to prosecute undocumented immigrants and vet all attempted legal

admissions (Pierce, Bolter, and Selee 2018). And while Biden ran on a promise to aid immigrant communities, his administration has continued Trump Era programs that make possible the increased criminalization, detention, and deportation of migrants. Moreover, the ensuing economic and health impacts of the global COVID-19 pandemic continue to disproportionately affect Latino and immigrant groups. Consequently, the precarious legal situations of undocumented and recently legalized young adults, coupled with the co-optation of their lives within the polarized political debates, leave this generation increasingly susceptible to the consequences of immigration law. Undocumented and recently legalized young adults' experiences therefore offer a unique position from which to examine the potential effects of the law on the lives of a generation that is both excluded and arguably deeply included in sociopolitical life in the United States.

To examine how young adults navigate the effects of law, I employ a legal consciousness framework (Ewick and Silbey 1998) – which makes visible how people interpret, experience, and apply the law to their lives. Similar to other scholars of migration, this framework allows me to illustrate both the power of the state and the agency of migrants as they make pragmatic and innovative changes in the face of immigration law and processes (Menjívar and Lakhani 2016). A focus on the mechanisms of law also allows me to empirically examine the harmful ways that laws and processes affect migrants' daily lives and incorporation (Menjívar and Abrego 2012). In a research field that rarely studies the lasting effects of legalization, particularly of young adults, my dissertation also expands the scope of legal consciousness to capture the consequences of law on young adults' trajectory into adulthood, their relationships, for their sense of self and belonging, and their incorporation as legal immigrants in the U.S.

As the conceptual framework of this study demonstrates, I also incorporate an intersectional framework to interrogate how illegality intersects with other markers of social location to create diverse experiences among Latino migrants (Abrego 2014b; Aranda and Vaquera 2015; Herrera 2016). Emerging scholarship on legalization, for example, demonstrates that U.S. immigration laws and regularization intersect with migrants' social location to create and maintain racialized, gendered, and heteronormative hierarchies (Gomberg-Muñoz 2017; Salcido and Menjívar 2012). To date, however, scholarship on regularization has emphasized intersectional frameworks only within a heteronormative context (Dreby 2015; Enriquez 2017; Gomberg-Muñoz 2016; López 2021; Menjívar and Lakhani 2016; Salcido and Menjívar 2012), – leaving the nexus of sexuality and (il)legality unexamined. On the other hand, sexuality has grown as an axis of study within the context of migration (Cantu 2009; Carrillo 2017; González-López 2005). Theoretically, a key contribution of my dissertation is this expansion of an intersectional analysis of legalization that includes the examination of sexuality and experiences of same-sex marriage and LGBTQ migrants since the historic repeal of the 2015 Defense Against Marriage Act.

Positionality: Undocumented Lived Experience

This project developed from my own political, personal and intellectual trajectory. I am deeply committed to this work based on my political mobilization with immigrant youth and families in Southern California. Through the years, we organized various local, state and federal campaigns to advocate for immigration reform, federal and state DREAM Acts, and other social issues addressing the diversity of immigrant groups. More deeply, this research is shaped by my own experience as a formerly undocumented person, who only recently legalized. Through my own journey of (il)legalization and ongoing conversations with undocumented peers entering similar pathways, I have gained intimate knowledge of the marriage-based legalization process.

My research is motivated by a larger goal to develop a more complete and nuanced understanding of the complexity of undocumented life in the United States – through the lens of the undocumented people affected by illegalization. My theorization and writing process has evolved through a practice of reflexivity as I have grappled with the nuances of voice, intention, and accountability. My focus for this dissertation has been to theorize how undocumented and recently legalized young adults navigate the process of legalization holistically and by centering their full humanity. When appropriate, I chose to highlight their agency – their thought process and the complicated ways they make decisions about the best course of action under difficult circumstances. In doing so, I underscore an analysis of empowerment. To tell their stories more fully, I relied on an approach of reciprocity – often sharing my own story of migration and process of obtaining legal status during our conversations. As such, this project centers our experiences and points of view as illegalized people, whose stories must be treated with dignity and told in complete accounts of the messy parts where we fight for our humanity.

This dissertation also comes during my timely collaboration with a workgroup collective of undocumented and formerly undocumented graduate scholars and practitioners. Drawing on our grounded knowledge and academic training, we are generating methodological and theoretical papers to address the unique challenges and strengths in the research process for immigrant scholars theorizing illegalization. These efforts by and for undocumented and formerly undocumented scholars are part of a broader effort to advance the field of immigration studies and support the equity work that will generate new pathways for immigrant scholars. My undocumented lived experience is therefore a praxis to engage embodied knowledge in theoretical work and equity initiatives.

Conceptual Framework

My conceptual framework stems from my review of existing literature – within the areas of the production of immigrant illegality, racialized illegalities, 1.5 generation undocumented young adults, first-generation migrants and family reunification experiences and sexuality of migration. I bridge these areas of study to capture the best analytical tools and practices, which in-turn I will utilize to examine young adults' intersectional experiences with legalization.

First, I center the theoretical frameworks of the *production of immigrant illegality* that inform the historical and sociological studies of immigration policy, immigration and immigrants. Within this section, I discuss emerging theorists of racialized illegalities and how their shift to include race into the study of illegalities opens the door for more intersectional work. Although immigration law and processes are presumed to be neutral to markers of difference, intersectional work examines how social markers intersect to produce differential experiences and consequences for diverse immigrant groups. Second, I examine foundational scholarship on the 1.5 generation undocumented youth, including the emerging scholarship on family formation. Third, I review the scholarship on the family reunification process among first-generation immigrants to consider best practices for the analysis of regularization. I also address considerations for an analysis of sexuality, as an axis underrepresented in regularization and immigration studies more broadly. Lastly, I detail how a legal consciousness framework best captures the nexus of immigrating law and social life.

The Production of Diverse Experiences of Immigrant Illegality

Sociocultural anthropologist Nicholas De Genova (2002) and sociolegal historian Mae Ngai (2004) argue that the production of illegality is done through immigration law in specific historical ways. Illegality, like citizenship, is a social, political, and legal condition of that

produces deportability, the everyday surveillance and ever-present possibility of deportation (De Genova 2002). Immigration restrictions consequently lead to the production of the *impossible subject* – “a new legal and political subject, whose inclusion within the nation was simultaneously a social reality and a legal impossibility” (Ngai 2004:4). This production is neither natural nor neutral, rather a sociohistorical racialized project of the state to exclude Asian and Mexican nationals from the nation’s imaginary. De Genova and Ngai’s theorization of the production of immigrant illegality situates the contemporary approach to examine legal context as pivotal in immigrants’ lives. Drawing on their approach, I move away from assimilationist theories towards a grounded examination of law, its “instrumentality and historicity in shaping migrants’ sociopolitical life” (De Genova 2002).

The racialized history of illegality continues to play a role in contemporary immigration (Menjívar 2021). Notably, the Immigration Act of 1924 placed racially restrictive national caps to migrants from the Western Hemisphere (Hernández 2010), failing to accommodate waves of migration and forcing migrants into prolonged indeterminate statuses. While the 1965 Immigration and Naturalization Act eliminated the quota system, it simultaneously privileged nuclear family ties for reunification. Twenty years later, the 1986 Immigration Reform and Control Act provided amnesty to millions of undocumented immigrants while simultaneously criminalizing undocumented workers – leaving lasting impacts for the merging of immigration and criminal law for Latin American migrants (Coutin 2000; Hagan 1998).

A decade later, The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, increased border enforcement; expanded deportation through the inclusion of noncriminal offenses and retroactive offenses on legal residents; and eliminated mechanisms to fight deportation orders (Coutin 2000; Golash-Boza 2012). The 1980s and 1990s also influenced

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 (Abrego 2014b; Coutin 2000; Hagan 1998; Menjívar 2000). These series of restrictive and punitive discretionary immigration policy changes produce illegality in racialized and unequal ways that limit Latin American undocumented migrants from obtaining legal status, thereby determining much of their life course.

Contemporary migration scholars have developed frameworks that examine the differential experiences of illegality across immigrant social locations (Menjívar 2006; Menjívar, Abrego, and Schmalzbauer 2016; Menjívar and Kanstroom 2014). Cecilia Menjívar argues that in the study of the *production of illegality* and citizenship we must also include how immigration law produces in-between statuses that affect immigrants' belonging and exclusion (Menjívar 2006). Her conceptualization of *liminal legality*, as a legal position "characterized by its ambiguity, as it is neither an undocumented status nor a documented one but may have the characteristics of both" (Menjívar 2006:1008), explains the prolonged grey spaces of in-betweenness and ambiguity for migrants. She finds that among Salvadorans and Guatemalans, *liminal legality* spills over into their immediate sphere of social networks and family life. Conceptually, her framework moves beyond examinations of the labor force or access to services and into the sociocultural sphere to examine how *liminal legality* affects Central American migrants unequally. As I focus on undocumented young adults from Latin America, *liminal legality* helps conceptualize how this generations' in-between statuses – created through their social inclusion and legal exclusion and through policies like DACA that mark them lawfully present without lawful status – inform areas of their sociocultural lives, such as family formations and regularization. Moreover, Leisy Abrego argues that illegality intersects with

other forms of social location, namely gender and generation, to create diverse experiences among Latino migrants (Abrego 2014a). My dissertation follows her line of inquiry by further interrogating how social location shapes experiences of illegality intersectionally and how these differences create further inequalities for members of the most vulnerable groups.

A material examination of law is also central to Menjívar and Abrego's (2012) lens of *legal violence*. Focusing on the effects of law on immigrants' incorporation, particularly the hidden and violent effects, Menjívar and Abrego argue that a legal violence lens has the "ability to capture physical, structural, and symbolic violence, as these are made possible through the law, exposes the intertwined nature of these forms of violence, as one form begets another, and allows the recognition of violent consequences of the law when they are present, particularly when these are perpetuated and embedded in structures of domination" (2012:1413). By examining Central Americans' spheres of family, work, and school, they demonstrate that legal violence shapes everyday life and places families under constant restriction and social suffering. This form of violence is *legal* precisely because it is imbedded in legal practices, sanctioned and legitimized through formal structures of power, and then publicly accepted and respected. I draw on a *legal violence* framework to capture the conditions and experiences of young adults through the process of their illegalization and regularization and to expose the harmful ways immigration law manifests in their intimate lives.

My dissertation draws from the contemporary literature on the *production of illegality* to interrogate how "illegality" is produced legally and historically across various axes of difference. A historical grounding is also critical as scholars of migration have urged us to consider the long history of structural racism embedded in U.S. immigration law (Menjívar 2021). The next

section discusses how racialized illegalities provides the analytical tools to study the diversity of Latino groups.

Racialized Illegalities

Theorists of racialized illegalities employ intersectional frameworks to examine how the production of illegality is enacted differently across Latinos' social location. Collectively, these scholars have been empirically concerned with producing knowledge that distinguishes migrations and refuses a generic immigrant experience. Herrera (2016) conceptualizes *racialized illegalities* to examine the differential experiences of illegality between Indigenous and nonindigenous Latino workers in Oakland, California. He argues that most studies focus on the role of the state and institutions, which can lead to a homogenization of Latino workers as undocumented Latinos with a shared sense of illegality. However, in examining the micro-practices, he demonstrates that racialization among Latino workers start before migration and hierarchized in the US to produce unequal wages, spatial segregations, and discrimination. His work urges us to consider how race is also formed out of other social markers such as language, skin color, and economic conditions that arise from his informants' interactions. My dissertation draws on his examination of racialized illegalities as both a state institution process and a product of the social conditions of migrants, to analyze how undocumented Latina/o/x young adults experience illegality differentially across various markers of racial difference.

With a focus on race and gender, Golash-Boza and Hondagneu-Sotelo (2013) investigate the mass deportation of Latin American and Caribbean men of color as a *gendered racial removal project*. Building on Ngai's concept of *racial removal*, they argue that the deportation project has shifted to a gendered process through heightened male surveillance, male joblessness, and discourses of men as disposable. Post 9/11 the shift towards interior enforcement led to

deportations becoming a *gendered and racial removal project* of the state, producing gendered implications not just for the targeting of men but also the consequences for women and children left behind. Aranda and Vaquera (2015) examine the social ramifications of the *gendered and racial removal project* on the lives of undocumented young adults in Florida. They argue that immigration policies once considered to be rooted in racism shifted into more covert and colorblind language. The new enforcement regime is a product of structural and systemic racism, reliant on racial discursive practices and racial profiling, that differentially targets and discriminates against Latinos and those associated with Latinidad (Aranda and Vaquera 2015). In turn, these racialized immigration policies have negative spillover effects that further perpetuate racial inequalities and isolation in young adult's lives, education, work, relationships and mental health. Like Herrera (2016), they examine micro-level incidents of racial profiling targeting immigrants by phenotypes, skin tone, and other markers of foreignness. These occurrences are experienced differentially depending on skin tone and the ability to capitalize on situational white privilege.

I draw on these studies on racialized illegalities as they do the important work of moving scholars towards further intersectional work. Drawing on the analytical work on the *gendered racial removal project*, I further this line of inquiry as I analyze how racialized immigration policies affect young adults' experiences with the state through their process of regularization. As the next section shows, the literature on undocumented youth, while focusing on generation primarily, is now strengthening its paradigms with intersections of social life and its juncture with gendered and racialized aspects of illegality.

1.5 Generation Undocumented Young Adults

Previous research on 1.5 generation undocumented youth established the analysis of illegality and generation to highlight the impact of undocumented status on everyday lives and outcomes, prominently within the education. For this generation, the public educational system (K-12) provided undocumented students with a positive sense of self, as the protection and inclusion of educational policies helped them ameliorate negative stigmas due to their illegalization (Abrego 2006, 2008; Gonzales 2011, 2016). For some youth, their ability to renegotiate fear, shame and stigma associated with their legal status materialized into an engagement with political mobilization (Abrego 2008, 2014a; Negrón-Gonzales 2013). In contrast, those who entered the employment sector felt excluded rather than protected by employment policy. In response, they developed coping mechanisms, adapted aspirations, and accepted the potential of a permanent undocumented status (Gonzales 2016).

Because this generation has been dominantly shaped by their in-between statuses, much of the literature focuses on their political mobilization, particularly activism for the federal DREAM Act which would have granted a pathway to legalization. Genevieve Negrón-Gonzales (2013) finds that Latino youth in California develop an *oppositional consciousness*, as an empowered mental state originating from their daily confrontations with fear, shame and exclusion produced by their immigration status. Their transformations at the personal level, in turn inform their empowered political engagement during the early 2000s hostile political climate. However, after the failure to pass DREAM Act in 2010, undocumented youth began to shift away from the DREAMER narrative and frameworks of worthiness towards narratives that challenge the narrow definition of citizenship (Abrego and Negrón-Gonzales 2020; Pallares 2014; Unzueta Carrasco and Seif 2014).

With the exception of few studies examining queer youth’s leadership in the immigrant rights movements (Portillo Villeda et al. 2015; Solórzano 2020; Terriquez 2015), little is known about the nexus of generation and sexuality among this generation beyond activism. Nonetheless, these studies demonstrate the historical presence of queer migrants in organizing as they employ intersectional tactics of “coming out” as both queer and undocumented (Terriquez 2015). In their activism they challenge the traditional heteropatriarchal movements that drive immigration reform and address the specific hardships faced by LGBTQ migrants (Portillo Villeda et al. 2015) and extend the potentiality of intersectional activism (Terriquez 2015). In the absence of further examinations of LGBTQ migrants beyond activism, my work will fill this gap in the literature of 1.5 generation undocumented migrants outside of their political mobilization and into social life.

This generation’s high-profile visibility and activism made possible the implementation of Deferred Action for Childhood Arrivals (DACA), a 2012 executive order signed by former President Barack Obama. In 2022, approximately 640,000 undocumented young adults are current DACA beneficiaries⁷. In its original form, beneficiaries received a work permit and relief from deportation for a renewable two-year period⁸ and were able to obtain State ID’s, Driver’s licenses, and other forms of reprieve and opportunities. Some were eligible to request Advance Parole (AP)⁹, which allowed them to temporarily leave the U.S. for humanitarian, employment and educational reasons. DACA’s immediate and long-term economic and educational benefits

⁷ See https://www.uscis.gov/sites/default/files/document/data/DACA_performancedata_fy2021_qtr1.pdf

⁸ See <https://www.uscis.gov/DACA>

⁹ See <https://www.uscis.gov/i-131>

are well documented and utilized to push for a pathway for legalization (Abrego 2018; Aranda, Vaquera, and Castañeda 2020; Gonzales et al. 2014; Wong et al. 2013). Scholars have also focused on DACA's impact on migrant health (Hainmueller et al. 2017; Siemons et al. 2017). While studying the impact of these grey spaces of inclusion is important, undocumented youth and young adults' immigration statuses are not resolved, rather their partial inclusion is constantly under threat. Drawing on this foundational literature of the 1.5 generation, I advance this area of study beyond the educational and activism realm and into the nexus of family formations and process of obtaining legal status.

1.5 Generation and Family Formations

To date, few researchers examine 1.5 generation immigrants' areas of social life, including their adulthood and family formations. Pila's (2016) study of undocumented activists reveals their immigration status negatively impacts their romantic relationships by impeding their ability to adhere to normative expectations of dating and courtship. These impediments are gendered. While men's legal status made it more difficult to fulfill normative gendered responsibilities, gendered expectations provided a certain degree of agency. On the other hand, undocumented women were more likely to identify inequalities and vulnerabilities of being an undocumented partner. Despite these differences, both genders faced levels of exclusion that negatively affected their romantic relationships, making the impact of their legal status salient in the beginning stages of family formations.

Similarly, Enriquez (2017) examines *gender schemas* to argue that the ideologies of dating, marriage, and parenting are similar to those learned by second-generation children of immigrants who acculturate to U.S. middle-class gendered norms. Whereas men demonstrate the highest barriers when negotiating gendered roles as providers and protectors during the transition

to more permanent partners, women's highest barriers occurred when transitioning to wives and mothers as they faced expectations as dependents and caregivers. Ultimately, she suggests that men's gender roles are the most incompatible with their undocumented status, affecting their level of agency in family formation more deeply. Further, Enriquez (2017, 2020) conceptualizes *multigenerational punishment* to argue that illegality spills over from the undocumented 1.5 generation parent to the family as a unit as a de facto undocumented status and punishment for U.S. citizen spouses and children. Following mixed-status families through their dating, marriage and parenthood, she maintains that *multigenerational punishment* impedes the upward mobility of mixed-status Latino families (Enriquez 2020).

Following a similar approach, (Cebulko 2015) examines *marriage for papers* among 1.5 generation, undocumented, middle-class, Brazilians in Massachusetts. She argues that most of her respondents are against marrying for papers as a strategic economic decision, even though becoming *legally American* would bring them opportunities for socioeconomic mobility. She finds that Brazilian young adults adopted U.S. life course norms that prioritize young adulthood as a period of self-exploration and career building. This is particularly salient in women, who saw themselves as *Americanized Brazilians*, who are different from their Brazilian-raised counterparts who they perceived as focused on marriage and parenthood. They described *marrying for papers* as undermining the very self-exploration and independence that is supposed to define their young adulthood. Moreover, she argues that due to the hostile context for immigrants, young adults seek to protect their intimate relationships from being "instruments" for legalization. While Cebulko's study would have benefited from further analysis of Brazilian women's rejection of marriage as a means to distance themselves from their ethnic identity, I draw on her examination of young adults' perception of intimate ties and marriage.

Interestingly, there are also some discrepancies in how Enriquez and Cebulko measured the acquisition of gendered expectations among undocumented young adults. While they both allude to this generation's differential adherence to gendered expectations as children of immigrants, neither of them fully implements an analysis of race or ethnic identity, nor class status, to examine how these factors shape 1.5 generations migrants' ideals about marriage and social class mobilization within the U.S. Thus, my dissertation will further the analytical framework of illegalities for the 1.5 generation by examining more closely the adherence to cultural expectations of marriage as learned by this generation of children of immigrants predominantly racially socialized in the U.S. Moreover, these studies employed frameworks of heteronormativity, examining heterosexual participants and traditional ideologies of gender, leaving unexamined the experiences of queer participants. My dissertation will fill this gap by including queer experiences in the family formation process among this generation. To do so, next I draw from the current analytical frameworks that examine the family reunification process for first generation migrants.

First Generation and Family Reunification

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). Since 1965 family reunification policies have privileged nuclear family ties as it has become the largest category for legal entry, particularly for first-generation immigrant women (Salcido and Menjívar 2012). Although in theory family reunification claims to reunite families, these policies are needed precisely because laws have historically separated families and made it difficult for migrants to enter the US legally or adjust status (Hagan 1998; Salcido and Menjívar 2012). In addition, punitive changes in immigration law influence a variety

of factors associated with the legalization process – such as the level of deportation risk due to retroactive policies and increased vetting of all legal admissions – making the obtainment of legal residency increasingly difficult.

Scholarship examining the family reunification process have demonstrated the detrimental effects of the regularization among U.S. citizen wives and children (Enriquez 2020; Gomberg-Muñoz 2017; López 2021; Schueths 2012) and among undocumented first-generation migrants (Gomberg-Muñoz 2017; Hagan 1998; Salcido and Adelman 2004; Salcido and Menjívar 2012). Gomberg-Muñoz’s book, *Becoming Legal*, follows mixed-status couples as they undergo family reunification through a consular process. She argues that the collision of the criminal justice system with the family reunification process detrimentally affects Latino migrants as together these systems reproduce racial and class inequalities. In a similar approach as Enriquez (2020), Gomberg-Muñoz (2017) argues that immigration policies “uphold the value of U.S. citizenship in theory and degrade U.S. citizens in practice,” because the U.S. citizen spouse is forced to endure forced family separation, a condition stemming from their spouse’s undocumented status.

The focus on immigration law’s effects on undocumented migrant’s extended family members is an important examination given the rise of mixed-status families in the United States. Moreover, scholarship has demonstrated the importance of extended families ties and community for undocumented young adults (Escudero 2020). However, my dissertation deviates from this focus on U.S. citizens and the family unit to instead focus my analysis on the undocumented spouse within the marriage-based legalization processes as the *subject of law*. In doing so, I emphasize aspects of migrants’ experience that are not easily captured by examining the family unit. For example, the effects of prolonged illegalization can only be studied among

undocumented young adults for they are absent from U.S. born citizen's life experience. In turn, I examine how young adult's experience navigating illegality translates to inform their process of obtaining legal status. For these reasons, I rely on the scholarship that examines regularization among first-generation undocumented immigrants.

Primarily, scholars who examine legalization among first-generation migrants find that during the legalization process men and women encounter gender privileging that values male-associated attributes and relies on heteronormative and patriarchal structures (Hagan 1998; Salcido and Adelman 2004; Salcido and Menjívar 2012). Although immigration law and processes are presumed to be gender neutral, their work argues that social positions such as race/ethnicity, class, and gender intersect to inform processes of inclusion and exclusion present in the legalization process. For example, Salcido and Menjívar (2012) argue that gender matters in legalization pathways and illustrate how the gender privileging that exists in U.S. society, within a patriarchal culture, are embedded in legalization practices. Ideologies of women as dependents ensure women remain dependent on men during the legalization process, as seen by their predominant reliance on male sponsors for family reunification petitions. On the other hand, men dominate the employment-based process, as men are presumed to be the heads of households. They also find that legalization is not an automatic economic emancipation for women, who despite gaining legal residency are still restricted to lower-paid jobs or do not work due to gendered ideologies about their familial obligations.

While few studies examine the role of class, Salcido and Menjívar (2012) argue that in general, poorer women and men experience the process differently than wealthier counterparts, due to the economic barriers that make the process unaffordable. Interestingly, this study briefly mentioned that sexuality is an important social factor, however it was not thoroughly addressed

in participants' narratives. I draw on these existing intersectional examinations of regularization among undocumented adults, to further examine how young adults' social location shapes their differential experiences with legalization.

Given the limited scholarship on the 1.5 generation's experiences with legalization through marriage, I draw from both the existing scholarship on regularization among first generation migrants and the family formation process among 1.5 generation migrants. However, to be attuned to contemporary experiences of the 1.5 generation that include LGBTQ individuals, I draw from Eithne Luibhéid's arguments of sexuality and migration.

Sexuality and Legalization

Luibhéid (1998) argues that although in 1990 Congress repealed the immigration provisions which allowed exclusion based on sexual orientation, this repeal and the study of sexuality has received very little attention in the field of immigration studies. In a later publication, Luibhéid (2008) further stressed the role of sexuality in structuring immigrant experiences, and once again called for scholarship to contend with the relationship between heteronormativity, sexuality and immigration. Her work serves as a caution that although the legal exclusion is no longer done through sexuality, we must continue to evaluate its practice as judicial interpretations of immigration law and procedures are still heavily influenced by the historical marginalization of lesbians and gay men. Discourse and institutional practices that prioritize heterosexuality, good moral character, and other social markers such as race, class, gender, cultural, and religious differences to target queer identities also do the work of excluding immigrants based on sexuality (Luibhéid 2008)

In 2015, the legal recognition of same-sex marriage as a legalization pathway came into law with the historic repeal of the Defense of Marriage Act that barred same-sex marriage.

Unfortunately, scholarship has failed to center the experiences of same-sex couples legalizing through marriage, therefore, I draw on Luibhéid's (2008) considerations about same-sex marriage as a pathway for legalization. She argues that heteronormativity – a range of normalizing discourses and practices that privilege a heterosexual population and normalize heterosexuality as natural and timeless – can help scholars conceptualize the nexus of family reunification with sexuality. Heteronormativity can highlight the injustices stemming from the binary constructions of sexuality by addressing how racial, gender, class, and other hierarchies constitutively interconnect with heterosexuality to produce a range of unvalued social groups and family configurations (Luibhéid 2008). Heeding Luibhéid's call, I consider whether the legal recognition of same-sex marriages will provide the inclusion that it promises or if it will only benefit the most privileged, leaving LGBTQ folks who already experience multiple forms of exclusion further marginalized. This is critical, as historically US immigration preferences have largely been a process to maintain racial hierarchies, patriarchy and heteronormativity.

Legal Consciousness Framework

In congruency with scholars examining the nexus of immigration law and social life, I utilize a legal consciousness framework to better capture the relationship between U.S. immigration law and undocumented young adults' daily lives during the legalization process. 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 socially constructed and complexly shaped by the formal and informal application of law, including interaction and negotiation with institutions, actors of the law, social location and norms, and everyday life (Menjívar and Lakhani 2016). Therefore, while a formal application of law can control behavior, in practice,

people's interpretations are also mediated by their social locations and 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).

A legal consciousness framework can demonstrate the various ways disenfranchised groups experience being “against the law” (Mena and Gomberg-Muñoz 2016) and how they “engage, avoid, and resist the law” (Silbey 2005). The power of law is central to everyday life, creating a hyperawareness of law as migrants' look to law to understand their social standing and rights (Menjívar 2011). Like other disenfranchised groups, undocumented youth's immigration status places them “against the law” (Abrego 2008; 2011). However, through their quasi-inclusion via educational access or policies like DACA, they acquire a type of *liminal legality* (Menjívar 2006), which affords certain protections, but keeps them vulnerable to law changes and deportation (Mena and Gomberg-Muñoz 2016). These conditional statuses serve to produce the precarious situations that place this generation under the purview of law. Consequently, they look to the law to understand their social position and what rights are available to them (Abrego 2011). The framework of legal consciousness is therefore suitable for my analysis as it provides a lens to examine how undocumented young adults understand the law that structures their illegalization and limited avenues for legal status. Moreover, since legal consciousness is also influenced by people's interpretations, mediated by their social location, this framework works well in conjunction with the intersectional analysis of illegality I employ in this study.

Methods

Material Examination of Immigration Law

Theorists of contemporary immigration have developed important methodological considerations for the study of migration. De Genova (2002) argues that the material

examination of immigration law, its instrumentality and historicity, revisions and operations as it shapes sociopolitical life, is absent from most empirical research. Ngai similarly argues that a historical perspective can show us how the state's relation to other legal and moral norms are contingent and changing (Ngai 2004). In agreement, my work examines law and discourse surrounding the process of legalization. Along with other methods, this involves an examination of the juridical decisions, policies and practices of legalization through marriage as a legal process. Through the analysis of this project, I delineate how these immigration changes interact with other laws and policies that affect the 1.5 generation as childhood arrivals who are now in young adulthood stages with conditions of prolonged illegality. Thus, my study of the legalization process is tethered in regularization law's historicity, its changes, and its role in regulating sociopolitical life of undocumented young adults.

This methodological approach forms part of the next section, in which I provide a focused review of the current legalization through marriage process. This includes laws, policies and practices that shape the legalization process for this generation of Latina/o/x undocumented young adults. Through a focused review that draws on my fieldwork and conversations with participants, attorneys and immigration law brokers, I outline the legalization process as a *legalization continuum*. This continuum is comprised of multiple stages and cycles of meeting eligibility and admissibility, application and adjudication with USCIS. This tethering to the instrumentality of law, in turn, informs the analytical work completed in the empirical chapters of my dissertation.

The Operation of Legalization Through Marriage

New legal permanent residency (LPR) rates generally had an upward trend since the 1940s, with approximately 1 million new LPRs in 2016. However, in 2020, just over 700,000

people became new residents – a significant 31% drop in new LPR compared to the previous year. Though this is largely credited to the global pandemic, policy changes beginning in 2016 restricted and slowed the immigration system, leading to the longest consecutive decrease of new LPRs (Gibson 2021). It is important to note that the drop in new LPRs largely stems from a decrease in family-sponsored petitions, while the employment-based process has increased. Nonetheless, family-based petitions continue to be the highest category of new LPR with 63% filing as immediate relatives of U.S. citizens– of which the majority are spousal petitions (28%). The majority of LPRs are status adjusters, applicants able to legalize while living in the U.S. (62%). Moreover, close to 20% of new LPRs reside in California, the highest rate in the nation. Second to New York, the Los Angeles metropolitan area was ranked second highest levels of new LPRs with 7.3% (Gibson 2021). My dissertation is situated within these trends as I examine the narrowing process of marriage-based legalization in Southern California.

Multi-stage Legalization Continuum

Legalization through marriage is a legal process for the obtainment of a permanent resident card (green card) and for some, the acquisition of citizenship through naturalization. It is complex, costly and lengthy legal process. It also involves various stages, which I outline as a *legalization continuum*. Generally, immigrant young adults will need to apply for at least two distinct processes, their initial green cards and naturalization. There is an additional secondary stage, removal of conditions, for conditional legal permanent residents. This stage is only for applicants' whose marriages are less than two years from the date the immigrant spouse was issued their green card. In Figure 1 I outline these three stages as part of a multi-stage *legalization continuum*.

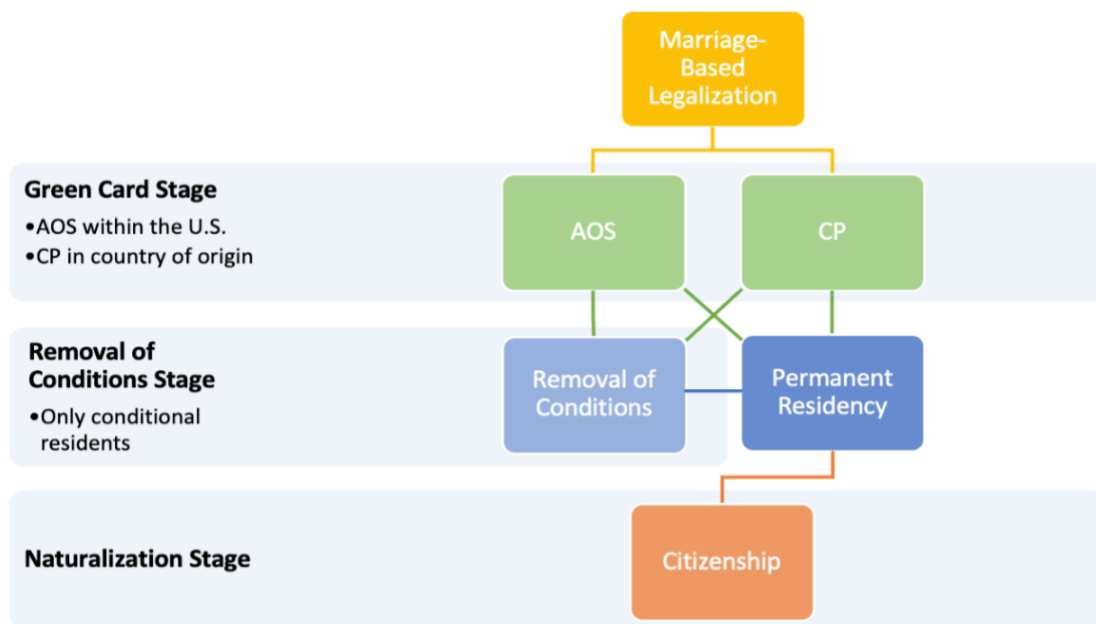


Figure 1: Multi-Stage Legalization Continuum

Depending on the individual case, the three key stages are: 1) Green Card Process Stage, where applicants will apply for their initial green card through an adjustment of status process or consular processing; 2) Removal of Conditions Stage, only required for conditional residents; and 3) Naturalization Stage, for permanent residents eligible to apply for U.S. citizenship. Each stage operates through iterative cycles of meeting eligibility and admissibility, compiling application, and adjudication. Each applicant's transitions through this continuum varies— in great part due to the unique circumstances of applicants, changing immigration policies and procedures, and the great discretionary power of USCIS officers adjudicating the case. There are also complications and delays that can rupture these cycles and their linearity. These disruptions can also stop the process altogether, demonstrating the fragility of the continuum that can lead to disruptions to immigrants' lives and that of their families. Nonetheless, by outlining legalization as operating as a multi-stage iterative process, I aim to delineate how the process operates as a *continuum*, not as isolated or terminal one-time events. In this *continuum*, migrants are forced to

maintain eligibility and admissibility and navigate an emotionally involved application and adjudication process – including meeting the burden of proof of the legitimacy of their marriages and good moral character. They must also remain within the continuum, always meeting metrics of eligibility and admissibility, as failure to do so can result in a loss of legal status and potential deportation. Through these stages of the *legalization continuum*, they continue to navigate tenuous transitions with continued costs and time investments, as well as a maintained daily life under the purview of law.

Legalization through marriage is also a costly and lengthy process. For example, a couple shared with me an estimated total of \$10,000 for their green card. USCIS filing and procedure fees were close to \$3,000. Their attorney charged them \$5,000. The medical exam costs were close to \$600. Their 245(i) exception, to be admissible to adjust status, was an additional \$1,000. For a participant in a consular processing, he estimated an additional \$4,000 for travel, lodging, and other costs associated with a consular processing. New residents will also incur additional costs for removing conditional status and naturalization, at approximately a couple thousand dollars. Some folks reduced the cost by securing free or low-cost legal assistance or filing their application themselves. Many advocates however stress the importance of hiring attorneys as a misstep in any of the many technicalities of law can result in deportation. Legalization is also a lengthy process. Prior to 2016, the AOS process had an average six-month processing time. From 2016-2019 the average processing time increased to eight months, followed by 9 months during 2020 (USCIS 2021). However, as my participants timelines reveal, the process significantly slowed to over a year from time of filing to adjudication. To provide an overview the *legalization continuum*, next I outline each stage and its components.

Green Card Stage: Eligibility and Admissibility

Applying for a green card is comprised of three elements: meeting eligibility, compiling the application and adjudication. Outlined by the Immigration and Nationality Act of 1965, immigrants are eligible to apply for a green card through their spousal relationship to a U.S. citizen. For LGBTQ migrants, their ability to marry and apply for immigration benefits through marriage is largely dependent on their state's legal recognition of same-sex marriages. In 2013 the *United v. Windsor* U.S. Supreme Court case ruled the Defense of Marriage Act – which denied the legal recognition of same-sex marriage – to be unconstitutional. The subsequent 2015 *Obergefell v. Hodges* ruling forced all U.S. states to comply with the legal recognition of same-sex couples; allowing LGBTQ couples to become federally eligible for green cards under family reunification laws.

Upon meeting eligibility, there are two primary green card procedures: 1) Adjustment of Status (AOS), applicants can apply within the U.S. and 2) Consular Processing (CP), applicants must apply through the consulate in their country of origin. AOS applicants must be admissible to the U.S. by proving they were “inspected and admitted” or “Inspected and Paroled” by an immigration officer. There are few exceptions, like INA 245(i) which grandfathered their ability to legalize in the U.S. If migrants cannot prove their entry with inspection or obtain an exception, they must file through Consular Processing.

DACA Beneficiaries: Eligibility and Admissibility

Deferred Action for Childhood Arrivals has had a positive impact on eligibility requirements for 1.5 generation immigrants. For example, DACA beneficiaries who successfully maintain continued DACA permits, beginning before their eighteenth birthday, do not accrue unlawful presence and may be eligible for an AOS process. Another benefit of DACA was the

ability to apply for Advanced Parole, which opened the door for select beneficiaries to obtain inspection through parole. Moreover, through their DACA process they have acquired a certain familiarity with USCIS processes and procedures, including the cycle of eligibility, applications and adjudication present for their DACA initial and renewal applications. They learn the metrics of eligibility for a USCIS benefit, amass the necessary paperwork for their applications, complete their biometrics appointments, and renew their permits. Some hire attorneys or find support via their networks and online resources. DACA also informs their participation in other aspects of legal inclusion, such as the request for a work permit, obtainment of social security numbers (though restricted for employment), driver's licenses, state IDs, and other forms of inclusion that require interactions with government agencies otherwise reserved for authorized populations. This gained familiarity shapes their legal consciousness about immigration processes, which will be instrumental as they navigate their green cards process.

Application

The application materials that must accompany green card applications are similar for AOS and CP applications, however there are significant procedural differences (as discussed in the CP section). Generally, green card applications include three key components. 1) USCIS forms. AOS applicants must file for a green card and a petition as U.S. citizen relatives. They must also file an affidavit of support, a medical Exam and Vaccination record, and if needed a 245(i) exception to be admissible for an AOS process. Most also submit an Employment Authorization Document and Travel Issuance. 2) Valid documents as evidence of their eligibility, including proof of the couple's identities and eligibility through birth certificates, IDs, financial documents, and their marriage license. 3) Evidence of the "Bona fides of the marriage."

The “evidence of the bona fides of the marriage” is a distinct requirement for spousal petitions. USCIS provides a list of the initial evidence required for marriage-based petitions to establish the couple’s merging of finances and living arrangements. This includes documents proving joint property ownership, rental agreements, joint utility bills, financial records, photos, correspondence, affidavits from a third-party vouching for the relationship and “any other relevant documentation to establish there is an ongoing marital union¹⁰.” It is the “any other relevant documentation” that adds the grey areas of law and added sense of anxiety and invasiveness that couples experience during the marriage process. Most of the attorneys, paralegals and other brokers of the legalization process with whom young adults consulted, helped them with ideas about the types of evidence they could use, encouraging them to be creative¹¹. This strategy was to secure a strong case in the initial application cycle, however the “bona fides” of marriage are also required in other stages. For example, applicants may receive a request for further evidence (RFE) and they will be required to bring initial and ongoing evidence for their adjudication interviews with the immigration officer. As I have previously argued, the intrusive nature of documenting their relationship pushes their love in directions that make it feel inauthentic, thus highlighting the intrusion of law on intimate lives (Leon 2020). Many discussed this process of proving their marriages are in good faith as a burden and as an extension of a needed “immigrant mentality” that has forced them to hyper document, to create a

¹⁰ See, USCIS 2022 <https://www.uscis.gov/i-130>

¹¹ The need to creatively collect evidence was prevalent in my interviews. For example, one couple pleaded with their gym to print their sign-in logs. They highlighted every coinciding date and time to prove their regular joint trips to the gym. A long-distance couple, calculated how many days of the year they were physically together, using plane tickets and travel documents as proof of their frequent visits. This “evidence” of their love exists in their homes and in digital form as a tangible trail of their love and presence for the *legalization continuum*.

paper trail of their presence in the U.S. and now of their romantic relationships for the purposes of building their strongest claims to legal permanent residency and citizenship.

Adjudication

A few months after they submit their applications, applicants may be scheduled for a biometrics appointment while they wait for their adjudication interview. The interview requires the couple to meet with a USCIS officer who will review their application, original documents, and may request additional information about the applicant's admissibility requirements and the marital relationship. Part of the interview process is to also re-access migrant's grounds for inadmissibility. Through the application and interview process, there are over 60 questions that evaluate grounds from which to deny immigrant's their green card petitions including, health issues, unlawful presence, public charge concerns, and issues with criminal law. Despite meeting all the required documents for a green card process, this is not a guarantee that they will pass the admissibility or burden of proof for it is the officer's discretionary power that makes the ultimate decision. This great discretionary power of the officer adds to the difficulties of this legal process and in particular the high-stress environments of the adjudication interview. Some attorneys help their clients prepare for their interview, either through an overview or a mock interview. As the experiences of young adults in the subsequent chapters will reveal, the great discretionary power of immigration officers will shape their process of legalization.

Consular Processing

Consular Processing is a more complex process, particularly for immigrants who have inadmissibility issues such as, unlawful presence, a deportation order, or a criminal offense. First, like AOS, they must also file a spousal petition. Upon the approval of the family petition, they will be processed by the National Visa Center (NVC), which requires additional forms for an

immigrant visa. If approved, they must then travel to their country of origin to complete a medical exam by a local physician and interview for their CP at a U.S. Embassy. If approved, they will be issued a visa to return to the U.S. Upon re-entry, USCIS will issue their green card.

Conditional LPR and Removal of Conditions Stage

When immigrants received their green card, if they have not yet reached the two-year anniversary of their marriage, they receive a conditional legal permanent residency. This conditional status is only valid for two years and it cannot be renewed. The resident must file jointly with their spouse for the removal of conditions 90 days before their green card's expiration date.¹² If the resident fails to file on time, their status may be automatically terminated. During the conditional residency, the resident must maintain their eligibility. The Removal of Conditions stage also includes meeting the eligibility requirements, a joint application including biometrics, and may include an interview and request for additional information. If approved, they receive a permanent residency card.

Permanent Residency

If the immigrant applicant received their green card after the two-year anniversary of their marriage, they are eligible for a Permanent Resident Card. Those who had to remove the conditions of a temporary two-year green card, if approved, obtain a Permanent Resident Card. As Permanent Residents, at this stage, they must maintain eligibility and generally must renew their green card at 10 years. To maintain status, they must not reside outside of the U.S. for a year or longer, otherwise they may be considered as “abandoning” their green card status. They

¹² Residents can request a waiver for the joint petition. However, they must meet certain parameters including, their ability to prove they entered their marriage in good faith.

must notify USCIS of all moves within 10 days, pay taxes, and for males ages 18-26 they must register for the Selective Service.

Naturalization Stage

To obtain U.S. citizenship, permanent residents must undergo a naturalization process. Residents who legalized through marriage are eligible to naturalize if they have been residents for at least three years and have been “living in marital union with their spouse” during those three years and during the adjudication process.¹³ Naturalization also involves an application, supportive documents, biometrics, and an interview wherein the USCIS officer will review the filed N-400 form, and ask additional questions to demonstrate good moral character, and assess the applicants ability to read, write and speak English. Applicants will also need to pass a civics test, including questions about U.S. history and government. If approved, naturalized citizens participate in an oath ceremony to take the Oath of Allegiance and receive a Certificate of Naturalization. Naturalized citizens become eligible to new rights. USCIS lists them as the right to: vote, serve on a jury, travel with a U.S. passport, petition family members, obtain citizenship for children under 18 years of age, apply for federal jobs, become an elected official, keep U.S. residency¹⁴, and become eligible for federal grants, scholarships and other government benefits only available to U.S citizens.

Taking the process for its totality, those who apply through marriage-based applications can expect a minimum of three years to be eligible for the naturalization process. Therefore, they are under purview of the legalization pathway for a minimum of three years and the time of their

¹³ For other residency categories, naturalization eligibility is gained after five years of residency.

¹⁴ USCIS states “A U.S. citizen’s right to remain in the United States cannot be taken away.” However, denaturalization efforts have gained attention in recent years.

naturalization adjudication. However, slowdowns of the process, and the shutdown due to the global pandemic, delayed this process by a few months to a few years, depending on the complications of each case. Moreover, as subsequent chapters will demonstrate, the Trump Era added new layers of vetting that significantly narrowed and slowed the immigration system. Moreover, the global pandemic would also lead to unprecedented shutdowns and further delays.

Qualitative Research Design

Utilizing social science epistemologies, I employ a qualitative design of in-depth and longitudinal interviews and ethnographic fieldwork. A qualitative design is especially suitable to this study, as it focuses on participants' perceptions and experiences and how they make sense of their lives. Qualitative research is also well suited for capturing a process that is occurring, therefore allowing for an investigation on how things transpire and its outcomes (Creswell 2009). In this study, a qualitative methodology best captures the implications of legal status on participants' life experiences and perceptions, by analyzing how undocumented young adults interpret and apply immigration laws. Importantly, it also focuses on understanding legalization as a legal process, allowing for an examination of the various stages of the process and its implications on migrants' lives. Moreover, the sensitivity of the topic lends itself to be studied through a qualitative detailed interaction between myself and participants.

I utilized in-depth interviews, as they allow for the exploration of my specific inquiries, while being flexible enough to explore other unexpected topics. This method allowed me to access participants' experiences and insights through a flexible interview guide and active listening strategies to pursue unexpected discussions. Interviews allowed for some insight regarding my participants' private interactions with their family members and the meetings with lawyers and agents of the immigration process throughout their legalization pathway. The

flexible structure of these interviews and my interactive conversation approach provided a comfortable flow with participants to recall their experiences. The longitudinal design of the project enhanced my understanding of participant's lives and decisions over time as well as how legalization operates and unfolds during key stages.

This study received University of California Los Angeles Institutional Review Board (IRB) approval. In accordance with the approved IRB protocol, measures were taken to ensure participant wellbeing and confidentiality. IRB approval was also obtained in compliance with COVID-19 safety measures.

Latina/o/x Undocumented Young Adult Participants

For this project I conducted longitudinal interviews with thirty-six heterosexual and LGBTQ Latina/o/x undocumented young adults who underwent the legalization through marriage process in Southern California. Participants were screened to fit the following eligibility criteria: 1) identified as Latina/o/x, 2) arrived to the U.S. as a child or adolescent, 3) were ages 18 to 35 years old, and 4) were currently applying or had previously applied for a green card through marriage. Participants ranged from ages twenty-two to thirty-four during the interview and arrived in the U.S. as young as three months old to seventeen years of age. They migrated predominantly from Mexico, except for six participants from Central America and four from South America. The majority identified as women, at 58%, followed by men at 38%. One participant identified as gender nonconforming. Additionally, 30% of my participants identified as LGBTQ migrants, with 10 applying through same-sex marriage petitions. All participants initiated their legalization process via their romantic relationships with U.S. citizens and legal permanent residents.

Participants were initially recruited from fieldwork sites, however, due to the COVID-19 pandemic all in-person research activities were suspended, and recruitment was shifted to virtual observation as well as through my own networks using snowball sampling. The shift to virtual interviews was also an opportunity to expand my geographic scope and longitudinal design with participants across four Southern California counties: Los Angeles, Riverside, Orange, and San Diego. These were sites where participants experienced their formative years or began their legalization process. Virtual interviews also allowed me to follow-up with participants who relocated out of southern California and across the US. This aided the longitudinal design as follow-up interviews were completed with participants who were in various stages of the application process or had extended processes during the COVID-19 shutdown and delays. The purposeful sampling method of recruiting participants from legal and immigrating clinics and online spaces pulled me away from previous concentrations on the 1.5 generation in the educational realm and activist backgrounds. Though my participants do include some activists and college graduates, recruitment was not explicitly pulling from activist or educational pools.

Interview Data

To more holistically understand the legal process, I interviewed participants during three key stages of their legalization through marriage process: legal permanent residency, removal of conditions of residency, and naturalization. Secondary interviews were conducted with participants who were waiting for a decision on their case at approximately six months after the initial interview. Initial interviews ranged from 1.5 hour to 3 hours and were conducted in public libraries, parks, participant's homes, on zoom and phone. Secondary and tertiary interviews ranged from 30 minutes to 2 hours. In total, my contact hours with each participant ranged from 2.5 to 6 hours.

During initial interviews, the conversations focused on six major areas: 1) immigration journey and family background; 2) educational and work experiences, if applicable their DACA process; 3) their romantic relationships, including discussion about dating and marriage; 4) the legalization through marriage application process (particularly regarding participants' decision, perceptions and experiences with different stages of adjudication, interactions with USCIS, resources, family involvement, and behavior modifications); 5) reflections about obtaining residency and citizenship; and 6) identity and support networks. In secondary and tertiary interviews, I reviewed prior interview memos to formulate a semi-structured follow-up interview guide. Follow-up interviews focused on immigration case updates, their decision-making process and considerations for the stage of their legal process.

It was not uncommon for interviews to result in tearful conversations about growing up undocumented and the difficulties of acquiring U.S. residency and citizenship. For these reasons, I was mindful of participant wellbeing during our conversations and took an active role in re-evaluating my interview guide by adding, removing, or rephrasing questions on a rolling basis. I was clear to state at the beginning of interviews that we may be discussing difficult questions. I stressed options to take breaks, skip questions or end the interview all together.

In addition, to learn more about the role of participants' understanding of the legalization process, when appropriate, I used a content and document analysis (Bowen 2009; Krippendorff 1980), to observe participants' application materials. This included a range of written correspondence from USCIS, documents containing instructional information, and participants' application materials like photos, letters, cards, other family mementos and items, and organizational tools like lists and calendars that aided their efforts to construct a compelling case.

For in-person interviews folks often brought their case materials, their “status archive,”¹⁵ unprompted and to be shared at their comfort level. For virtual interviews, I often observed participants’ application materials when they offered to show me aspects of their application, either by bringing the tangible item to the screen or through screen-sharing and shared-file platforms. This method allowed me to examine how undocumented young adults understand law and strategize to legitimize their claims during the regularization process. Participants were compensated \$50 cash or VISA gift card for interviews.

Participant Observation and Fieldwork

I supplemented interview data with participant observation. I completed three non-consecutive years of participant observation at legal fairs and immigration clinics between 2016 and 2020, and via online forums in 2020. My dissertation began as a study in the Los Angeles metropolitan area, including events where the primary purpose was to provide free and low-cost legal and immigration resources for Latino and immigrant communities. In March 2020, due to the COVID-19 pandemic, all in-person research activities were suspended. After receiving approval from the University of California Los Angeles Institutional Review Board (IRB) for my new COVID-19 compliant protocols, I resumed fieldwork and interviews virtually for a third year starting in the Summer of 2020. I observed various online spaces that my research population directly engages with including, forums and panels, live-streams, social media groups, and informal virtual gatherings.

During fieldwork I observed and spoke to various key players who support immigrant communities and practice law. Interviews were also conducted with attorneys, paralegals, and

¹⁵ “Status Archive,” is a term I am developing to describe the items couples accumulate for their legalization petition via marriage. I have theorized this concept in creative projects and will continue this work for a book manuscript.

other brokers of the immigration process during events or teleconference. My intent was to understand the impact of immigration laws on the ground as potential applicants gain information, are screened and provided services to begin their legalization process. In my field notes I included my observations of interactions between family members seeking immigration services and how information about legalization options and immigration policy changes are discussed at various events. Additionally, I supported and developed my analytical thinking by writing memos immediately after my attendance of the event.

Data Analysis

Interviews were digitally recorded and transcribed verbatim using transcription services. I reviewed the transcripts for accuracy and to redact all identifying information to protect participants' identities. Employing strategies for qualitative data analysis (Maxwell 2013) data was coded and organized utilizing Dedoose software. First, I reviewed transcripts and fieldnotes to complete a preliminary analysis. I incorporated writing memos to capture my initial reflections about the interview and to outline major themes. Second, I used open coding techniques to identify conceptual labels. I created umbrella codes for: legal consciousness, immigration laws and practices, experiences with illegality, DACA, relationships, marriage, family relationships and support, racialized experiences, gendered experiences, sexuality, socioeconomic circumstances, political climate, application process, interviews, consular process, green card renewals, naturalization, behavioral adaptations, coping mechanisms, health, identity, and belonging. These codes served to organize data into groups by category in order to examine and compare them across interviews and observational data.

Chapter Descriptions

As the first empirical chapter, in chapter two, “Constricted Agency, Fear and Powerlessness During the Trump Era,” I theorize *constricted agency* as undocumented young adults’ complex negotiation and enactment of restricted actions to counter the stressors of fear and powerlessness that emerged during the Trump Era. I focus on three key moments wherein young adults enact their constricted agency, the 2016 imminent threat of a new Trump Era, Trump Era policy attacks on immigrants and the DACA program, and the Trump administration’s effect on the Immigration System. By focusing on the multidimensionality of agency during these moments, I recognize the structural factors that constrict young adults’ actions and the ways they negotiate and navigate precarious contexts to create strategies of protection and preservation. In doing so, I illuminate the range of agency among undocumented young adults as they maneuver new and ongoing threats by reformulating their understanding of law and their relationship to it.

Chapter three, “2020 Compounded Precarities, Navigating Illegality and Oppositional Legal Consciousness,” examines how the compounding health, economic and political precarities present during the onset of the COVID-19 pandemic shaped Latina/o/x undocumented and recently legalized young adults’ entry and experience through legalization. I demonstrate how in the face of these compounding forms of precarity, young adults drew on their prior knowledge of *navigating illegality* to develop a similar *oppositional consciousness* that in turn shaped their legal consciousness about legalization. This *oppositional consciousness* was especially poignant for migrants who were facing the most restrictions on their DACA benefits, narrowing legalization pathways and threats to their ability to remain in the United States. Forced to apply for residency through consular processing, these folks enacted strategies to

prevail as they negotiated their entry into a higher-risk pathway through more freedom seeking techniques rather than passively wait for further threats to their livelihoods.

Chapter four, “Legal Violence and Transitions Towards Legality,” the last empirical chapter, draws on the lens of legal violence to examine laws’ harmful effect on young adults during their experiences with prolonged illegalization and a burdensome legalization process. I theorize their process of becoming legal as a *transition towards legality* as a navigation of the shifts from undocumented to changing legal statuses that involve a contention with the immediate and enduring *legal violence* embedded in the laws and systems that produce (il)legalization. In their transitions they contend with the aftermath of a high stress and invasive green card process, conflicting feelings of relief and guilt, and the impacts on their identity and sense of belonging. Moreover, as they transitioned to legality, they experienced negative effects to their physical, mental and emotional health; they developed chronic illnesses, anxiety and depression stemming from the coupling of prolonged illegality and regularization. This chapter demonstrates how my interdisciplinary work expands the scope of legal consciousness to capture the consequences of law on young adults and their identity, belonging and wellbeing. The concluding chapter offers a review of the findings, limitations, future directions and implications.

CHAPTER 2:

CONSTRICTED AGENCY, FEAR AND POWERLESSNESS DURING THE TRUMP ERA

Would you get married right now if deportation didn't exist? Would you see yourself with them forever without the fear that Donald Trump is going to deport your ass? In reality, it's also about fear. How fearful were you? Does your fear outweigh the principles around marriage and relationships?

Through these questions, Eva articulates how intertwined legal realities and restrictions are to intimate lives. In asking the extent to which undocumented immigrants allow a fear of a Trump Presidency, and the passing of restrictive laws that increase their vulnerability to deportation, to shape their decision-making about marriage and relationships, she speaks to the correlation between law and social life. For undocumented young adults like Eva, entry into marriage to a US citizen or resident also marks a potential avenue for legalization and relief from deportation. As a result, Eva's questions form part of undocumented young adults' key considerations when negotiating their entry into marriage and legalization as forms of protection and preservation to mitigate the emerging stressors of fear and powerlessness present during the Trump Era.

As the election cycle of the 2016 presidential election began, so did the palpable fears of undocumented and immigrant communities. The possibility of a Trump presidency heightened those fears and anxieties, as his first campaign advertisements unmistakably stood against "illegal immigration" with promises to "make America great again" (Corasaniti 2016b). Beginning during his campaign trail, fueled by the portrayal of unauthorized and legal migration

as a threat to the nation, he vowed to increase border and interior enforcement¹⁶ and to curtail legal migration¹⁷ by restructuring the US immigration system (Corasaniti 2016a). Trump's anti-immigration campaign threats soon materialized as he issued a series of executive orders within days after his inauguration, a trend that would continue during his presidency.

The Trump administration's vocal and voluminous attacks on migration and immigrants did not manifest in isolation. On the contrary, the Trump administration's implementation of over 1,000 policies was made possible by the prior construction of immigrants as criminal – produced through discourse and law (Menjívar, Gómez Cervantes, and Alvord 2018). The Trump Era forms part of a prior legacy that established the current immigration regime in the United States – the Reagan, Clinton, Bush, and Obama administrations each built upon prior presidencies to cement the relationship between criminality and illegality and targeted Latino and other racialized immigrant groups.

During the Reagan Era, the 1986 Immigration Reform and Control Act provided amnesty to over three million undocumented immigrants. It also established the merging of immigration and criminal law by targeting undocumented workers – leaving lasting impacts for Latin American migrants (Coutin 2000; Hagan 1998). Following IRCA, the Reagan and Clinton Era policies during the late 1980s and 1990s also influenced a variety of factors associated with the legalization process such as, restricting parameters for eligibility and admissibility, increasing the length and cost of the process, and raising the level of deportation risk throughout the process

¹⁶ Trump often promised mass deportations. In 2017 executive order *Enhancing Public Safety in the Interior of the United States* expanded the list of noncitizens prioritized for removal and increased officer's discretionary power.

¹⁷ Attacks on legal migration included increased vetting and policies of deterrence – most egregiously the May 2018 “zero-tolerance” policy, which criminally prosecuted migrants who crossed the US-Mexico border and inhumanely separated migrant parents and their children.

of legalization and naturalization (Abrego 2014b; Abrego et al. 2017; Coutin 2000; Hagan 1998; Menjívar 2000). Also, during the Clinton presidency, the passage of the 1996 Immigration Reform and Immigrant Responsibility Act (IIRIRA) further narrowed the legalization pathway through the creation of permanent bars. Ensuing series of laws during the Clinton Era increased border enforcement, expanded deportation through the inclusion of noncriminal offenses and retroactive offenses on residents and citizens, eliminated mechanisms to fight deportation orders and established lines of collaboration between local and state law enforcement and federal immigration agencies (Abrego et al. 2017; Coutin 2000; Golash-Boza 2012). This blueprint for a new immigration regime of enforcement was further augmented during the Bush administration, particularly with the implementation of 287(g) and Secure Communities post the terrorist attacks of September 11, 2001. These series of restrictive and punitive immigration policy changes produced illegality in racialized and unequal ways that both criminalized Latin American undocumented migrants and limited their ability to obtain and maintain legal status.

Though tethered to a longstanding immigration regime, the Trump Era was nonetheless experienced as a heightened moment of fear, largely produced by Trump's and his administration's vocal espousing of xenophobic and anti-immigrant rhetoric. In part, the distinct fear of a new Trump Era was also facilitated by the timing of Trump's presidency as subsequent to Obama's second term. During the Obama presidency, the passage of Deferred Action for Childhood Arrivals (DACA) and proposal of Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA)¹⁸ came to signal a sense of inclusion for immigrants and a pro-immigrant sentiment. These executive orders were also indicative of the administration's de-

¹⁸ Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) would have provided a path for undocumented migrants with a US citizen or resident child to be considered for deferred action.

prioritization of immigrants with long-standing roots in the U.S. and a shift towards targeting recent arrivals and those with criminal backgrounds. Despite the public sense that there had been a notable, more welcoming shift and revamping of deportations, the Obama administration simultaneously (though less visibly) increased funding for detention centers, border enforcement and removal of protections that would set legal precedent and clear paths for the Trump Era policies that would build on them.

Although the Trump Era produced increased fear among immigrant communities, some immigrants and their families resiliently fought back as they built networks of support and strategized efforts to combat those attacks. To examine how undocumented migrants navigated and resisted the Trump presidency, in this chapter, I focus on Latino/a/x undocumented young adults' agency during a period of heightened fear and precarity. By centering undocumented young adults' agency as resistance, particularly during the hostile environment that was the Trump presidency, I exemplify how vulnerable groups can enact agentic power during anti-immigrant eras that destabilize the lives of migrants and their communities.

Specifically, I focus on the process of *arreglando papeles* (*fixing papers*) via marriage during the Trump Era attacks on migration, arguably one of the most explicitly anti-immigrant climates in contemporary history. I examine how the Trump Era landscape created a context of heightened uncertainty, vulnerability and precarity. I frame undocumented young adults' agency within this context as an analysis of migrant's legal consciousness (Abrego 2011; Menjívar and Lakhani 2016) and a multidimensional approach to precarity (Paret and Gleeson 2016) and agency (Ayala and Murga 2016). Moving away from a polarized view of migrant agency – as dichotomized behaviors of compliance or resistance – multidimensional agency is fluid and nuanced with various dimensions and potentialities (Ayala and Murga 2016). I expand this line

of inquiry to the analysis of undocumented young adults' agency during heightened moments of precarity that produced inequalities and stressors that restricted migrants' array of choices, what I define as *constricted agency*. I theorize *constricted agency* as undocumented young adults' complex negotiation and enactment of restricted actions as methods of protection and preservation to counter the stressors of fear and powerlessness that emerged during distinct Trump Era moments of uncertainty and precarity – parameters under which one would expect the least agency.

I highlight undocumented young adults' *constricted agency* during three distinct moments of the Trump Era. In the first moment, the 2016 *Imminent Threats of a New Trump Era*, I demonstrate how undocumented young adults' legal consciousness was influenced by feelings of fears, anxieties, and powerlessness about Trump's 2016 anti-immigrant campaign and subsequent election. Their legal consciousness shifted towards an understanding of their increased vulnerability to losing temporary protections and deportation. They negotiated their entry into marriage and legalization as a constricted choice towards establishing alternate forms of protection from the looming threat that was the Trump Era. In the second moment, *Trump Effect on Immigrant Communities and DACA's Precarity*, I show how undocumented young adults navigated the battle to defend *Deferred Action for Childhood Arrivals (DACA)*, a 2012 executive order that granted beneficiaries a renewable work permit and relief from deportation. Their legal consciousness is largely shaped by the enduring threats of the "new normal" uncertainties and threats to DACA. Consequently, undocumented young adults sought to establish strategies of preservation to endure DACA's precarity. In tandem, the third distinct moment, *The Enactment of the Trump Effect on the Immigration System*, highlights how Trump's efforts to overhaul the immigration system propelled young adults into a changing, and

increasingly restrictive, scrutinized, and slowed legalization process, further constricting their agency towards actions to endure these destabilizations. By focusing on the multidimensionality of precarity and agency, I recognize the structural factors that constrict young adults' actions and the ways they negotiate and navigate precarious contexts to create strategies of protection and preservation. In doing so, I illuminate the range of agency among undocumented young adults as they maneuver new and ongoing threats by reformulating their understanding of law and their relationship to it.

In a research field that rarely examines the legalization process of undocumented young adults, my analysis illuminates how their agency was constricted by the depth and form of restriction – providing a nuanced examination of the tensions between migrants' behavior and the varying levels of precarity present during hostile environments. For example, given the instability of DACA and the lack of options beyond this temporary “fix,” during increased moments of political vulnerability this generation of young adults were forced to contend with their precarity and the lack of feasible pathways to legal status. However, this generation's socialization and proximity to US citizens during their dating years (Pila 2016) is more prevalent than first generation or recent arrival migrants making marriage to a US citizen more plausible. These factors play a role in young adults' understanding that marriage may truly be one of the only pathways to adjust status, though it would require them to enter an immigration system during a heightened moment of scrutiny against all forms of migration– adding a new layer of urgency and anxiety to legalization through marriage. As my conversations with undocumented young adults demonstrate, these realities are central to their understanding of law, and their viable options beyond partial inclusion, during a heightened moment of political instability and attacks on undocumented and legal migration.

While not all undocumented young adults are beneficiaries of DACA, the attacks on arguably the most positively framed population and program were an important reminder that all immigrants are vulnerable (albeit to varying degrees) to deportability. Their undocumented status continues to render them vulnerable to attacks and deportation, however they are able to draw on their positionality as migrants who have partial inclusion to formulate plans of action through an agentic lens. Consequently, young adults' experiences exemplify how vulnerable communities can reformulate and enact agentic power during new eras of xenophobic and nativist policies that seek to reduce civil liberties and destabilize the lives of migrants and their communities.

Trump Era Challenges to DACA and the U.S. Immigration System

Beginning in 2015, during his presidential announcement speech, Donald Trump vowed to immediately terminate the DACA program. A year later, while on his campaign trail in Phoenix, Arizona he again promised to end DACA and DAPA, falsely claiming that President Obama's executive orders were illegal and defied federal law by providing amnesty (New York Times 2016). During the Trump presidency, as the administration crusaded to end the DACA program, undocumented young adults, like most of my participants who were DACA beneficiaries, were forced to contend with their immigration status in new ways that made them aware of the increased vulnerabilities to their daily life and future. For example, some beneficiaries were eligible to request Advance Parole (AP), which allowed them to temporarily leave the U.S. – a vital piece to gain legal entry. However, once Trump won the election, advocates were urging undocumented young adults who were abroad on AP to return and for future applicants to withhold applications – consequently, closing potential access to legal entry and the ability to adjust immigration status in the future. Despite the expansive evidence of DACA's economic and educational benefits (Gonzales et al. 2014; Wong et al. 2013; Abrego

2018; Aranda et al. 2020) and the important role of Advanced Parole, DACA never granted lawful status nor a pathway to citizenship; rather, it remains a temporary and unstable program (Hsin and Ortega 2017; Patler et al. 2019).

Threats to terminate the program culminated on September 5th, 2017 when Attorney General Jeff Sessions announced its rescindment. Immediately following DACA's rescindment, various recipients, activists, organizations and institutions filed lawsuits to challenge its termination. Following a long legal battle, in June 2020 the U.S. Supreme Court ruled for the restoration of the program. However, DHS's "Wolf Memo" instructed USCIS to reject first-time DACA applicants and applications for advanced parole, and to limit renewals to one year. In December 2020, the US District Court of New York restored DACA to its original form, first-time applicants would again be accepted, as would applications for renewals and advanced parole. DACA beneficiaries who received one-year renewals would automatically be extended to two-year permits. Despite these hard-fought wins, at the moment of this writing in 2022, DACA continues to be under threat as another case in Texas is currently challenging the legality of the program. The potential termination of the program remains in the courts, a constant reminder that DACA was never a permanent solution, rather it has amounted to an unstable period of relief.

In tandem with the attacks on DACA, the Trump administration boisterously polarized discourse about immigration in this country. The administration's rhetoric framed immigrants, including migrants with valid claims to U.S. asylum and residency, as a threat to economic and national security (Bennett 2017). Unlike previous administrations' praise of legal migration, Trump's administration slowed and scrutinized all attempted legal admissions. This substantial anti-immigrant stance continued during Trump's presidency and as he approached reelection during the global COVID-19 pandemic (Hesson and Kahn 2020). The security lens framing of

migration is not new, we have witnessed the targeting of immigrant groups and mass deportation prior to the 45th administration (Golash-Boza 2015; Golash-Boza and Hondagneu-Sotelo 2013; Macías-Rojas 2016). And yet, Trump and his administration's anti-immigrant rhetoric marked a distinctive tactic that led to increased attacks on migrants, authorized and unauthorized, and set a foundation for the emergence of laws, policies, and practices with more explicitly punitive measures.

During Trump's presidency, his office issued more than 400 executive orders to the U.S. immigration system (Pierce and Bolter 2020), resulting in the termination of programs and protections for immigrants, increased discretionary power of entities regulating migration, and procedural changes that slowed the immigration process. Under these circumstances, my study demonstrates that undocumented young adults grew more fearful of deportation. These fears would become central to their understanding of law and decision-making process as they witnessed and navigated the Trump Era attacks on undocumented and legal migration.

Legal Consciousness, Precarity and Agency

Undocumented young adults' awareness that the DACA program was not a permanent nor secure solution speaks to their legal consciousness, a framework that captures how people come to understand, experience, and apply the law (Ewick and Silbey 1998). As young adults with undocumented statuses, they continue to be vulnerable to changes in policies and threats of deportation (Mena and Gomberg-Muñoz 2016). A legal consciousness framework can therefore demonstrate the various ways they navigate the precarity of liminal statuses (Menjívar 2006), like DACA, to engage with law (Silbey 2005). With a focus on the relationship between law, precarity, and migrant agency, I utilize a legal consciousness framework to illuminate how

young adults negotiate a complex immigration system that can propel them into legality or further their vulnerability for detention and deportation during the Trump Era.

Paret and Gleeson (2016) delineate the precarity-agency-migration nexus. They argue undocumented migrants' precarity is multi-dimensional: intersecting in reinforcing ways to create multiple forms of vulnerability to state violence and insecurity in migrants' employment, livelihoods, and everyday life. Precarity varies across space and time, on the historical moment, political and economic shifts, and group variance to produce the duality of motivation and constrain from which migrants enact agency. Therefore, agency is shaped by migrants' social location, their structural and institutional contexts, and legal consciousness.

I extend the authors' call for an examination of migrant agency, not as limitless, but bound to the duality of motivations and constraints through an intersectional and multi-level analysis. As such, I draw on Ayala and Murga's examination of multidimensional agency. Adopting a nuanced view of agency, as "one that is comprised 'of different stages of resistance, action (and non-action), reception and adaptation, as well as various dimensions and capabilities which are intrinsic to individual well-being,'" Ayala and Murga examine how migrant women's agency is embedded within a patriarchal structure (2016:2). The multidimensionality of their agency is highlighted when the "schemas that allow for the reproduction of a particular structure are the schemas that women adapt to negotiate, resist, and/or transform while addressing existing economic or affective stresses" (2016:2). I expand this line of inquiry to migrants' agency, by examining undocumented young adults' agency in the realm of their social life, during heightened political, social and economic precarious moments under the Trump Era.

The 2016 Imminent Threats of a New Trump Era

After a contentious presidential race, Donald Trump won the presidency on November 8, 2016. Study participants vividly recall the moment they began to see the tide turn in favor of a Trump presidency and as their stomachs and hearts sank, they knew their biggest fears were materializing. Some turned off the TV and went to bed, not sure they could watch the results roll in. Others endured the news. As the map turned red, they knew we were entering a New Trump Era. Wendy was one of those people. She and her then boyfriend, Alan, began watching election night with mitigated optimism. As election results came in, she couldn't bear watching anymore and went to bed early. She would wake up to the news of Trump's election in the morning.

Wendy and Alan met during the summer of 2015. The following year, they began to discuss their relationship in more detail, alongside her undocumented status and its implications. It was also an election year, which meant that discussing their relationship involved having "that conversation." This talk between a mixed status couple involved a discussion about the complexities of one partner's undocumented status and the potential of marriage as an avenue for papers. She shared with me how she and Alan processed the 2016 election,

That was when we thought no way Trump can win. It's not going to happen. There's no way. And then, as November approached, we were like, "So, what do we do, what am I going to do if Trump wins? This is really scary." And he [Alan] was like, "Well, I don't know. What should we do?" And yeah, that's when we were really forced to have that conversation of, "Okay, we've been dating for a year. We know we want to stay together." Like, "Oh god, this is so awkward." I'm like, "But can you see me marrying you?" And he's like, "Yeah. Can you see yourself marrying me?" And I'm like, "Yeah."

And I'm like, "Let's get married. Let's figure it out and wait after the election. But we're not going to have to get married. This is like, a just in case talk, you know?"

Like Wendy, most participants described a gradual realization of a potential Trump Election. Trump's harsh stance on immigration during his campaign trail left a resounding feeling of fear and anxiety among undocumented immigrants. During this heightened moment of uncertainty community organizations and college campuses were also holding workshops, healing circles, and meetups to address fears and anxieties about the election. In their awareness of the connection between a Trump presidency and his power to fulfill his agenda, undocumented young adults' legal consciousness was shaped by their extensive considerations about the aftermath of the election results. Like Wendy, they sought legal advice and made active plans for forms of protections with romantic partners, friends, family, and community members.

The day following the election Wendy called her mother. They both cried over the phone unable to say much other than share in the overwhelming feeling of not knowing what to do next. Though Alan reassured her that they had a plan, that they were going to get married, Wendy's biggest fear was that she and her mother could be deported before submitting her adjustment of status. As she spent most of the day comforting co-workers and community members who were expressing their own fear of a Trump election, she kept thinking to herself:

And in the back of my head, I'm like, "Oh my god, I'm lucky that I have someone that wants to marry me to get adjustment of status." And that also felt really odd, because it made me question like: Are we doing this for the right reason? Are we rushing into it? What if we have to get divorced in the future? I don't want to have to do that. And it was just a real, I don't know, it was tough conversations.

Wendy's articulation of the oddity of feeling "lucky," that she could secure a potential plan for protection via marriage, was her realization that marriage as a plan of protection was a decision guided by her very real fears that she and her mother could be targeted under a Trump presidency that had outlined his prosecution of Latino immigrants. She sensed her decisions were controlled by policies that did not account for her own needs. She shared,

I have so many plans, because I'm like, "No, this country has made me suffer so much with this." Every single decision, from being with my parents to even things that I couldn't control, were all controlled by these policies that didn't take me into account. From being with my parents, to choosing when and where I got married. Because I think, had it not been for Trump's election, we would've dated longer. We would've tried doing the whole, Oh, cute engagement. Engagement photos and all that. Now I look at it, and I'm like, "That's nonsense." But part of that fantasy of getting married was also kind of shot, because we were like... "What do we need? What are the essentials? What do we need by this date? Let's backwards plan. By this date we need to be married."

Wendy articulated that her disappointment of being denied the normative engagement and wedding fantasy was not at the crux of her distress. Rather, her difficulty with her decision to marry and apply for papers was formed by a new legal consciousness shaped by the government's power to constrict her decisions and future about the most intimate parts of her life, namely her family and her romantic relationship. These constrictions forced her to primarily focus on marriage as a transactional, procedural, and necessary process for her own protection.

Wendy, her family, and their lawyer were also in consensus that legalization would be altered under the new presidency, consequently she was resolved that submitting right away was the best course of action. This meant she would narrowly miss qualifying for a 10-year legal

permanent residency and instead would apply for a conditional two-year residency and undergo a removal of conditions process¹⁹. Wendy's experience reveals how young adults' legal consciousness was informed by their fears of a new Trump era and in turn how their agency was constricted due to increased governmentality, precarity and vulnerability to deportation.

Like, Wendy, participants were also keenly aware that Trump era policies would target them as both undocumented migrants and as potential green card applicants. Victoria describes, how the election served as the "pivoting point" to submit her application in order to protect against these dual vulnerabilities:

In April of 2016, once I came back from advance parole, my partner was like, "Okay, you should complete your paperwork now. Let's do it." And I think, to be quite frank, there was a part of me that wanted to wait longer, and it was because I didn't want it to be like, "Okay, we're married, and then I'm going to file my paperwork right away." I don't know. I think a part of me was just like, we had just gotten married and also the relationship, we were getting used to being married and it was just a lot of other factors in us growing as a couple and learning. And so, I didn't want to have that pressure of now putting in the paperwork... And then, what ended up happening was, actually, after the 2016 election... I submitted my paperwork right after the elections. Yeah, it was right after, if not within a couple of days after, a week after, in November, because with a new president and just DACA was up in the air. I mean, everything was up in the air. I was

¹⁹ The Immigration Marriage Fraud Amendments of 1986 established a two-year conditional resident status for applicants who obtain residency before the two-year anniversary of the marriage. During this provisional period migrants must maintain eligibility and prove to be "married in good faith." Conditional residents must then file for a removal of conditions 90 days before the expiration date of their residency. They must file a joint petition with their spouse to petition to become legal permanent residents.

like, “I can’t wait longer. I don’t know what’s going to change, how things are going to change.” So at that point I was like, “Okay.” I pulled all-nighters. I’ve got to get my packet together, finish it fast, and we got to do this ASAP, and that’s what I ended up doing. The pivoting point was the elections, for sure. I think had Trump not been elected, maybe I would’ve waited a couple of more months. I would’ve not, I guess, prioritized it as much, just because I still had DACA, I still had a job.

As Victoria explains, the results of the 2016 election marked a new sense of urgency that shaped her legal consciousness. Whereas before the election Victoria had some latitude to prioritize her relationship with her partner and their growth into a new stage of marriage, Trump’s election forced her to consider her precarity in possibly losing her DACA, her job, and her livelihood with her partner. Victoria’s constricted agency propelled her to “pull all-nighters” to quickly put together her adjustment of status application, a process that can take folks months to compile for it requires extensive background information, application forms, legal documents, and various types of evidence to prove the legitimacy of their marriages. She hoped her expeditious tactic would provide some reprieve before Trump’s attacks on the immigration system were fully enacted. And yet, despite her quick action, her application to remove the conditions of her green card and for naturalization would place her under the full scope of the Trump effect.

Victoria’s expedited approach to her legalization process was rooted in a marriage with a strong foundation. However, there were instances in which undocumented young adults made negotiations about their entry into marriage and the *legalization continuum* that involved a tipped balance in the direction of fear and powerlessness over their own convictions about their relationships. Such is the case of Eva. Although Eva was engaged well before the election, it

would be Trump's election that forced her to contend with her beliefs about her identity, her romantic relationship, and marriage:

So it ended up being that in 2016 Donald Trump actually did win! Right! So, November happened. And I was like "Fucking life. Okay, this is real? This is happening." And at the end of it, I was always like, "Oh, I'm not scared. I'm just like, it is what it is. I don't need all of this." And it wasn't really until my family really got involved, I started really thinking about it. So I ended up going to visit my grandma with advance parole before Donald Trump came in, in 2017... And I came back in and I had legal entry, which meant a six-month adjusting period, right? Instead of two years or whatever, because I really was worried. I was just worried. I said, "I know this man [husband], I brought him all the way over here. We're going to be together. It has to happen." And so, I came back Trump went in started attacking DACA quickly. A lot of lawsuits or I remember checking for lawsuits all the time to see what was the outcome of it. DACA status, DACA status. And so I was like, "Well, maybe I don't need to." Again, this idea in my mind that I think I can get through it without it [marriage] was just so permanent. And I just didn't understand why. I was like, yeah, sure. It's about feminism, but it's not really about feminism. And I realized until I started taking some identity classes and everything, I was like, "Being undocumented is my identity." [Eva's voice breaks as she begins to cry] Sorry, I didn't mean to get emotional.

Though Eva first reasoned that her hesitations about the institution of marriage could be about feminism, upon reflection she articulated her undocumented identity as a powerful source for how she viewed herself and her decision-making. She spoke about how arriving at a young age – she was four years old – and a lifetime of navigating illegalization, led to the construction of her

undocumented identity as a salient identity. She had developed a “permanent” idea of self-reliance, that she alone could “fix her immigration problem,” not through depending on marriage. This idea was such a driving force that she had a very difficult time negotiating her hesitations of adjusting through marriage and balancing her worries about Trump’s constant attacks on her only source of protection, DACA.

Eva recognized that her fears and worries of a Trump presidency drove her to acquiesce to marriage as a protective and immediate strategy. Though she did enter marriage during Trump’s first year in office, her relationship became a difficult union, and she was hesitant to submit her petition for legal status via marriage. Eva’s legal consciousness was shaped by her recognition that fear was a key constrictor in her decision to enter marriage and legalization. Rather than move forward with submitting her petition with continued reservations about her marriage, she made the decision to forgo her legalization application and file for divorce.

Like Eva, Olivia’s entry into her first marriage was also born out of mitigating fears during the onset of the Trump administration. At the time of our interview, she was undergoing legalization through her second marriage with her same-sex partner. However, as she explains here, she was previously in a heterosexual marriage that ended in divorce. Olivia explains the role of fear and anxiety about the Trump administration in her decision to enter her first marriage:

To be honest it was mostly fear. Trump had just been elected and there was so much fear, anxiety around him being elected. And so I had met my ex and I was very honest about my situation and we were still just dating. Even though I still was living in this huge fear every single day, I never wanted to get married just because. And so it wasn’t even my idea. He was the one that brought up. He was like, “Let’s do it.” He kept probing and

probing, and we weren't ready. I knew we weren't ready, but because he wanted to and because it was going to alleviate some of that fear. And we liked each other, we were still dating and it seemed like a good idea at the time. We just went for it. But obviously, we weren't ready for it. And just the relationship collapsed.

With the dissolution of her marriage, Olivia would also suspend the application she initiated with her attorney for the legalization through marriage process. As I later revisit her case, for Olivia the 2016 presidential election and the threat to DACA created heightened moments of fear in the face of increased precarity that forced her to consider marriage as a plan of protection, even if it was ultimately not fruitful.

During the 2016 election and start of the Trump era, because undocumented young adults' legal consciousness was powerfully shaped by oscillating feeling of fear, anxiety and powerlessness, their agency was constricted towards the creation of plans for protection from the threats to their limited protections, increased deportations and narrowing legalization pathways. They were aware that choosing to legalize for protection, due to motivators of fear and anxiety, would have its own set of difficulties. Consequently, they discussed marriage for papers as a complex process, and one that needed to be negotiated alongside their romantic partners and in some cases with family and friends. They also sought legal advice and other forms of information to protect themselves.

Undocumented young adults' constricted agency demonstrates that they did not passively accept the threats of an administration that targeted them, their loved ones, and community, rather they enacted one of the only recourses available to them – marriage. These conversations and decisions continued as folks grappled with the reality of a new Trump Era that threatened their livelihoods and wellbeing daily. As the next section demonstrates, during the Trump

Presidency, undocumented young adults continued to experience the effects of an administration that would constantly threaten to end programs like DACA and alter the immigration system – all changes they would be forced to consider in deciding how best to protect themselves and their loved ones from these rising constrictions.

Trump Effect on Immigrant Communities and DACA's Precarity

During his first year in office, Trump and his administration continued to enact an anti-immigrant agenda. The administration spearheaded attacks on asylum seekers, LGBTQ migrants, DACA beneficiaries, and targeted all forms of migration by altering the admissions process and increasing deportations. As members of these communities, undocumented young adults were affected by these changes. Noe, who was a sixth-grade teacher with LAUSD at the time, shared his experiences during the first year of Trump's presidency.

I was a teacher during the 2016 election, after a campaign that had a lot of anti-immigrant rhetoric and a lot of direct promises or threats, if you will, against DACA, and we all know what happened to that. I was in the classroom on September 5th, 2017, when Attorney General Jeff Sessions announced that DACA would be rescinded. So, those experiences have also just been moments where I feel like I doubled down and partnered with the school administration to be like, "Hey, this is going on. I'm hearing a lot of fear and uncertainty and questions from my students with whom I shared my immigration status, with every student I ever taught." So, they knew that I was a DACA recipient. And there were questions that I would get about even my own safety and my future in this country, particularly after September 2017. And I had sixth-grade students who were afraid for themselves, for their parents, for their peers, for me. So I felt it even more important, as the landscape continued to shift and move, to continue to provide Know

Your Rights workshops, and to bring emergency preparedness plan workshops to families, that hopefully they would never have to use, but down the street from one of the schools that I taught at in LA, there was an arrest and a detention of an undocumented father in Highland Park, who was dropping off his daughters at school.

As Noe articulated, he and his community in Los Angeles, including the children he interacted with daily, were experiencing heightened moments of fear during the new Trump era. The news was filled with stories of increased raids and detentions, separation of families at the border, violation of human rights, termination of programs, and other attacks on the livelihoods of vulnerable communities. The visible detention of a Latino father on school grounds, was also a poignant reminder of the continued disproportionate targeting of Latino men during the age of the gendered racial removal project (Golash-Boza and Hondagneu-Sotelo 2013). Noe's legal consciousness was also shaped by his hyperawareness that he and other undocumented immigrants, even those protected by temporary programs, were experiencing a period of increased vulnerability. Despite his fears, Noe amplified his commitments and advocated for resources to help his community prepare for the increase in deportations. He also began to prepare for legalization by obtaining legal entry via advanced parole and joined efforts to defend DACA, citing his own awareness of the relationship between Trump's threats to end DACA and his ability to continue teaching.

Like Noe, other undocumented young adults experienced the Trump presidency as a period of increased punitive measures for immigrant communities. Their feelings of fear and anxiety were exacerbated by the influx of information about changes in policy and rising anti-immigrant sentiment. News coverage and social media circulated a multitude of information about the Trump administration's attempts to increase raids, expand detentions and deportations,

separate families at the border, terminate programs for immigrants, reduce civil liberties, and otherwise attack vulnerable communities in the U.S. and abroad. Omar describes his feelings of anxiety as he learned to navigate the news cycles during Trump's presidency:

It was really difficult to both plug in and plug out. Like, it was difficult with the news cycle that was non-stop, always something, always a tweet, an alert, a notification, just non-stop attacks on DACA, on immigrants, on children, on healthcare. I'd go back and forth between wanting to know what was going on to not being able to keep up or want to listen to the constant information. Because knowing all the time gave me so much anxiety but also not knowing what was going on was its own form of anxiety. Always on edge, trying to figure out how to live like this.

As Omar voiced, anxiety was a prominent feeling for him as he negotiated how and when to consume the news. For Omar, living in United States as an undocumented Latino man for the past fifteen years shaped his understanding that the anti-immigrant rhetoric and policies that he was experiencing were not a new phenomenon however, the intensity and consistency of the attacks during the Trump Era led him to feel an increased sense of powerlessness. He felt forced to figure out how to adapt to feelings of being “always on edge,” about a new normal that centered fear and powerlessness as central to his everyday life. He became increasingly afraid to participate in his work activities that periodically required him to drive long distance trips, often out of state. Similarly, Alejandra expressed difficulty engaging with news or discussions with her peers about the prosecution of immigrant communities. She felt she “couldn't look away” and simultaneously experienced symptoms like stomach aches and sleep loss, *“I just couldn't do it. I would hear people talk about it, especially in my classes, but I just couldn't see the pictures or turn on the news. I would just shut it off but also always thinking about it and I felt like, how*

could I look away?” Both Omar and Alejandra acknowledge the double-bind situation between knowing and not knowing and recognized that either choice would be accompanied by its own form of anxiety and fear.

Much like the initial threat of a Trump Presidency in 2016, undocumented young adults once again experienced a period of increased precarity as they witnessed the increased attacks on immigrant communities unfold. Moreover, for young adults who were also DACA beneficiaries the constant attacks on DACA, as their only form of protection from deportation and avenue for employment, also formed a central focus to their approach to navigating uncertain futures. During this period of DACA’s precarity, undocumented young adults continued to plan and discuss with loved ones and legal services their options to protect themselves. Sebastian was a DACA beneficiary and undergraduate student in Los Angeles when Trump took office. In his understanding that advanced parole could open the door for a future legalization process he pursued advance parole as a pre-emptive strategy. However, he wasn’t sure that he wanted to get married. He and his partner were in a period of transition post-graduation that would lead them to live in separate cities after Sebastian took a work opportunity out of state. During our conversation, I inquired about his change in perspective about applying for legal status via his romantic relationship:

Lucia: You mentioned earlier “I never thought I was going to get married for papers.”

When did it become possible, that this was an option, how did that happen?

Sebastian: It was definitely the moment that Trump rescinded DACA. That day with my group of friends, we’re all at that moment undocumented... It was us saying that we needed to take things into our own hands. Especially given the Trump administration and how blatant and overt Trump was, in terms of the undocumented community, and just

marginalized communities...And it came to a point where, I just felt that I couldn't continue living a life where the government dictated my freedom and my happiness and my family's security. Because to an extent, I am an individual who stems from my parents and their happiness and their security, and I was like, "I'm done waiting. I'm done waiting around for the government to do something. The government's not doing anything." In fact, the government's trying to put our communities down. I cannot continue waiting and waiting and waiting...Obama, unfortunately could not get an immigration reform passed. Obviously, Trump was not going to do that, so I was not going to just leave my destiny in the hands of another individual who obviously did not care about me and people who looked like me, and people who had the same struggles as me.

Sebastian's legal consciousness was guided by his understanding of DACA's rescindment as a critical moment of precarity and a pivotal point that enacted a shift in his perception about marriage for papers. For Sebastian, this moment was another strong reminder that for undocumented people laws and governments play a critical role in shaping their lives. Knowing his temporary protections were in jeopardy, he sought a solution rooted in his own choices, not dictated by another period of waiting for another presidency or promise of reform.

Sebastian's reference to Trump's attacks on vulnerable communities and folks who share his struggles was also a reference to his experience as a Latinx gay man in a same-sex marriage.

He further explained why he perceived adjusting for legalization as a time-sensitive option,

Knowing that within my lifetime, same-sex marriage was legalized. I think it was legalized in 2013. And knowing that Trump could have potentially overturned, or overruled, or would have done something to try to take it away, was also fuel to my fire,

in terms of like “Okay, you need to take advantage of this right now.” Similar to advance parole, if it’s here, take advantage of it while it lasts, that was the same thing with same-sex marriage. It’s like taking advantage of it while it lasts, because honestly with the Trump administration you never know what will happen. I didn’t know that he was going to rescind DACA, and then BAM he rescinded it! So it’s like, okay, I got to do it. I got to do it now, because my existence, and literally my personal self, is at risk in this Trump administration. So I got to do anything and everything to secure, and be safe.

In comparing the rescindment of DACA to a potential attack on same-sex marriage, Sebastian holds space for the multiple and reinforcing inequalities that shape his concerns for his safety as a queer migrant. Sebastian’s reference to “taking advantage of it while it lasts” demonstrates his legal consciousness is shaped by his understanding of Trump’s ability to constrict an existing pathway of security and inclusion for queer migrants, who until recent legal battles were unable to legally marry or apply for legalization via marriage. Pursuing legalization via same-sex marriage was Sebastian’s enactment of *constricted agency*, wherein he negotiates marriage as a necessary and time-sensitive strategy towards greater security to endure the coercive bounds of the threats to policies that provided him some protection.

Olivia also cites Trump’s attacks on DACA as palpable moments of intensified uncertainty for herself but also for her partner. Olivia explained how her partner’s fear of Trump Era threats to DACA and the immigration process shaped their decision to marry.

We were deep into our relationship. This was around the time when DACA was on the chopping block again and Trump was doing his thing. So she was scared. Obviously, I was scared too, but I’ve been through this, right? I’ve been through this up and down of the politics with DACA and the Dream Act and stuff. And so if I have to go back to

Mexico, I was just like, "It's fine. Whatever happens, happens." And with her, it was more of like, "No, I can't. We need to do something. I don't want you to leave." So it was more of she was really scared, and I really didn't want her to go through what essentially I've gone throughout my entire life, right? So that's kind of when we started talking about marriage, when we were maybe 10 months into our relationship. We were living together, so it felt like we were married in a way. I decided to propose a couple of months later.

Olivia makes a clear distinction between her ability to endure these new precarities, due to her lifetime of navigating her undocumented status, and her partner's new vulnerabilities as their romantic relationship bounds their livelihoods and futures. Though Olivia's partner is a US citizen, she too experienced fears about Olivia's ability to remain in the US and pleaded for them to do something about the situation. Through these romantic ties, US citizens are also constricted by the policies and precarities that target undocumented immigrants, demonstrating the far reach of immigration law to US citizens in mixed-status relationships (Enriquez 2020; Gomberg-Muñoz 2017).

For Olivia, she negotiated her partner's fears as the catalyst to pursue legalization through marriage as a timely action towards creating plans for her and her partner to endure Trump's attacks on Olivia's livelihood and their relationship. Olivia's legal consciousness was guided by her concerns of applying via a same-sex marriage with a prior petition from her first marriage to a heterosexual man. She decided to re-hire the attorney from her first petition in hopes that the lawyer would have familiarity with her case and help them prepare for any changes during Trump's presidency. As of the time of this writing, Olivia and her partner were preparing for their upcoming interview with USCIS.

For participants like Sebastian and Olivia, DACA's rescindment served as a heightened moment of precarity and a catalyst to negotiate legalization through marriage as necessary to secure economic stability and other forms of protection to endure Trump's presidency and the fulfillment of his campaign promises. Though undocumented young adults have varying levels of knowledge regarding the legal process, their agentic decisions are informed by an intricate understanding of the various moving pieces that open or restrict pathways to legalization through marriage. Moreover, their attorneys, social media, and other sources of information were relaying the message that the entire immigration system was severely slowed – adding to the sense of uncertainty and urgency of legalization. As the next section demonstrates, the Enactment of changes to the immigration system would further constrict applicants' array of choices as they navigated a slowed and more heavily scrutinized legalization pathway.

The Enactment of the Trump Effect on the Immigration System

Sebastian and his partner Manuel married a month after the rescindment of DACA. After gathering the necessary documents, he filed his application within a few months in early 2018. However, by 2018 Trump's attempts to slow down legal migration had taken effect. Sebastian shared how his legalization timeframe changed after he filed for his residency:

The lawyer said that we were going to be waiting for a while based on the fact that Trump was the president, so he was changing a lot of laws. And I was very anxious, I was, "Oh my God, when is this arriving?", I wanted it already. I want a taste of freedom already. But she did mention to me that if I got the interview prior to being married for two years then I was going to get a conditional green card, but if I got the interview after being married for two years, then I was going to be automatically granted the ten-year green card...And then I kid you not, I got my interview the day before being two years

married. I got it the day before. And I remember meeting up with my lawyer and she was prepping Manuel and I for the interview process, all the questions that they were going to potentially ask. And this was at least a two-hour zoom call for sure, just going over all kinds of scenarios. And then the lawyer goes, "If you sense that your immigration lawyer is nice, at the end you could say that your two-year anniversary is tomorrow and if there was any way that the officer could wait one day to approve this green card," so that I could get the 10-year green card, as opposed to the two-year green card. She's, "But if you sense that the immigration agent is mean, or they're just not having it", she's, "Don't press it. Don't say anything."

For Sebastian, though he submitted his application early in 2018 it would be close to two years before he received his appointment for his green card interview with a USCIS adjudicator. Under the longer wait periods, in the case of Sebastian, his interview was scheduled but a day shy of his qualification for a 10-year green card, not a conditional card. However, as Sebastian's attorney would advise, it was up to the discretion of the adjudicator to grant them this exception.

Indeed, in my conversations with attorneys, it is clear that much of the preparation work that an attorney completes with their clients is to help them understand the discretionary power of the adjudicator during the interview. They inform their clients about the procedure of the interview, the documents that will be reviewed, the additional evidence they will have to present, and the parameters of the questions that may be asked of them about their petition and marriages. Importantly, like Sebastian's lawyer explained, it is the discretion of the officer that can also shape the outcome of the interview and as such, attorneys also outline for their clients the potential outcomes of the interview and what rights are available to them with either a denial or

approval. Learning how the interview operates aided Sebastian and Manuel as they did petition with the adjudicator for discretion and were granted a 10-year green card.

Sebastian's case is an illustration of a slowed legalization through marriage process, as altered by the Trump Era to result in longer wait periods for applicants. Sebastian's legal consciousness was therefore shaped by his understanding that he was heavily susceptible to changes in immigration law and the discretionary power of an adjudicator that could either make his life easier by granting him the 10-year green card or force him to re-submit a renewal and undergo another waiting period for a renewal process. Although Sebastian expressed a sense of frustration and powerlessness to control the result of his interview with the immigration adjudicator, he and his husband countered these fears by working diligently with the attorney to prepare for their green card interview.

While it would be easy to chalk up the consequences of the Trump administration's changes to the legalization process as merely a slowing down of an eventual process, the slow-down created extended periods of surveillance and added new layers of vetting to the legalization continuum that sometimes had deeply negative consequences for families/couples. This was the case of Esmeralda, who due to increased vetting suffered a lapse in her green card case while she was in the process of waiting for her removal of conditional status application. In July of 2019, just a couple of months after giving birth to her son, she received a letter in the mail from USCIS stating she had forfeited her residency. Through a very difficult recounting, Esmeralda shared how she received the news that her green card was revoked.

In July of last year, I had just come back from maternity leave for two months, and then I received a letter in the mail saying that they [USCIS] have forfeited my residency because they allegedly sent me a notice in January requesting more evidence because the

initial evidence that I provided when I applied to adjust my status was not sufficient. So that was kind of a huge hit because I wasn't expecting that. If anything, I was expecting my renewed Green Card that I had been waiting for forever, so that was just very unexpected like, "What just happened?" So that was just a whole other big bomb in itself, that really threw me off in various ways.

USCIS alleged they sent her a prior notice requesting additional evidence for her initial application. Esmeralda and her husband were in shock and didn't understand what went wrong. She and her attorney were diligent about submitting the strongest application possible. She spent hours meticulously organizing folders of papers, dating years' worth of photographs, special occasions, letters, bills, joint documents, cards, just about any document she felt could substantiate her marriage "since the inception" of her relationship.

Upon learning of the revocation, Esmeralda contacted the attorney who helped her file her a case and consulted with friends who were attorneys. In the weeks that followed, between her full-time employment and caring for her newborn, she would spend all of her spare time working with her attorney to meet the 30-day deadline to appeal her case. I asked her how she and her family were dealing with the appeal process, she explained:

I feel like it's been quite a bit of an invasive process. And I don't even know how to really say how it is, but I feel that it's taken resentment, I guess. Because I feel like this is a process that... I mean, why do I even have to apply for this? When I was doing everything right. Everything that they requested I did. And now, because allegedly, they sent me a notice that I never got, I checked online and there's no record that they sent me this notice. And there's no way I can dispute with the Department of Homeland Security that they didn't do what they said they did. And I have to, this is like an unnecessary

additional burden to me. I feel that I really, I have a lot of... Just resentment because I feel you're taking time away from my baby. This is time that I'm supposed to spend with them, when I'm out of work. And instead of that, I have to deal with this. And I cannot even give my all to him, because I need to constantly put myself back together.

Esmeralda described her vulnerability to the discretionary power of an agency that was increasingly making false claims about notifications to applicants and changing the structure to their communication with applicants and their attorneys. Indeed, during the Trump era there were multiple lawsuits by attorneys and organizations for these erroneous notices and revocations regarding interviews, green cards, and naturalization processes. Moreover, the Trump Era slow-down of immigration processes created extended periods of surveillance and added new layers of vetting that left folks like Esmeralda vulnerable to the revocation of their green card, with no real forms of protection. For Esmeralda, her *legalization continuum* would prove to be non-linear as its fragile nature resulted in a revocation of her legal status and added an additional burdensome and anxiety ridden process of appeal.

Esmeralda continued to appeal her case. She learned she was eligible to apply for naturalization while she awaited a decision on her green card. Her entry into dual processes led her to face additional threats as the long waiting period of her appeal and naturalization petition left her susceptible to increased interactions with USCIS. As a college alumna, with an extensive network of support, Esmeralda was unlikely to be in such a precarious situation and yet she faced constrictions on her daily life due to the revocation of her green card. Since 2019, she constantly faced fears that she could be deported. To counter these fears and vulnerability to deportation, Esmeralda and her lawyer developed a “plan of action” in the event of a potential removal. She

also shared how she and her husband actively planned to protect herself from the ongoing threat of removal:

Last time when I went to get my fingerprints or the application to reconsider my case, I remember I was nervous. I said, “What if they are waiting for me outside of the processing center? So I remember I told my husband, if I don’t call you in an hour please call these numbers... You’re like in survival mode, like thinking of plan B and plan Y and Z just in case something happens. So I don’t know, it’s nerve-wrecking, but if I don’t hear anything about the case then if I go into that interview [naturalization], like, “Okay, this person is going to make this decision” But like I said, I don’t foresee anything happening before the end of the year. If anything, hopefully maybe next year, depending on what happens in November.

Esmeralda’s references to the multitude of plans of action exemplify how her legal consciousness was shaped by her understanding of her precarious situation as someone whose *legalization continuum* was shaped by a time period of legal limbo – with a revoked green card, waiting an appeal process, and entering a new naturalization process under the continued attacks of the Trump Era. At the time of this writing, Esmeralda still currently awaits on USCIS’s response to her appeal and her naturalization application. As her attorney explained, her process is now a waiting game. Like Sebastian, the adjudicator will have the power to decide the outcome of both her petitions when the time eventually comes.

Moreover, as Esmeralda references, she and other undocumented and recently legalized folks once again began to consider the impact of another contentious presidential election on their lives and immigration processes. As the next chapter demonstrates, undocumented young adults would be forced to endure further restrictions to their legalization process due to the

coupling of the Trump administration's potential reelection and the unprecedented health and economic precarities that would accompany the 2020 global COVID-19 pandemic.

Conclusion

Examining Latino undocumented and recently legalized young adults' *constricted agency* can extend an analysis of migrants' negotiations during unrelenting anti-immigrant contexts that produce distinct moments of precarity. During the moments of increased political, economic and social precarity that was the Trump Era, young adults navigated these imminent and ongoing threats by carefully weighing their options via a deeper understanding of law, marriage and legalization. Their *constricted agency* demonstrates the strategies they engaged to counter the most detrimental effects, challenging the narrative that they were passive targets during an era that thrust them into further precarity. However, they must do double work to negotiate the bounds of their restrictive legal and social context to articulate limited choices as necessary. This is not without consequence, for the constriction of their choices often led migrants into situations of further vulnerabilities, particularly as they entered an increasingly scrutinized and lengthened *legalization continuum*. As their experiences exemplify, the demands on the legalization process will have ongoing effects beyond Trump's presidency and the potential obtainment of their legal status. Nonetheless, their experiences exemplify the breadth of human behavior among vulnerable communities who must maneuver within precarious contexts, that force them to contend with their understanding of law and their relation to it.

Though Trump did not secure a second term, and immigrant communities and other vulnerable groups breathe a little easier under the Biden Administration²⁰, the full effect of

²⁰ Though the initial response to Biden's election was one of relief, his administration has failed to fulfill its campaign promises to support immigrant communities. At the date of this writing, a little over a year since Biden's inauguration, the administration's approach to immigration policy

Trump's presidency will continue to ripple long after the end of his term, ripples made possible by the Obama, Bush, Clinton and Raegan presidencies' construction of immigrants as criminals (Menjívar et al. 2018). As it stands, the *legalization continuum* has transformed into more difficult terrain with Trump era policies, the journey made more arduous as backlogs bottleneck the entry and obstacles obscure the way – producing prolonged periods under the intense scrutiny of the purview of law. The intensity of these long term effects will largely depend on the Biden administration's role in re-shaping Trump era policies. As such, if Trump Era policies are to be revoked and replaced with more progressive and immigrant-centered policies, then it is imperative that scholars, policy makers, and community providers understand the impact of the Trump Era on the daily lives and future of undocumented communities. Moreover, Trump's presidency left lasting effects on immigrant communities and reinvigorated the presence of xenophobia, white supremacy, and nativist movements – facilitating the possibility that we will witness future waves of Trump-like eras. Understanding how migrants, like undocumented and recently legalized young adults, negotiated and contested a socially and politically marred era will help us approach these eras proactively to better protect the wellbeing of vulnerable communities.

continues to be one of enforcement with continued deportations and denial of asylum rights. The administration continued to implement the Title 42 policy, which violated the right of asylum seekers to apply for asylum at U.S ports of entry and instead expels them to Mexico or their countries of origin, for two years. In April 2022, the administration announced plans to terminate the program in late May 2022.

CHAPTER 3:

2020 COMPOUNDED PRECARITIES AND OPPOSITIONAL LEGAL CONSCIOUSNESS

I'm still doing the consular process...It's my only option before it gets worse... It is what it is. I don't really have a say. I have to either do it or not, so I'm like, "I guess it's fine. I don't really care. I guess that's my only worry, that I won't be able to come back, but then at the end of the day, I'm like, "I'll have to figure it out like I figured out my whole life... I can get a job there teaching English and stay with my family, at least there I can do that and not worry I'm going to lose my DACA all the time."

Carmen entered the United States at six months old without legal entry. She would grow up in the US undocumented. Her only legalization option would be through marriage. As Carmen and her then boyfriend of seven years began to discuss marriage and the process for her green card, their attorney informed them that Carmen's unlawful entry made her ineligible for adjustment of status in Los Angeles. Instead, Carmen would have to apply via a consular process in Juarez, Mexico. As a DACA beneficiary Carmen may have been able to apply for Advance Parole and in turn meet the eligibility to apply for adjustment of status within the U.S. However, she did not know about this option until it became impossible for her to pursue it. Once she learned about this opportunity, it was too late as the attacks on the DACA program had closed this option for beneficiaries. Therefore, advanced parole never materialized for Carmen, and she would have to move forward with the consular process as her only option for a green card.

Though Carmen resigned to having little say over the consular process, she applied in February of 2020, "before it gets worse." Carmen's reference to a potentially worse moment refers to her prior experience losing opportunities like advanced parole due to restrictions on

immigrants and to her understanding about the narrowing legalization process under the Trump era. Consequently, she hoped that a timely filing would ameliorate her fear that she could be at higher risk for deportation if Trump were to be re-elected in November 2020.

Carmen's decision making process is shaped both by her long-term navigation of living undocumented – her ability to *navigate illegality* (Negrón-Gonzales 2013) and her understanding and application of immigration law – her *legal consciousness* (Ewick and Silbey 1998; Silbey 2005). She chose to apply, despite the increased risks, due to her fears that a potential second Trump term could thrust her into an era of increasing governmental control; thus, she made a conscientious decision to begin her consular process as a strategy to survive another contentious political moment. To arrive to this decision, she relied on her previous skillset of strategies to navigate her limitations and adapt to new futures – in this case a potential future outside of the U.S. What Carmen did not yet know was that 2020 would bring more than political precarity – the COVID-19 pandemic would also profoundly change the world and the immigration system that she had hoped could provide her legal status and relief from further precarity.

The year 2020 began with a looming presidential election and threats of a second Trump term unencumbered by the restrictions of re-election. As the year progressed, the COVID-19 pandemic would also bring unprecedented global health and economic insecurities. These compounded threats would leave Carmen, and other undocumented and recently legalized young adults in similar situations, in a *legalization continuum* of prolonged waiting limbo. In a follow-up interview in October 2020, Carmen continued to wait on her approval to “voluntarily” leave for Mexico to complete her consular interview for legal entry into the U.S. As our conversations reveal, she can only speculate as to the outcome of her consular process, particularly given the restrictive changes to the immigration system and continuation of the global pandemic. In this

chapter, I highlight the experiences of young adults, like Carmen, as legally precarious immigrants who were in various stages of the *legalization continuum* during the compounded political, health, and economic precarities of the COVID-19 pandemic and the possibility of a second Trump Presidential term. It addresses the central question: What is the relationship between modern governmentality and the dynamics of the COVID-19 pandemic and the political context of 2020 on young adults' legal consciousness about legalization?

As my conversations with undocumented and recently legalized young adults demonstrate, their experience with the green card and naturalization *legalization continuum* was a changing process that delayed and extended the review of their applications. Moreover, policy changes also enhanced vetting, increased officials' discretionary power to deny, remove, or force migrants to allocate unlawful status, and reduced migrants' limited recourses for defense. These changes were exacerbated by the onset of a global pandemic. I argue that during this context, the increased fear and uncertainty lead young adults to draw on a previous skillset from their *navigation of illegality* to similarly develop an *oppositional legal consciousness*. In turn, this new consciousness allowed them to further develop an "empowered mental state" approach to resolve one aspect of their vulnerability – their undocumented status. Their *oppositional consciousness* (Negrón-Gonzales 2013) was rooted in an understanding of law, the increased risks of continued illegalization and their spectrum of choices available to navigate a narrowing and fragile legalization continuum.

In this chapter, I demonstrate how the coupling of health, economic and political precarity effectively forced young adults to enact their agency as methods to survive and prevail against compounding threats emerging during the global pandemic. I examine two key sites of the *legalization continuum* for the development of *oppositional legal consciousness* – the

navigation of the renewal and naturalization process and the entry into a high-risk consular process. For applicants who had gained some legal standing and were in the legalization process during this contentious time period, their negotiations were to enact strategies of survival unprecedented precarious legal situations. However, for those who felt the strongest constrictions on their ability to remain in the U.S., their decisions to enter high-risk consular processes highlight the possibility of migrants to move beyond survival strategies and into new forms of imagining their lives outside of the United States. I argue that this requires ideological work, a self-formulated agency as a *technique of the self* (Foucault 1991), to find fulfillment in their lives; in a sense, the most agentic power as they reformulated themselves, their identities, romantic relationships and future as potentially existing outside of the governmentality of illegality in the U.S.

As undocumented young adults, they have *navigated illegality* during their formative years, weaving strategies to negotiate the juxtaposition of sociopolitical inclusion and exclusion. In 2020 their *legal consciousness* shifted into an oppositional frame, wherein their insistence to find a resolution speaks to a consciousness that seeks liberation from further governmentality on the personal and family level. In effect, I conceptualize their *oppositional legal consciousness* as a navigation of law that allows for a more liberatory and fulfillment-seeking consciousness wherein they can formulate new futures and choices they might have not otherwise considered. Therefore, an *oppositional legal consciousness* allows young adults to confront precarious legal contexts by formulating higher-risk options as necessary and decisions made not despite their fear but *because* of their fears and the uncertainties of COVID-19 and a contentious election year. Moreover, I argue that undocumented young adults' prior *navigation of illegality* can be drawn upon to support an oppositional navigation of law that allows them greater agency to

maneuver unprecedented moments of insecurity and precarity. In doing so, they are able to gain entry and advance through the *legalization continuum* during precarious moments rather than wait on potential greater threats to their daily lives and futures.

The 2020 COVID-19 Pandemic and Compounded Waves of Precarity

The global COVID-19 pandemic impacted Southern Californians in destabilizing waves. In late January 2020, the State's first and second case of the COVID-19 virus were confirmed in Orange County and Los Angeles. By early March cases skyrocketed, prompting the declaration of state and national emergencies. The days and months that followed were filled with new developments and the restructuring of daily lives: rising cases and death tolls, school closures, layoffs, food and supply shortages, and shelter-in-place orders to curtail the COVID-19 pandemic. Though the majority of folks struggled to adapt to the new reality of a global pandemic, the most vulnerable groups were experiencing disproportionate health and economic impacts of the pandemic.

Latinos are among the racial and ethnic groups in the U.S. to be most disproportionately impacted by the COVID-19 pandemic. In 2020, Latino groups represented 19% of the U.S. population, reaching 62 million people²¹. According to the Center for Disease Control and Prevention, as of June 2021 Latinos accounted for 29% of COVID-19 reported cases and 19% of deaths²². Nearly half of Latinos also reported knowing someone who was hospitalized or died from the COVID-19 virus²³. Latinos' higher risk of exposure can be attributed to various social

²¹ See Census 2020 Data, <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html>

²² See Center for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/increased-risk-exposure.html>

and economic determinants of health including, lack of access to health care, jobs with greater risk of exposure to the virus, and inequalities in their environment, housing, occupation, educational, and economic stability (CDC 2021). The economic impact of the pandemic also significantly harmed Latinos. By April 2020 nearly 18% of all Latinos were unemployed, with Latinas experiencing a higher unemployment rate of 20.5%²⁴. Nearly 60% of Latinos reported living in households that experience job losses or reduced wages as a result of the pandemic; compared to 43% of US adults reporting economic impact. Latinos are also more likely to worry about their savings and their ability to pay bills or cover health cost. These COVID-19 health and economic disparities further impact Latinos in other areas of their wellbeing. Their mental health is negatively impacted as they cope with distress from not only their economic and health vulnerabilities, but also from their family situations, immigration status, and social isolation (Garcini et al. 2021).

Undocumented and mixed-status families are among the Latino groups who experienced further adversity due to their immigration status during the pandemic. COVID-19 disparities are consequential to Latino immigrant families who must navigate an added layer of vulnerability due to their immigration status. For the young adults I spoke with, they too were grappling with preoccupations due to job loss, reduced wages, increased familial responsibilities, and infection and death rates affecting their communities and families. These new pandemic related precarities were further impacted by pre-existing and emerging political and immigration concerns –

²³ See Pew Research Center, <https://www.pewresearch.org/race-ethnicity/2021/07/15/many-hispanics-have-had-covid-19-or-lost-someone-to-it/>

²⁴ See, Pew Research Center Report: <https://www.pewresearch.org/race-ethnicity/2021/07/15/for-u-s-latinos-covid-19-has-taken-a-personal-and-financial-toll/>

creating a compounded precarious context of health, economic, and political vulnerability that shaped their decision-making process.

Political Uncertainty and Immigration System Changes

The pandemic hit as the Trump effect on immigration was in full force. As discussed in previous chapters, prior to the pandemic the Trump administration crusaded to end the Deferred Action for Childhood Arrivals (DACA) program and pressed forward with a high volume of immigration policies that altered and slowed the immigration process on all fronts (Pierce and Bolter 2020). The pandemic's health and economic crisis also began during an election year as Donald Trump was mounting a re-election campaign with promises to double-down on his anti-immigrant agenda. Folks feared the possibility of a second Trump term, this time unincumbered by re-election and able to further enact unrestricted attacks on Latino/a/x immigrants and other vulnerable groups.

While undocumented and recently legalized young adults were already anxious about the outcome of the elections and increased risk of deportation, the pandemic further exacerbated these fears. Recent immigrants and undocumented communities were especially aware of their vulnerability to the implementation of Trump's anti-immigrant agenda during his campaign for re-election. This was especially true as he weaponized the global pandemic to further restrict all forms of migration.

Due to the pandemic, US Citizenship and Immigration Services (USCIS) shut down in March 2020. As the agency in charge of legal admissions, including legal permanent residency and naturalization interviews and ceremonies, the shutdown was only the beginning of restrictions to the legal immigration system. On April 20, 2020, Trump would tweet the announcement of his executive order to bar new immigration for people seeking green cards.

Trump Tweeted, “In light of the attack from the Invisible Enemy, as well as the need to protect the jobs of our GREAT American Citizens, I will be signing an Executive Order to temporarily suspend immigration into the United States!” (Klein, Alvarez, and Liptak 2020). Though the pandemic had already restricted much migration into the US and globally, the Trump Administration placed a 60-day halt to new immigrants into the U.S. (Miroff, Sacchetti, and Jan 2020). In the midst of increased deaths and uncertainty, hoping to appeal to Trump’s base for re-election, the administration continued to utilize the pandemic as the excuse to make changes to the US immigration system that further impacted refugees, asylum seekers, undocumented and recent migrants, and those in green card, visa and naturalization process (Hesson and Kahn 2020). In effect, the pandemic and policies backed by pandemic fears, elongated and the legalization process to produce new hurdles and higher risks to deportation for all migrants.

For many immigrant young adults and their families, the coupling of the pandemic and the hostile political climate further increased their health, economic and psychological vulnerabilities. These issues would prove to place undocumented young adults in new waves of increased insecurity that threatened their ability to make long-term plans – all while dealing with the pandemic and its consequences on their work and personal lives. Under these circumstances, as my conversations with undocumented young adults revealed, they looked to their understanding of law to reformulate strategies of protection and prevalence to the increasingly precarious and anti-immigrant threat to their daily lives.

Governmentality, Navigating “Illegality” and Oppositional Legal Consciousness

To examine the relationship between law and migrants’ navigation of legalization during the onset of the COVID-19 pandemic and the 2020 presidential election, I draw on Foucault’s concept of *governmentality* and on contemporary scholarship on *migrants’ navigation of*

illegality and *legal consciousness* during times of precarity. Foucault's *governmentality* as "an ensemble formed by the institutions, procedures, analysis and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power" (1991:102), argues the state controls its population through the disciplining of collective behavior via *techniques of domination* that force the individuals to partake in their own governing and that of others. Though individuals are never outside of their relation to power, they can use their limited agency, via *techniques of the self*, to seek freedom practices to fulfill their lives (Foucault 1991). The interrelated *technologies of the self* with *technologies of domination* shape individuals' ability to express against the *governmentality* embedded in the social, economic and political relations.

Menjívar and Lakhani (2016) draw on Foucault's concepts of *governmentality* and *techniques of domination* to examine the "transformative effects of the law" on migrants during their regularization process. They argue that immigration processes can produce long-lasting and permanent metamorphosis as migrants enact strategies that can lead to successful claims for legal inclusion. Migrants' metamorphoses demonstrate how *governmentality*, through *technologies of domination*, can discipline and transform individuals by shaping their ideological foundations and behavior. However, though discipline through the law is enacted, the authors suggest migrants' changes in ideology and behavior may also signal their agency in navigating *governmentality*. I extend this line of inquiry to examine how undocumented young adults experience *governmentality* and where their agency lies across the spectrum of self-discipline or self-mastery. *Governmentality* and *legal consciousness* – a common sense understanding and application of law (Ewick and Silbey 1998), therefore illuminate the relationship between a migrant's agency and law, particularly during the 2020 precarious contexts.

In this chapter, I draw on legal consciousness to examine how Latinx undocumented and recently legalized young adults negotiate a complex immigration system as legally precarious migrants. I examine two key features for migrants who experienced transformative effects during legalization – prolonged legal limbo and hostile environments (Menjívar and Lakhani 2016). This is the case of undocumented young adults whose legally precarious statuses stem from their quasi-inclusions via the instability of their DACA permits and a prolonged legalization period due to anti-immigrant informed policy changes to the immigration system. To do so, I draw on Negrón-Gonzales's (2013) examination of undocumented Latino youth in California and their development of oppositional consciousness as they navigate illegality and hostile environments. Negrón-Gonzales asserts that “The question of how subordinate people develop an oppositional consciousness is fundamentally a question of the relation between lived experiences of oppression and the empowered realization that things do not have to be this way; that change is indeed possible” (2013: 1289). To examine this relationship, she draws on Mansbridge’s (2001) definition of oppositional consciousness as “an empowered mental state that prepares members of an oppressed group to act to undermine, reform, or overthrow a system of human domination.” This definition captures a broad range of empowered actions that signal to the breadth of human behavior possible through oppositional consciousness.

Examining how undocumented young people “navigate illegality,” she acknowledges the daily practices undertaken to steer the in-between spaces of deportability and belonging. She finds that their consciousness, though internal, originates from their social lives as a result of growing up in a hostile political climate which both excludes and includes them. She demarcates two key sites for the development of oppositional consciousness – negotiation of fear and shame and navigation of exclusion – and argues that these transformations at the personal level, inform

the empowered political engagement of Latino undocumented youth activists. I utilize Negrón-Gonzales' (2013) oppositional consciousness to highlight the linkage between undocumented young adults' *navigation of illegality* and their "empowered realization" that change is possible, and in-turn how this critical consciousness shapes their legal consciousness about legalization. Following Negrón-Gonzales, I examine their oppositional consciousness as a spectrum, rather than existing on a binary, to illuminate the range of responses and transformations possible under increased governmentality. However, I extend the analysis of an oppositional consciousness beyond activist spaces and into young adults' intimate lives and process of obtaining legal status.

Navigating Legalization Limbo: Removal of Conditions and Naturalization

For those who had received residency and were in the next stages of their *legalization continuum* (i.e. applying for removal of conditions or naturalization) they faced increased fees, public charge concerns, and general slowdowns in the process that resulted in prolonged waiting periods, extension petitions, and lapses in their green cards. The case of Esmeralda exemplifies the compounded precarities endured by those with uncertain green card statuses. As discussed in chapter three, Esmeralda suffered a lapse in her green card while she was in the process of removing the conditional status in July of 2019. In September 2020 she was also preparing to move out of Los Angeles. While she was able to continue remote work, her husband lost his job, and they were forced to move to a more affordable city. The pandemic created new stressors, as she explained:

If I lose my job, that means that they don't have health insurance. And I need to take my baby to get his physical tests and his vaccinations and my husband has asthma. So with COVID it is always the fear of what if he needs to go to the doctor and I lose my health insurance. Just thinking, "Oh my God, all the medical bills can start piling up." You

always think about worst case scenario. So, I think the beginning of all this, there was a lot of stress and fear of the unknown and what's going to happen and also thinking, well, I'm in limbo. They [USCIS] said that they are reconsidering my case but they didn't say we're reinstating your residency. So there's that element of limbo as well. So with the fear of getting laid off, I also thought, "Well, would I be able to apply for unemployment and am I going to qualify for all these benefits?" And what's going to happen? Would I be able to get another job? So it's just like a hill crumbled down.

Esmeralda's depiction of a hill that crumbled down illustrates the downpouring of stressors she and her family are forced to endure as a result of the loss of her green card coupling with the economic and health disparities present during the pandemic. As a college alumna, with an extensive network of support, Esmeralda previously considered herself highly unlikely to be in such a precarious situation. And yet, these compounded precarities significantly destabilized her life.

Esmeralda navigated these economic and health stressors and her precarious legal situation much like she had navigated her life as an undocumented person, prior to her entry into the *legalization continuum*. As she shared, "Sometimes by nature we need to become all these like immigration policy experts because it's our survival. Right? If we don't know this information, we don't know our rights. And then people can take advantage of that. So, in this process, I was having to just like re-learn that." Esmeralda's reference to re-learning how to become a policy expert speaks to her understanding of the necessity for undocumented and legally precarious migrants to understand law in order to know what rights are available to them. She sought to once again gain expertise with immigration law to secure her survival of the revocation process. Thus, her experience suggests that upon her initial obtainment of her green

card she was able to benefit from a level of legal inclusion that allowed her to not be hyperaware of immigration law. However, upon facing a new threat to her survival, Esmeralda was able to draw on her previously acquired legal consciousness shaped by her navigation of illegality. Indeed, as soon as Esmeralda received her revocation notice, she began to appeal her case. She sought the advice of multiple attorneys and as a result learned she was eligible to apply for naturalization while she awaited a decision on her green card. Nonetheless, her entry into dual processes led her to face a complicated *legalization continuum* with additional threats as the long waiting period left her susceptible to increased interactions with USCIS entities and adjudicators.

In a follow-up teleconference conversation, in September 2020, Esmeralda shared that she and her lawyer developed a “plan of action,” and how she actively planned to protect herself from the ongoing threat of removal:

I talked to my lawyer and talked to other lawyer friends, and they had said right now with this administration, they're just trying to find any reason to remove people. So do submit anything that they're asking you on that notice before the deadline. So I contacted my lawyer. She told me, obviously I had to apply like fill out this form, which is very costly. It's almost as much as the petition to apply for residency. And then I asked her if there was any like potential removal, and she said, "There could be, but if that happens, then there's already like a plan of action". So I feel more comfortable once she said that. And also just the idea that I know I have a community out there also helped, just because I know if something goes down, people are willing to stop the bus or something.... Last times when I went to get my fingerprints or the application to reconsider my case, I remember I was nervous. I said, "What if they are waiting for me outside of the processing center? So I remember I told my husband, if I don't call you in an hour please

call these numbers... You're like in survival mode, like thinking of plan B and plan Y and Z just in case something happens. So I don't know, it's nerve-wrecking, but if I don't hear anything about the case then if I go into that interview [naturalization], like, "Okay, this person is going to make this decision" But like I said, I don't foresee anything happening before the end of the year. If anything, hopefully maybe next year, depending on what happens in November.

Esmeralda's references to the multitude of plans of action exemplify how her legal consciousness was shaped by her understanding of her precarious situation as someone in a ruptured *legalization continuum* – with a revoked green card, waiting an appeal process, and entering a new naturalization process under the continued attacks of the Trump Era and uncertainty of the upcoming November election. Her legal consciousness was shaped by an oppositional consciousness which allowed her to draw on her prior knowledge navigating illegality. She called on her extended network to seek valuable legal advice and formulate plans of protection from her increased vulnerability to deportability. Her reference to her community's power to "stop the bus," speaks to her own understanding of the power of community activism to intervene when a community member is in the process of deportation²⁵. These strategies of

²⁵ Esmeralda's reference to "stopping the bus," is in relation to anti-deportation activists' actions to stop the expulsion of immigrants from the U.S. For example in 2017, activists attempted to block the deportation of an undocumented woman by blocking ICE vans and buses from leaving a facility in Phoenix, Arizona. (See, <https://www.nytimes.com/2017/02/08/us/phoenix-guadalupe-garcia-de-rayos.html>). A year later, activists blocked Homeland Security vans from accessing the downtown Los Angeles Detention Center (See, <https://www.latimes.com/local/lanow/la-me-ln-ice-protest-20180215-story.html>). In 2019 in Nashville, Tennessee ICE agent attempted to detain a man and his teenage son from their van outside their home. Neighbors and activists formed a human chain around the man's van to stop ICE from detaining and deporting the family. (See, <https://www.nytimes.com/2019/08/05/opinion/ice-undocumented-migrants.html>)

protection will continue to unfold for Esmeralda as her immigration status continues in a grey area, compounding the multiple concerns that stemmed from the global pandemic. As her attorney explained, her regularization process is now a waiting game within the context of increased governmentality. Along her *legalization continuum*, Esmeralda has fought to maintain her eligibility and meet the burden of proof in her applications. The adjudicator will have the power to decide the outcome of both her appeal and naturalization petition when the time eventually comes.

Much like Esmeralda, other participants were facing similar stagnations to their legalization cases, further propelling them into precarious situations. Natalia was in the process of removing the conditional status of her green card during the onset of the COVID delays. She explained how she navigated the period of her extension on her conditional green card:

I removed the conditions with my husband, and I got the 18-month extension, which I almost had an issue with my work because my work papers have the [expiration] date of my conditional green card. They [employer] started asking me about it and I was starting to worry about my job and what would happen if I didn't get the conditions removed. I didn't know what to do. But I asked my lawyer and she told me to show them [employer] the extension paper as proof that I have the extension. But I had to talk to them [employer] and explain that I did apply on time and that things were just slow and out of my hands. It was a lot like when I had to deal with my DACA renewals.

Natalia and her husband filed a joint petition within the required timeframe, in January 2020, however the increased vetting and slowdowns of the immigration system placed Natalia into complications with her employment. Although her attorney gave her some guidance, Natalia relied on her past experience with delays with her DACA renewals to convince her employer that

she did in fact have a permit to work. Moreover, when we spoke in September 2020, she explained that she had become eligible to submit her citizenship in July 2020 and did so right away to make sure she could maximize her chances to receive an adjudication to her applications. However, with the pandemic ongoing, she was uncertain if either process would come to fruition, or if she would have to rely on further extensions to her residency.

Indeed, during this time period, delays with the removal of conditions led to a number of complications for young adults' everyday lives. I spoke to Elsa, an immigration attorney, who explained that since early 2017 the removal of conditions was no longer a process of approximately five to seven months to be processed. Rather the timeframe was now closer to one year to 18 months. Therefore, the extension migrants like Natalia receive are for an 18-month period. With the pandemic, she explained that even 18-month extension have been extended by USCIS due to the severe slowdowns. When I asked her how these delays affect her clients, she walked me through different examples:

It's frustrating for them and concerning because they also then run into other issues in their day-to-day lives outside of my immigration world. For example, the DMV, even though they're not supposed to be issued with the [expiration] term, IDs to conditional residence pursuant to the real ID Act, they don't seem to understand this and they issue license renewals to those individuals that end on the expiration date of their extension. So, where someone would have to go to the DMV once every four years now, they're forced to go a year and a half from when their license expired or less depending on when the extension is set to expire. And the same thing is true of employers who may not recognize the extension. They may not recognize it as a valid document. I have had to call HR before on behalf of my clients to explain and to point them to regulations and

USCIS's website, so they can understand what this document is. Or I've had to talk to the underwriter on their house loan. It's having effects and impacting in every stage and every part of their lives. And it's not just, oh, but I don't have my benefit yet. It's being able to efficiently do things without having to get your immigration attorney involved to explain to your employer why you should be allowed to work.

Elsa outlines how these delays in the process impact young adults' lives beyond the frustration of an elongated wait for her legal benefits. These delays impact their ability to maintain valid Driver's licenses and ID's, home loans, and employment. Although by law, as residents with extensions on their conditional green cards, they are eligible to obtain ID's and licenses, purchase homes and work legally, in practice these grey areas of residency are extensions of a fragile *legalization continuum* that can lead to complications for new residents.

While Elsa is a proactive attorney, who advocates for her clients during these tenuous periods, not all new residents are able to capitalize on this resource. Some have to rely on their own knowledge to circumvent some of the complications caused by delays in the immigration process. Such was the case of Miguel. During the onset of the pandemic, Miguel was also in a dual immigration process – renewing his green card and waiting for his naturalization application. Previous USCIS timelines would suggest he would have been able to become a naturalized citizen within a three-year timeframe from the date of his marriage, however as Elsa explained, due to the many delays residents like Miguel continued in the immigration system. Miguel would remain as a green-card holder by the time the pandemic shut down USCIS, further slowing his process towards naturalization.

Miguel was eligible to apply to remove the conditions of his residency in June of 2019, however his wait time was so slowed that he was granted an extension on his conditional green

card. In January of 2020 he became eligible to apply for his naturalization. Continuing to face a prolonged wait period, Miguel was resolved to also submit his naturalization application, rather than risk a lapse in his green card or further vulnerabilities during the naturalization process if Trump were to be re-elected. When I asked how he came to his decision, he shared:

I'm just so tired of waiting for a solution, even if Biden wins not all our problems are just going to go away. So many people have lost their jobs or gotten sick. So it would be great to get it done sooner to be able to get a little more security. The lawyer isn't going to push it, she told me to wait on the extension but I can't just hope the extension is going to work. If I lose my green card I can't work and I can't pay the bills. So, I got help on the groups and just did it [naturalization] myself. We submitted it like three months ago. If something comes up wrong, then at least I'll know. I can always go back to the attorney or get help. We're just in a situation where you gotta just get it moving.

Miguel's legal consciousness is shaped by his understanding of his tenuous immigration status and the precarious context that leaves him susceptible to further vulnerability. Through our conversations he shared various interactions with law enforcement that made him fearful of his vulnerability to deportation. Miguel's increased fears of interactions with law and detention, speak to the visible operation of the gendered racial removal project (Aranda and Vaquera 2015; Golash-Boza and Hondagneu-Sotelo 2013), that target Latino men like Miguel for deportation. Fearing increased targeting, especially if Trump were to be re-elected, Miguel was resigned to his decision that waiting was not a viable solution, nor was hoping that a new administration would make his process easier or ameliorate his vulnerabilities. Rather, his oppositional legal consciousness led him to decide to enter the next stage of his *legalization continuum* by applying for naturalization on his own, with the support of social media forums. His decision to take a

higher risk and enter the adjudication of his naturalization application under the Trump Presidency and potential re-election, helped him gain more security. Last we corresponded in July 2020, Miguel shared his strategy was a success and as he became a U.S. citizen during a socially distanced oath ceremony in Orange County.

For Miguel, his decision to dually wait for an extension on his green card and push forward with filing for naturalization during a politically contentious moment, was shaped by his understanding of the role of political climates in narrowing legalization and naturalization pathways. Miguel's ability to move forward with a dual process is also indicative of his economic resources and ability to draw on networks of support to file on his own. His legal consciousness was therefore shaped by an oppositional consciousness that allowed him to mobilize his resources and accept higher-risk decisions as necessary to combat increased risks. Miguel's ability to maneuver the law, even when it is restrictive, also signals to the importance of a legal consciousness shaped by an empowered approach. If it helped him combat current threats, this empowered and proactive tactic may also shape his ability to combat future potential threats as he begins to legally incorporate as a naturalized citizen.

Legalizing During COVID: Impact on First Time Applicants

For first time applicants, much like 2016, the year 2020 was again another moment of urgency, albeit accompanied by a global pandemic. Samuel met his wife in college and proposed to her in 2016. He explained how the discussions about when to marry would unfold with his then fiancé after their engagement:

A few days later, we talked, "Okay, where do we start?" I wanted to get married, civilly, I heard Donald Trump was going to be running for president. And I don't know if he was already just starting to say he was going to run for presidency or not. And I was at that

point where I was like, "Shit, we should really get married civilly to just speed things up." Even my parents were like, "Mijo, just get married civilly and start the process and then get married through the church." And my wife was like, "No, that's not special. That doesn't mean anything." My wife was like, "No, we're not doing it." I was like, "Babe, please, let's just do it. If we do it, we can get rid of this step and we can go to Europe for our honeymoon." And that's what we wanted to do. And she was like, "No, "it's just not special and I just don't like the idea." So I was like, "Whatever. I don't care. I'm not marrying you for this. If you want to wait, that's fine."

Samuel arrived to the U.S. as a six month old infant, and grew up navigating illegality (Negrón-Gonzales 2013). Consequently, he and his family's experiences with his illegalization shaped his legal consciousness, as they understood the role of a Trump presidency in increasing his vulnerabilities to potential prosecution and detention. Growing up undocumented, in his youth, Samuels experiences with illegalization were also a racialized process. During his youth, he witnessed the targeting of undocumented Latino boys and youth through instances wherein "Mexican" and "illegal" were used synonymously by his peers. Fearful that he would be similarly targeted, Samuel began to distance himself from his ethnic identity. It would be a slow and painful process for Samuel to come to a more positive identity formation that allowed him to surpass feelings of shame associated with his undocumented identity. However, when Trump was elected, he and his family became concerned that he and his brothers could be targeted, once again, based on their ethnic and racial background as Latino men. Nonetheless, Samuel acquiesced to his fiancé's wishes and the pair would wait until March 2020 to wed, marking their wedding party as the last celebration before the venue closed due to the pandemic.

The delay of their marriage placed Samuel in a precarious situation as he would have to endure Trump's threat on DACA and green card applicants. Moreover, with the pandemic, it would be six to seven months before his lawyer's office would reopen and he could begin his application. He explains how these compounded precarities created an additional burden for his process, namely the new public charge rule announced in September 2018 which assessed if green card applicants would be dependent on public benefits programs in the future:

We submitted our paperwork and in December I get a letter from USCIS saying I needed supporting evidence of the public charge rule. So I needed to fill out the I-944 document. And I wasn't scared of that. I qualified for everything, but it was just another hassle, another hassle, another way of trying to discourage people from seeking adjustment, another way to stop people from getting it. It just pissed me off. And I told the lawyer, "Hey, here's everything." And she didn't want to submit it! She was like, there's a good chance Biden's going to win the presidency, and this will be stricken, it'll be gone. I was just so fed up with it that I said, "I don't want to wait. I don't want to wait. I'm freaking out over it. I've been waiting for 30 years. I don't want to wait. Here's the packet." I gave her all the information they requested. I read it. I read some forms. I was on the freaking DACA adjustment status page. I was doing everything.

Though legal advocates hoped Biden would be elected and enact positive changes, Samuel's legal consciousness was powerfully shaped by his 30-year illegalization and the multiple delays to his process. Samuel's response to the prolonged wait was a matter of taking an active role during his process for he knew that his DACA permit was also under risk in the courts. Though Samuel refers to the paralegal that was helping him with his application as a lawyer, he soon came to understand the importance of legal counsel. In search for lifelines, he actively sought

information via online forums and pushed the paralegal he hired to submit his public charge paperwork.

As the pandemic continued, he too persisted in securing further avenues for surviving the prolonged waiting game. At the time of our meeting, he was in contact with his district congressional representative to support his expedited review petition.

Lucia: How do you manage the waiting, waiting for an update on your case

Samuel: I'm like, "Okay, who do I know that works in government? Who do I know that has connections? Who do I know that might be friends with the Senator? What can I do to reach out to Senator? Can a Senator help me?" I started engaging in all these options, because I'm not the type of guy who likes to just patiently wait, like, "Okay, I'll just wait for my time right now." I'm very outspoken. I've always gone out and made things happen. I don't like sitting around and waiting for things to happen. In the same situation as I'm in right now, I reached out to my Congress Representative from my district and I said, "Hey, can you help me out with my immigration? I don't know if that's something you do, but I'm just waiting for things to get sped up. Please help me out." And I've been working with this Congresswoman to help me out. Otherwise, you're just going to drive yourself crazy, just checking a stupid screen and refreshing every day. Like, "Hey, any update? No." It's just a waiting game. So just make sure that you just try. To tell you the honest truth, you'll drive yourself crazy if you are just thinking about it.

Faced with a prolonged waiting limbo to his green card petition, Samuel's legal consciousness began to shift into an active approach. Much like his decision to move forward with submitting his financial documents for evaluation, his *oppositional consciousness* informed his approach to seek support from his local representative to help expedite his case. Similar to how he advocated

for himself during the process of obtaining his DACA application, he once again drew on his knowledge that a congressional advocate could support a timelier solution to his immigration continuum. For Samuel, his active approach allowed him to work with the representative of his district, who would supply a letter of support for his case. Whether the letter will shorten his wait or aid his case was unknown to Samuel. However, his determination to be active in waiting helped him ameliorate the desperation that can stem from waiting limbo.

Sara, who migrated from Colombia, was also in the process of submitting her marriage-based legalization application. Similar to Samuel, Sara is able to adjust her status in Los Angeles. However, she is married to a U.S. resident and upon seeking legal representation, she was advised that given the political uncertainty her husband should become a U.S. citizen first before sponsoring her petition. She explains how she understood the election's role in her legalization options:

It really depends on whether or not Trump gets reelected, because if he gets reelected, it may very well be scenario where I apply after he [husband] becomes a citizen, but I am not able to fix my status right away because he [Trump] has prolonged the process by a few months. It could be nine months as opposed to four or five or six that it took before. I feel like so much is in play right now with the elections that knowing where things will go ... I may not even be able to adjust status if he becomes president again and he just comes up with a crazy rule that wasn't in place before. I know he's going to tighten up the immigration process so much. That's like I explained before, with the residency through married to a permanent resident, you cannot file to adjust your status. But if he becomes a citizen, it would be like a few months process after. That's it. Quick. If not, now you got

to leave the country and apply from there, which who's going to do that, you know? I'm not going to do that.

Sara believed a second Trump term may lead to more punitive attacks on the legalization process, to the point where she may be unable to legalize. In facing this level of uncertainty, and fearing the closing of existing paths, she and her husband decided he would prioritize his naturalization application.

In a follow-up six-month interview, Sara explained that she felt urged to seek other options. She was determined to put “all her cards on the table” via three different avenues: 1) her husband’s citizenship application, followed by her green card petition 2) an application for Canadian residency for her and her husband and 3) renew her inquiry about a petition sponsored by her U.S. citizen mother eight years ago. In the face of the threat of a second Trump term, she and her spouse of Cuban descent, felt they would rather leave the U.S. if they could find a legal means to enter Canada than continue to live under his administration. Sara’s case illustrates that in heightened moments of threat, if resources are available, it is possible for migrants to seek multiple avenues to prevail over their current restrictions and vulnerabilities. Determined to find a solution that did not force her to leave the U.S. to adjust, Sara sought information about a relatively rare avenue, entry into another country based on her understanding that as a Columbian immigrant with a master’s degree she may be able to “earn” entry into Canada’s point system. Exhausting all options, Sara currently waits on one of these potential avenues to open a path for her to gain legal status in the U.S. or in Canada.

It is important to note that Sara’s ability to enact multiple potential avenues for residency speak to her ability to mobilize her educational background and resources. Finding multiple pathways for potential legal inclusion is a rare occurrence. Most of the folks I spoke to for this

project were only able to access marriage-based petitions. This was especially true for participants who did not obtain a college degree and consequently did not foresee a possibility to legalize through employment. Among those who were college educated, not all were able to mobilize the needed economic or information resources to access multiple avenues of legalization, let alone an adjustment of status process within the United States. This is the case of folks like Carmen, who does have a bachelor's degree, however she would only be eligible to apply for a consular processing.

Like Samuel and Sara, Carmen too had endured the consequences of a Trump presidency and his attacks on deferred action. Having migrated as a six-month-old child, Carmen did not have legal entry and had no avenue from which to apply for legalization through marriage in the United States. Initially, Carmen was unaware of the potential benefits of advanced parole to gain legal entry. By the time she became aware of advanced parole's potentiality for legal entry, many advocates were already advising against international travel under a Trump administration. Carmen's only legalization option would be via a consular process in Juarez, Mexico. Carmen submitted her application in February 2020, right before the pandemic impacted Los Angeles. Like Raul, Carmen is in waiting limbo. Unlike adjustment of status processes, applicants like Raul and Carmen face leaving the US for the adjudication of their applications, potentially alone, as the consular interview is only required of the immigrant applicant.

As we discussed how she foresees her process unfolding, she explained how she and her husband discussed the worst possible outcome – a denial and her inability to return:

Carmen: I'm going to go to Puebla or the DF, because I feel like they'll need an English teacher. I'm like, "I'll be an English teacher." He said he'll visit me whenever he can, but I told him I would just divorce him. I'm like, "I don't want you to go back and forth, so I'll

*just give you a divorce and find someone else." ...I don't want him to come, because there's not a lot of money over there. It's more beneficial for him to stay here and work from here, because the money will be like, *rendir mas* [last longer], but I also don't want to tie him to me if I'm not with him, so I'd rather not. I'd rather just get a divorce. If I can't come back, I don't want nothing to do with him, because I think that'd be better.*

Lucia: Why do you think it'll be better?

Carmen: I don't know. I just don't want him to feel like he has to go see me. Oh my god.

[Carmen begins to laugh nervously]

Lucia: Would you want him to come see you?

Carmen: I don't know. I feel like, no.

Lucia: No? Do you have other family there?

Carmen: I have my grandma in Puebla. Oh my god. I'm crying.

Through a sorrowful and tearful conversation, she explained the difficulty of an impossible situation. Her consular process comes with great risk: will she be approved and able to return to her life in Los Angeles? Her fears are not unfounded, in 2020, only 28% of new residents were considered new arrivals. Of those new arrivals, only 55,381 approved cases were through a spousal petition, at less than 8% of total new legal permanent residents. This is in comparison to 72% of new residents as status adjusters who were able to file within the United States, of whom nearly 20% were approved through a spousal petition²⁶. Carmen faced this gamble by defining the decisions she could control – relocating to Puebla and searching for work leveraging her U.S. education. Secondly, and perhaps most painfully, she decided it would be best to ask her husband for a divorce. As I asked her why these choices were important for her, she re-affirmed,

²⁶ See, <https://www.dhs.gov/immigration-statistics/yearbook/2020/table6>

Because that's my future. I essentially can't come back. He can come back and go as he wants, so I don't know. I just don't want him to have a decision. I want it to just be me to decide. If I can't come back, I want a divorce. I want him to not feel like he's tied to me in any way. Then, if he chooses to still go, then that's on him, but I don't want it to be like our marriage is a responsibility. I guess it's still commitment, but I don't want it to be if I'm not here... I want to be able to decide. I feel like I've always been very independent since I was a very little girl. I've always done my decisions on my own, because at the end of the day, I've always felt like it was my life. If it goes wrong, it's going to be on me and not anyone else.

It was critical for Carmen to feel a sense of control over her relationship and future. It was important for her to give her partner of seven years, her high school sweetheart, the option to terminate their marriage in the event that her residency case is denied. Her legal consciousness also informed her understanding of the inequalities she may face if their marriage became a transnational tie, and one in which she would face further vulnerabilities as the spouse who does not benefit from U.S citizenship. Though there is no indication that petition will not be approved, Carmen seriously contends with this possibility, indicating how the context of compounded precarities shaped her understanding of legalization as an increased risk. However, she decides to move forward with her process empowered by her resolve to maintain her independent spirit to prevail beyond a potential deportation as an individual and as a spouse.

Calling upon her prior ability to navigate her life as an undocumented person, Carmen's legal consciousness shifts to confront the possibility of denial with dignity, resolve, and love for herself and her husband. In this sense, folks like Carmen who are forced to "voluntarily" leave the country to seek admissions, face an added layer of precarity – the uncertainty of their return.

And yet, facing this coercive chokehold of the government, Carmen's precarious situation pushed her in a new direction wherein she was forced to seriously consider her existence outside of the bounds of the U.S. She is empowered by the idea that even if she must accept life outside of the U.S. as a new reality, it will be on her terms and she will no longer be in indefinite waiting, continuously vulnerable to deportation. In September 2020 she received notice that her petition was being reviewed. She contacted her attorney and together they sought the support of a senator to request for expedited review. USCIS denied her and the senator's request. Carmen is still waiting on the interview date, nearly a year and half after submitting her initial application.

Similar to Carmen, Raul's legalization process involves his departure from the U.S. and application for legal admissions through a consular process in Juarez, Mexico. Raul and his then girlfriend met online just a few months before the pandemic and decided to move in together as the stay-at-home orders began. I asked Raul how he and his wife came to a decision to move their wedding up during the pandemic, he shared:

We had a talk with a lawyer. And this lawyer really made the urgency of our situation relevant. Because of Trump, DACA's only down to one year now, and a lot of the privileges and opportunities that Obama made available are closing off. They're kind of just dying off and closing off now. And so she said that, "The sooner you get married, the sooner you guys can get papers, the sooner it'll happen, and the less chance of it failing." So she really made that idea really urgent to us. And once we heard that, we both kind of just, it kind of just clicked. We're just like, "We should probably do this sooner rather than later."

Raul was experiencing the effects of the "Wolfe memo," restrictions that reduced DACA to one-year permits. Understanding the urgency of his situation, he sought a more permanent solution

before Trump could enact further restrictions if re-elected. However, Raul's legal consciousness was informed by the political climate and ongoing health and economic precarities, leading to his reservations about applying during this context. As we discussed the forms for his application, he explained the great risk he was taking by applying under the only option available to him – a consular process wherein he would be “voluntarily” leaving the US to undergo the legalization process from his country of origin. Understandably, he worried that he may not be “let back in” due to his political participation as a supporter of the Bernie Sanders campaign and the ongoing health crisis.

It would be easy for Raul to be overwhelmed by his fears, but faced with the increasing urgency of his situation, he and his wife decided to move forward with Raul's consular process. As we discuss the deportation risk involved, Raul shared,

I feel like even if I get deported now, knowing I have a wife to support me, makes the idea of that deportation a lot more bearable. I feel like before, my idea of this during the day back, I was like, "I'm going to be stuck out there on my own." Now, I know if worse comes to shove, my wife can go pick me up. Buy me a churro. Tell me it'll be okay. And maybe start a new life over there. It won't be the same, right? We'll have a lot different standards. But it's a lot less scary, knowing that she's there with me.

Raul confronts this feeling of powerlessness with the resignation that deportation is indeed on the table. Facing this coercive risk, Raul's decision to move forward with the process demonstrates his ability to contest increased governmentality and compounded threats to his livelihoods and ability to remain in the U.S. His experience illuminates the freeing possibilities of oppositional legal consciousness, as Raul draws on his romantic relationship as motivation and as a tie strong

enough to prevail with or without his ability to return to the U.S. As Raul explained, he accepts this risk of deportation precisely because he was able to marry for love.

I was always the one with these lofty ideals of like, "I don't want my status to mar my marriage. I don't want my status to take too much of a role in marriage." So it's always been something that I struggled with as this idealistic, it just hurt that in such an intimate part of my life, these old white men in Congress had so much power over who I could choose to marry. Because when you're undocumented, old white men in Congress have so much power over your future. They can decide so many things for you that you have no control over. So I was like, "I'm not going to give them power over my marriage." So I was really lucky that when I met Ana we got married out of love. That was one of my biggest fears in life that I would not be able to marry out of love, I'd have to marry out of necessity, I'd have to marry out of papers. And I'm lucky because with Ana and myself, love came first. And then came this talk about papers and marriage and stuff.

Raul's legal consciousness illuminates his ability to negotiate a risky legalization process as urgent and as an acceptable risk due to his ability to overcome his greatest fear that his legal status would force him to marry out of necessity, not love. With the registrar's offices closed in the city of LA due to the pandemic, Raul and his wife had a small ceremony using Same Day Marriage services. With a marriage license in tow, Raul filed his application for a consular process in Mexico. However in April 2020 Trump announced that he would suspend immigration to the U.S. for 60 days, effectively halting all forms of migration to the U.S. (Zong, Batalova, and Hallock 2018). Raul, and other folks waiting for consular processes, their *legalization continuum* would be marked by an extended entry into legalization limbo as they wait for a system shut down by the global pandemic and political moves motivated by an anti-

immigrant agenda. Facing a long waiting period, folks like Raul formulated their resolutions to enter a risky consular process as an agentic decision in contrast to passively waiting for present and future threats to further destabilize their lives.

Conclusion

Trump's presidency with its heightened anti-immigrant discourse and policies, increased deportations, terminated protection to noncitizens, narrowed the legalization process, and created a distinct landscape of fear, uncertainty and precarity for immigrant Latino families. Many feared this anti-immigrant context could worsen if Trump won a second presidential term. In November 2020, four years after the 2016 election, many folks in the U.S. would find themselves in a similar precarious moment, anxiously awaiting another contentious election night. This time, the elections results would be a drawn-out painful process, lasting nearly a week before Trump would officially lose to Biden. Much like his presidency, Trump's leave of office was filled with dramatics and ongoing legal battles for the presidency.

After a much drawn-out process, President Biden's administration took office in January 2021. For the immigrant community, the end of the Trump Era marked a moment of collective relief and newfound hope that Biden's administration would fulfill its promise to support undocumented immigrants. Immigrant and Latinx communities across the country looked for a change in administration to bring new priorities to immigration policy and to address the COVID-19 disproportionate infection and death rates and its corresponding economic and health disparities to ethnic communities. However hopeful, though modest changes began to diminish some of the most deleterious effects for immigrants, the over 400 immigration changes created during the Trump administration would not be easily undone (Pierce and Bolter 2020). Moreover, as the global pandemic continues, immigration reform has become increasingly

difficult to be adequately passed during the next presidency. Migrants in precarious legal status will continue to move slowly through the *legalization continuum*, if at all – making evident the need to understand migrants navigate a marred legalization process that continues to exist under the context of economic and health precarities.

As this chapter discusses, the year 2020, with its increased uncertainty and urgency stemming from the coupling of the pandemic and contentious election year would be key considerations for Latina/o/x young adults; highlighting the correlation between fears of increased governmentality, compounded precarity and their strategies to enact the most agency in an unprecedented context of uncertainty. During 2020, as a moment of multiple precarities Latina/o/x undocumented and recently legalized young adults made decisions about the legalization through marriage process not *despite* their fears and increased susceptibility to deportation, but *because* of it. They come to understand the role of COVID and the potential for Trump's re-election in threatening their economic security and ability to remain in the U.S. as migrants under the threat of the Trump Administration's racialized, gendered, and sexualized policies. They draw on this understanding and their prior oppositional consciousness formulated in their *navigation of illegality*, to shape their *oppositional legal consciousness* during this contentious period. In turn, an oppositional understanding of law allows them to make decisions from a defensive framing and articulation of high-risk decisions as necessary survive and prevail concurrent threats. They utilize an *oppositional legal consciousness* to reformulate their futures within or outside of the confines of the U.S. and enact a legal consciousness rooted in empowerment rather than passively waiting for a solution or further precarity.

Although undocumented and recently legalized young adults' decision-making process, and strategies to survive and prevail, were shaped by an activation of an oppositional

consciousness, this was not without consequence. Latina/o/x young adults who navigated the *legalization continuum* during this time period, experienced extended wait periods, increased economic costs to the process, and a heavily scrutinized and fragile process that increased their level of stress. As a result, they also experienced negative consequences to their mental and physical health, leading to added difficulties in their personal lives and as they transition to new documented statuses. In the next chapter, I will address the consequences of entering immigration processes wherein their driving force is fear and precarity. I ask, what are the consequences for immigrants who adjusted during this hostile and precarious period in U.S. history? I will discuss short-term impacts and considerations for the long-term consequences to migrants' physical and mental health. Addressing the health impacts will also be accompanied by a conversation about the transition towards legality as young adults navigate questions of trauma, healing and identity.

CHAPTER 4:
LEGAL VIOLENCE AND TRANSITIONS TOWARDS LEGALITY

I hate this feeling of having this opportunity but knowing that not everyone around me does. And somehow I have the privilege. There's so much that came with it, so much getting emotional. So for me I was trying to see the legal process as transactional as possible to get through it as quickly as possible. It was giving me a certain emotional distance seeing it like that. In-and-out and done. Now, I still haven't really processed it. I'm really bad at processing things. I just repress, repress, repress. But I feel like maybe that's part of why it feels like it just happened yesterday because I haven't really taken the time to really think about what this whole thing has meant or what it's done. But then also part of me doesn't want to give it too much weight. It's a weird space. Other times I feel like I'm still living with the effects of over a decade of growing up undocumented. So I'm obviously always reminding myself that I'm okay and things have changed. But it's also an awful feeling that even though things have changed, you can't feel completely okay because of your family or because of friends or because of all the damage that's already been done to your soul.

Isabel became a U.S. citizen during the Trump Presidency. When she was twelve years old, she and her family entered the United States on a tourist Visa. In her late 20s she would obtain her green card through marriage. Navigating nearly 15 years as an undocumented immigrant Isabel became heavily involved with undocumented communities. This proximity to illegality, both personally and politically, shaped Isabel's desire to maintain an emotional distance from the legal process and her conflicting feelings about accessing a rare "privilege." Though she wishes she didn't have to give it so much weight, Isabel acknowledges the impossibility of feeling fully

okay in the presence of the negative impacts of illegalization to her family and friends and to the most intimate part of herself, her soul. Her internal reminders that things have changed reveal the lingering effects of illegality and the violence she and her community endured. To examine how folks like Isabel navigate legality, in this chapter, I focus on young adults' reflections and transitions as they gain U.S. permanent residency and citizenship. Their practices during this transition required them to contend with their prior undocumented lived experience and the process of obtaining legal status through marriage – exemplifying how this generation's productions of (il)legalization have lasting consequences beyond obtaining papers.

In this chapter, I address the central questions: How do undocumented and recently legalized young adults transition to a new legal status? How does the process of legalization affect their identity, sense of belonging and health? To do so, I draw on the established characteristics of the 1.5 generation, as migrants whose experiences with illegality are shaped by their social inclusion and legal exclusion (Abrego 2006, 2008; Gonzales 2011, 2016; Gonzales and Chavez 2012). Specifically, I utilize Gonzales' (2011, 2016) conceptualization of young adults' *transitions to legality* – as the set of experiences with shifting contexts that bring different meaning to young adults' undocumented status. Described as a “turbulent transition,” Gonzales argues this is “a period of disorientation, whereby undocumented youth confront legal limitations and their implications and engage in a process of retooling and reorienting themselves for new adult lives” (2016: 606). I borrow from Gonzales' stages of *discovery*, *learning to be illegal* and *coping* to delineate stages along undocumented and recently legalized young adults' transitions, wherein they contend with the emotional reactions to their change in immigration status and negotiate the impact of this shift on their identity, sense of belonging and health. As a point of departure, I examine these stages as non-linear. I argue these stages are re-negotiated as young

adults navigate various stages of the *legalization continuum*, as they gain or lose stability and revisit the effects of law on their legal transitions and lives.

I tether my conceptualization of *transition towards legality* to an analysis of the effects of laws and processes. I employ the lens of *legal violence* (Menjívar and Abrego 2012) – that captures the intertwined forms of symbolic and structural violence that are legitimated through law, to produce “legally sanctioned social suffering” and impede migrants’ incorporation. They argue this violence is *legal* precisely “because it is embedded in legal practices, sanctioned, actively implemented through formal procedures, and legitimated—and consequently seen as ‘normal’ and natural because it ‘is the law’” (1386). The lens of *legal violence* can therefore capture the harmful effects of law on migrants’ everyday life and incorporation. I apply the lens of *legal violence* to make visible the immediate and enduring harm caused by immigration laws and the regularization system, and the implications for young adults’ transitions to legal inclusion. I conceptualize undocumented young adults’ *transition towards legality* as – a navigation of the shifts from undocumented to changing legal statuses that involve a contention with the immediate and enduring *legal violence* embedded in the laws and systems that produce their (il)legalization. To move away from an emphasis of arrival *to* a final destination of immigration status, I emphasize *towards* to underscore the relationality between *transition* and varying stages of *legality*. Through this approach, I examine how young adults create meaning as they shift from illegalization, through temporary statuses, green cards and naturalization, and begin to navigate everyday life as U.S. residents and naturalized citizens.

I offer two stages as key sites for examining the harmful effects of law. 1) *Immediate Harm: Legal Violence in the Outcome of Legalization*, as young adults grapple with the immediate effects of the legalization through marriage process. I demonstrate that by design the

legalization through marriage process is experienced as a burdensome, high-stakes and intrusive process for undocumented migrants – this is particularly true for those who diverge most from heteronormative portrayals of “good marriages.” I argue that legal violence is embedded in the legalization process, that forcibly invades their intimacy to produce immediate harm. Moreover, immediately following the acquisition of a change in legal status – such as the obtainments of an initial conditional green cards, renewed green cards, extensions, and naturalization – young adults describe intense and conflicting feelings of relief and guilt.

The second section, *Enduring Harm: Legal Violence in (Il)legalization*, captures the lasting impacts of the *legal violence* embedded in the immigration system that dually shaped immigrants’ illegality and access to legality. As a generation shaped by their *transitions to illegality* their undocumented status deeply shaped their identity formation, sociopolitical participation and mobilization efforts (Abrego 2008; Gonzales 2016; Negrón-Gonzales 2013), therefore I examine how young adults begin to cope with their long-term illegalization post the obtainment of status. Primarily this emerges in their preoccupations with a loss of an undocumented identity and belonging as they learn to navigate new social locations as residents and citizens. Lastly, I discuss the enduring impacts of legal violence on young adults’ physical and mental health. Thus, highlighting how illegalization and legalization produce long term harm for a generation of Latino/a/x young adults who are learning to maneuver and integrate as migrants with new statuses and rights in the United States.

US citizenship is often celebrated as a non-coercive opportunity, a gift²⁷, that brings with it many privileges. It is also understood to be a linear process of legal, social, and economic

²⁷ I attended an oath ceremony in which the master of ceremonies likened the oath ceremony to a birthday celebration. In her very animated presence, she paced across the stage cheering and asking the crowd to applaud new citizens and their families. Shouting her congratulations, she

incorporation. While U.S. citizenship is certainly a privilege, for undocumented young adults there is a juxtaposition of acknowledging the new set of rights and privileges that accompany legal status while contending with prior and ongoing inequality as immigrants who were formerly denied these rights. At this juncture, young adults make sense of new phases of their immigrant experience as another contradictory space of inclusion. On the one hand, they have gained legal status, and have greater access to resources that many undocumented people do not hold. They can legally work, travel, and for those with citizenship they can vote and serve as jurors. They also experience varying degrees of relief from the threat of detention and deportations.²⁸ They may even be able to petition family members and support their family and community in new ways due to their gained legal standing. On the other hand, their lived experience with illegality deeply shaped their life course, identity, belonging. As their experiences demonstrate, these aspects of their experience cannot be easily undone.

Undocumented and recently legalized young adults also continue to be members of mixed-status families and hold long-standing commitments to immigrant communities (Escudero 2020). Moreover, for new residents who also identify as Latina/o/x and LGBTQ migrants, they also continue to face racialized, gendered and sexualized inequalities and exclusions present in U.S. structures and institutions. Therefore, through a lens of *legal violence* I underscore how this generation's coupling of their production as illegalized and legalized subjects, constructed

claimed that for immigrants their day of obtaining U.S. citizenship was a day of “re-birth as Americans,” to be celebrated with a party and gifts. She looked to the families on the sidelines and reminded them to celebrate the “new citizen” members of their families with gifts, “maybe even a cake.”

²⁸ As non-U.S. born citizens, the threat of deportation is never non-existent as efforts to denaturalize citizens continue in the U.S. In February 2020 the Justice Department officially created a denaturalization section – a poignant reminder to non-U.S. born citizens of their citizenships' vulnerability.

through law and socially accepted, has immediate and enduring harmful effects on their identity, sense of belonging and health. In turn, the application of legal violence allows me to underscore the hidden, overlooked and detrimental effects of law on young adults' legal incorporation as a generation with prolonged undocumented histories.

Health Impacts on Latino Immigrant Communities

Recent studies highlight the detrimental implications of immigration status on migrant health from issues of discrimination, lack of access, quality of care, unsafe environments, chronic illnesses, and co-morbidities (Finch, Kolody, and Vega 2000; Lauderdale et al. 2006; Ryan, Gee, and Laflamme 2006; Viruell-Fuentes 2007). Recent scholarship has emphasized the linkages between social stressors and migrants' physical, mental and behavioral health. Garcini and colleagues (2021) highlight the linked health impacts of chronic stress during the COVID-19 pandemic to demonstrate the vulnerability of Latinx communities: "The effects of compounded stress are not only worsening symptoms of mental health distress but also affecting people's health behaviors (e.g., sleep patterns) while also increasing somatic symptoms; this is especially notable for those with pre-existing conditions" (Garcini et al. 2021:289). The authors argue that somatic symptoms are indicative of the linkages between mental health stressors (including, immigration status related distress) and the manifestation of physical ailments. To address these relational comorbidities, they outline coping strategies enacted by Latinx communities, and offer health policy recommendations that conceive of migrant health in holistic ways that include the psychological, physical and behavioral toll of migration and health inequalities.

These mental and emotional health concerns are also prevalent among undocumented and mixed-status families (Hainmueller et al. 2017; Logan, Melo, and Castañeda 2021; Vaquera, Aranda, and Sousa-Rodriguez 2017). Among Latino migrants, their mental health is negatively

impacted due to migration stress and trauma distress, with studies showing the impacts on mental health in the form of depression, anxiety, and post-traumatic stress disorder (Garcini et al. 2017; Potochnick and Perreira 2010). Distress, vulnerability and anxiety are significantly associated with Latino undocumented migrants as a racialized group disproportionately impacted by fears of deportation and detention (Aranda and Vaquera 2015). Undocumented young adults and DACA recipients form part of this subgroup and also experience vulnerabilities to their mental health due to their sociolegal exclusion (Del Real 2019; Gonzales and Chavez 2012; Gonzales, Suárez-Orozco, and Dedios-Sanguineli 2013). These studies therefore demonstrate that legal status and interrelated vulnerabilities are consequential for migrants' physical and mental health and overall wellbeing. For the Latina/o/x young adults I spoke with, they too were grappling with pre-existing chronic stress and distress related to their undocumented statuses and a difficult transition towards legality – manifesting into physical and psychological negative effects.

Transitions to (Il)legality and Legal Violence

Gonzales (2011, 2016) argues young adults' process of *learning to be illegal* is a dual transition into adulthood and illegality. Unique to the 1.5 generation experience, their life course is shaped by structural forces that at first provide social and educational inclusion, and then legal and political exclusion as they come of age into adulthood. Therefore, Gonzales draws on *liminal legality* (Menjívar 2006), to capture the implications of contradictory status on young adults' life course. Gonzales conceptualizes *transitions to illegality* as the experiences that “result from shifting contexts along the life course, providing different meanings to undocumented status and animating the experience of illegality at late adolescence and into adulthood” (Gonzales 2011:606). Engaging with life-course scholarship, Gonzales (2011, 2016) describes “waking up to a nightmare,” as young adults learn about their undocumented status, as a “turning point” to

the *transition to illegality* as young adults experience a period of disorientation and confront their legal limitations and its implications by retooling and reorienting themselves (2011: 606). He spotlights three transition periods 1) *discovery*, ages 16-18, as youth begin to learn about their undocumented status, deal with emotional reactions and begin to alter life plans; 2) *learning to be illegal*, ages 18-24, as young adults learn to maneuver illegality by negotiating new stigmatized identities and altering education, occupation, and social patterns; 3) *coping*, ages 25-29, as they lower their hopes and adjust to the possibility that their legal status might never change. I draw on Gonzales' *transition to illegality* to delineate the obtainment of new legal statuses as "turning points" wherein young adults must grapple with the aftermath of the legalization process and its ensuing legal inclusion and implications.

As a point of departure, I don't delineate these transitions as distinguishable stages of adolescence and adulthood; rather, I borrow from Gonzales' conceptualization of *transition* and the stages of *discovery*, *learning*, and *coping* to emphasize the transitions alongside the *legalization continuum* in relation to migrants' changing legal statuses, including temporary statuses, green cards, and citizenship. Moreover, Gonzales emphasizes these transitions as turbulent and as having "important implications for their identity formation, friendship patterns, aspirations and expectations, and social and economic mobility and they also signal movement of a significant subset of the U.S. immigrant population into a new, disenfranchised underclass" (2011: 603). Therefore, I examine the implications of *transitions towards legality* on young adults' identity, sense of belonging and wellbeing as they navigate legal inclusion.

To conceptualize *transitions towards legality*, I draw on Menjívar and Abrego's (2012) *legal violence* as an analytical lens to theorize the role of law in shaping the experiences of immigrants with shifting legal statuses. Building on the segmented assimilation model, their lens

includes an analysis of the complex mechanisms of law and their “hidden and harmful effects” that can hinder immigrant paths of incorporation. They define:

We use the term *legal violence* to refer to these effects, as they are often manifested in harmful ways for the livelihood of immigrants. Importantly, although we note cases of interpersonal aggression, or physical violence, we concentrate on those instances that are not directly physically harmful and that are not usually counted and tabulated; indeed, our analysis draws attention to the accumulation of those damaging instances that are immediately painful but also potentially harmful for the long-term prospects of immigrants in U.S. society. (Menjívar and Abrego 2012:1383)

Menjívar and Abrego (2012) argue that the mutually constitutive forms of structural and symbolic violence are codified in the law and produce “legally sanctioned social suffering,” both in the immediacy of their harm and in the long-term potential effects on migrants’ incorporation. While law is perceived to have a protective nature aimed for the greater good, *legal violence* captures the insecurity and social suffering made possible through law, its implementation through structures and institutions, and legitimization through public acceptance (Menjívar and Abrego 2012). In turn, *legal violence* shapes the everyday restrictions on migrants’ spheres of family, work and education. As Menjívar and Abrego (2012) argue, though this form of violence against immigrants is now new, in the increasingly punitive immigration enforcement era, even permanent legal residents are vulnerable to deportation. I apply their lens of *legal violence* to make visible the immediate and enduring harmful effects caused by immigration laws and legal processes that shape (il)legalization during undocumented and recently legalized young adults’ transitions to legal inclusion and the implications for their incorporation.

Immediate Harm: Legal Violence in the Outcome of Legalization

In my conversations with young adults and attorneys, we often spoke about the “evidence of the bona fides of the marriage²⁹” as a distinct and elusive metric for the legalization through marriage process. As outlined in chapter one, USCIS’s instruction to include “relevant documentation to establish there is an ongoing marital union” is an obscure measure whereby undocumented young adults and their romantic partners must provide probative evidence that their marriages are in good faith, entered out of love not for material gain. It is in these grey areas of law where *legal violence* operates to produce a heightened sense of anxiety and invasiveness that couples experience when obtaining a green card through a marital claim.

Latino/a/x young adults also encounter multiple cultural assumptions about this burden of proof long before they undertake the process. Mainstream U.S. social assumptions perpetuate the “green card myth,” that posits legalization as a quick and easy solution. Culturally, Latina/o/x young adults also shared experiences wherein people suggested they could easily marry for papers in order to solve their undocumented status (Leon 2020). In contrast, among Latino and immigrant communities’ stories also circulate about the process of *arreglando papeles* (fixing papers) as an invasion of privacy on immigrant’s lives and romantic relationships. These narratives serve to normalize the invasive nature of the process, of the law’s right to identify fraud and the people who game the system.³⁰

²⁹ See, USCIS 2022 <https://www.uscis.gov/i-130>

³⁰ Misrepresentations of “Green card marriages” have long been present in national discourse through film and news outlets. Movies like *The Proposal* (2009) and recent shows like *90-day Fiancé* (2014 - present), have sensationalized and trivialized the process of gaining US citizenship through marriage. Social Media and news outlets have also mischaracterized immigrants as finding loopholes or taking advantage of immigration systems. Remnants of this sensationalizing have also appeared in academic spaces. A recent study presented the metaphor of a high-stakes poker game in discussing mixed-status couple’s strategies during the green card process (Lopez 2021).

During our conversation about her own legalization process, Sara shared how she came to understand “fixing papers” through marriage. Her preconceptions about the process stemmed from common narratives about the process circulating within Latino and immigrant spaces.

When you're part of the Latino community and immigrant community you just kind of know that that's how getting papers this way works. The person that I was consulting with would tell me she got married with her boyfriend of many years and they [USCIS] were doubting the relationship because she could never remember the silliest questions. They were asking her ridiculous questions about their personal life that she didn't know and they weren't answering correctly. And she was like, “but that relationship was as real as any could be and we were suspects of fraud.” And I was like, “that's crazy that you need to know that.” So I feel like there is all this training that you have to do pre-interview that a normal couple would normally not do. It's like, what side of the bed you sleep in? Dude, it varies, man. I don't know. Or like the toothbrush. We were preparing for this and I was like, I forgot what my color is because it's like a mixture. I was like, I don't really think I've paid attention. And we were talking about that kind of stuff, the measures that they [USCIS] have of what a real marriage is. I don't know how accurate they are, but you have to do that process just for compliance and it's like you're out to prove something that you wish you didn't have to prove. You wish they would just take your word for it. But at the same time, I get it. It is a thing that many people do [fraud] and no judgment here at all, but I guess there has to be some sort of regulations on it.

As Sara explains, these cultural understandings of the process exist and uphold the invasiveness of the green card through marriage process as commonplace for marital petitions. Moreover, Sara explains that it is also a process of compliance, whereby applicants must endure training

and preparation to meet the burden of proof. Importantly, though she opposes this level of compliance, Sara also acquiesces that this aspect of the process is a needed measure, the right of law in order to stop potential fraud and maintain a system from which to produce legality.

Other young adults also shared common “horror stories,” about couples being forced to share intimate aspects of their relationship, for example, their sleeping arrangements, sex lives, details of their home or personal questions about their spouses’ underwear, color of their toothbrush, and personal hygiene products. Some were fearful of stories that couples are interviewed separately to access “matching answers” or of surprise home visits to verify couple’s cohabitation. Sara and other young adults’ examples of “horror stories” speaks to the added layer of anxiety to the marriage process that is not only perpetuated by law and the immigration process itself, but also through national and cultural discourse about green card marriages and the assumptions about the prevalence of marriage fraud.

These social and cultural assumptions about the green card process accept the invasive role of law as natural. Moreover, as previous chapters demonstrate, the Trump Era and COVID-19 pandemic reinvigorated anti-immigrant enforcement policies that served to further narrow and scrutinize legalization pathways. Consequently, under these constrictions, the legalization through marriage process became increasingly more harmful for young adult applicants. In this next example, Sara explains the tedious process of filing her application:

It's a whole packet with like four or five forms. And filing one of the forms is proof we have shared assets. So that's when the notary was asking me to bring her anything and everything that we have joint. So I took joint bank accounts, credit cards, memberships, the rent agreement, all those things. And then she gave me a list of things that I should additionally have. It was just like, okay, check, check, check, check. You're missing this.

And you're missing this. Have it by next time. But next time I didn't have it all, then the next time. It's tedious. It is very time consuming. And I could have a very negative outlook on it because I am so swamped with work that it caused a lot of stress because I wasn't sleeping enough, because I was staying up late collecting this paperwork. So I could look at it in a very negative light perspective, but I've been more just thankful that I have that opportunity, honestly. Every meeting with the notary I felt this is one more step closer to where I want to be. I went to get that medical test and I was like, yes, vaccine, okay, whatever, go for it. Do whatever you got to do.

Sara's explanation of the various components of the application process – forms, joint accounts, the medical exam and vaccinations, the volume of evidence over multiple attempts to compile – demonstrates the demands on applicants to build the most compelling applications. In accepting this process as necessary and as one to be thankful for, Sara's acquiesces to the legal violence in the system, accepting it as normal because it is law, and because it is a necessary process to maintain this avenue for migrants to gain legal status. Moreover, Sara understands that this is a timely and limited option that is not accessible to all undocumented immigrants. Therefore, the rarity of this path also forces her to accept these inconveniences as necessary.

The Burden of Proof: The Interview and Same-Sex Couples

The application process is intrusive and burdensome, leading applicants to make significant financial and time investment. However, it is the adjudication of these applications that is often discussed as the most stressful – the interview. For young adults this is a key moment where they will receive a decision on their case. The interview is also a moment of uncertainty as further evidence of their union is asked of them in the form of interview questions

and additional documentation. Marina explains how the interview was a moment of intense stress and frustration, particularly when the officer requested additional evidence.

The officer reviewed our packet and our application with pictures. And I remember that the officer said "Oh, this just a lot of pictures, a lot of evidence." And then she asked us for some things that we didn't have, or we didn't think to have and were not required. But I think she was just looking for more evidence or to make our lives harder. We had everything that was requested of us. She was just asking for some other things. And we were like, "Oh, we didn't bring those. We don't have those." And she was like, "Well, it looks like a lot of stuff, but I wish that you had this other thing." And I remember I started like getting really nervous and like "Oh, shoot. I wish we could have prepared so much more for this." And then she left the room and my lawyer was like "She's being an asshole. She does not need to be that harsh on you two. You have everything that you need. Don't worry. You're not doing anything wrong. You're answering all the questions and you have all of the documentation that was required. She's just making your life hard right now." So she [the officer] comes back and she's like, "I'm going to approve your case." And I just felt like this weight just fell off me after what this officer puts us through. The interview maybe lasted 15 to 20 minutes max. And we just got our application stamped and she said, "Wait for your residency card in the mail."

By design, Marina experienced a stressful and high-stakes legalization through marriage process, due to the great discretionary power of the officer during her interview. With the pretext that the interview helps screen for fraudulent marriages, the officer's great discretionary power produces high stress and difficult review process for immigrants. Though Marina had her attorney present during the interview, this did not protect her from the scrutiny of her adjudication. It was

nonetheless helpful to have lawyer present as she was able to keep reassuring Marina and her husband that they were doing great and that the officer was making this an unnecessarily difficult process. Due to this difficult interaction, Marina began to doubt her diligence in preparing for this moment. Although she felt much relief when her green card was approved, the interview was a moment of fear.

When I said that the weight was lifted off me or fell off me, I was referring to the type of stress and frustration I was feeling at the moment because of the questions that we were being asked. And because I didn't know, if it got rejected, if my application wasn't accepted, what then?... But maybe the straight A student that I've always been and not having enough information or not being able to give this person [officer] what they're looking for was really stressful for me. Because it almost feels like a test, right? It feels like they're trying to get you to say something that you mess up. I think my biggest fear was for me to say something that was misunderstood or didn't get to explain well. It was very illogical fears because my relationship was legit. We were there for the right reasons. But I felt like something was going to come out like, "Oh, you were lying about this other thing." And I would be like, "I didn't even know I was lying on that other thing." That's the kind of thinking that I had the entire interview.

Marina knew the officer had great power to decide if her evidence was probative and strong enough to support her claim to residency. Although she had spent months preparing and completing a mock interview with her attorney, who she made sure was present for the interview, Marina still faced a difficult interview. The officer's disposition further added to Marina's anxiety that, although her marriage was legitimate, she may not be able to meet the officer's metric for burden of proof. Marina did receive her residency and acquire citizenship a

couple years later. Nonetheless, Marina's description of the interview as a test is exemplary of the added layer of anxiety embedded in the adjudication process, through the burden to prove the legitimacy of romantic relationships in the face of great discretionary power.

The immigration interview was a particularly difficult experience for same-sex couples who were forced to navigate marriage norms as they legitimize their marriages. Heteronormative representations of marriage – including the privileging of heterosexuality and traditional gendered roles and norms are embedded in the family reunification process (Gomberg-Muñoz 2017; Menjívar and Lakhani 2016; Salcido and Menjívar 2012). During the interview, heteronormativity is evident via the suggested probative evidence. Attorneys, adjudicators and other brokers of information about the legalization through marriage process, stress to applicants the importance of providing proof that signals normative milestones of a marital union including, a marriage ceremony, wedding party, financial mergers, and familial support of the marriage.

These understanding of the prevalence of heterosexuality and heteronormativity in the immigration system, coupled with the recent legal recognition of same-sex marriage and its ensuing immigration benefits, were a cause of concern for Julian. He shared his worry about how the officers' views of same-sex marriage could affect his process:

Being gay, marriage has a different perspective. We got married a year after it was legalized by the Supreme Court. Otherwise, I couldn't have done the immigration process. So, it was all this turmoil. Is it marriage? What does it mean for a gay couple to go through a marriage process? What does it mean to us? We were scared we were going to be judged because we were not this normal marriage. And it was very exhausting, especially the first application to get the residency. Not only the stress of the application, but always thinking what if it doesn't work? What if they see something that they don't

trust? There's all these what ifs, that it made it very stressful. I was trying to get all the evidence that I could. And also, in the back of my mind, what if they just don't trust a gay couple? What if whoever reviews our application doesn't like gay people? Or if they just don't think that a gay couple should, and they ask more questions to gay couples?

Julian feared that the officer reviewing his application may have prejudice against LGBTQ migrants that could translate into his distrust of a gay couple's "in good faith" marriage. His concerns stem from the complicated inclusion of marriage, as an inclusion only recently granted to LGBTQ couples. He and his partner had their own process of redefining marriage and negotiating their entry into marriage and Julian's green card process. Julian knew there were fundamental questions about this process for same-sex couples, as he was the first of his attorney's cases to be filed as a same-sex marriage. He and his partner did not have a big wedding, nor did they have accompanying photos of a familial celebration of their marriage. Julian's primary concern was his ability to present the "right" kind of evidence that their marriage was legitimate and in "good faith." Given the new legal inclusion and the prevalence of heteronormativity and homophobia, this fear of prejudice against LGBTQ migrants and same-sex marriage adjudications was not unfounded.

Olivia also had concerns that her sexuality would come into question during the interview and in turn the validity of her same-sex marriage. Prior to her current marriage, Olivia was married to a man. She began her green card application through her first marriage but after the marriage ended in divorce, she withdrew the petition. A couple years later, she met her wife and the two decided to get married. She filed a second petition with her wife. Olivia had concerns that the officer may linger on questions about her first marriage and petition:

I feel nervous, obviously, you never know what they're going to ask and if you're going to get an asshole officer. I've read a lot about just different situations with different people. And so you just don't know. And the good thing is like, I know it's real. We both know this is a real relationship and they can probe and ask any day they want, they can come visit. They can ask us about our sex life. We're ready to answer any kind of question for you. I think the only thing is I really just don't want to get questioned about my past relationship, with my current relationship. So I hope that they ask like, "Oh, when did you get divorced?" I'll tell them the date and that's it. I don't want any probing and that's what makes me feel a little anxious, not knowing if they'll go there or not and questioned the validity of my relationship with a woman now because I was with a man, so, yeah.

Like Julian, Olivia's anxiety about the process was shaped by her concerns about the officer's discretion and potential prejudice against LGBTQ migrants in previous heterosexual marriages. In these ways, the legalization through marriage process, as one embedded with normative expectations of sexuality, produce an added layer of legal violence that LGBTQ migrants and same-sex couples must endure. Olivia's only recourse was to consult with her attorney, who explained her legal rights. Olivia was hoping to trouble shoot some potential prejudicial questions with her attorney during their mock interview.

Same-sex couples also face concerns about meeting normative expectations of a marital union through their "bona fides." This is the case of Gabriel and his husband who during their interview had an immigration attorney present. However, the attorney was a friend and was serving as moral support, for Gabriel himself is an immigration attorney. Though he is a practitioner of law, who usually serves as the legal representative in these cases, he shared he felt he was the "worst client ever," and felt "ashamed to say I was an attorney," because he had great

difficulty with the interview. He forgot documents, drew blanks during the interview, forgot dates, and struggled with keeping his calm in the face of such a high-stakes moment. This difficult experience with the interview demonstrates how the burden of the process can equally affect folks who are experts in law, due to its intrusive nature that makes couples vulnerable.

A key moment of vulnerability materialized for Gabriel and his partner when the officer inquired about their wedding photos as evidence of their marriage.

When we presented the pictures of the ceremony, the officer asked whether we had any with family. Or they asked something to the effect of like, where was the family, or did any family attend? And we explained. We explained the circumstance that we were not, our relationship was not, accepted by our family members and so it was one of the reasons why we did a small ceremony. And the officer seemed to understand and grasp the dynamics. But that question did come up, and we did cry. I mean, we both cried when we were explaining like the dynamics and the love for each other, which I think helped our credibility. But yeah, we were very emotional when we were expressing our relationship with our family and how it affects, how it manifested itself. Or, how it didn't manifest itself at the ceremony.

Gabriel understood that he and his partner's emotional reaction was inevitable as the process positions couples in vulnerable positions where their intimate lives are scrutinized, including familial acceptance. The adherence to these normative expectations of "bona fides" caused injury to same-sex couples as they were forced to broker difficult conversations with complete strangers for immigration benefits. The legal violence embedded in the adjudication interview is especially prevalent for couples who do not fit the heteronormative and marriage norms. Gabriel was able to find reprieve in an unexpected coincidence. In reviewing their "bona fides," the

officer recognized Gabriel's brother-in-law in one of the photos, they were acquainted through prior work. Gabriel credits this recognition to a change in the interview. This connection would serve to ease a tense and emotionally charged situation. The impact of this coincidence on Gabriel's case is another example of the great arbitrary power officer's hold in shaping the interview experience for migrants. Gabriel received his acceptance after an emotional and difficult interview.

Conflicting Feelings: Relief and Guilt

The legalization through marriage process was shaped by *legal violence*, resulting in young adults' difficulties with a stressful and intrusive immigration system. Therefore, it is unsurprising that they describe feeling the "weight of the process," during key stages of their legal transitions, such as the adjudication of their conditional residency, permanent residency, or naturalization. Eric described the obtainment of his green card as an initial numbing experience, followed by an overwhelming feeling of relief and guilt. He shared the emotions he felt when the officer approved his petition during his green card interview:

At first, I wasn't sure if he [officer] had approved it or not. I looked to the lawyer who I think understood my confusion and she asked him if we were approved. The officer said, yes, and I remember just feeling numb. And he [officer] then kind of was rushing us out quickly, like next person. I got my stuff as quickly as possible, and we went downstairs and said our thank yous and goodbyes to our lawyer. He told us what would happen next, like "expect your physical card in the next few weeks. We can check-in next year, let me know if anything comes up." And then we left the building, walked out and everything just hit me. It was like something hit me. I just cried it out. It was just feeling like I could breathe, like really breathe, just knowing okay, I got approved.

For Eric, the initial approval of his green card was unclear and even after receiving clarification from the officer Eric felt numb. He felt physically present but emotionally absent. His description of the moment when it “hit him” is an apt illustration of the materialization of harm done through law, as Eric grappled with the emotional aftermath of gaining status as a long-awaited moment of relief. It was relief from the over 20 years of undocumented status Eric had after arriving to Los Angeles as a three-year-old child. Though he found some relief when DACA was instated by being able to find employment, he was unable to make long-term plans more than one DACA renewal time-period at a time. His ability to apply for a green card became a possibility when he and his girlfriend of four years decided to marry and begin his petition. A year and a half after beginning his application he received his conditional green card.

Eric’s interview was in Los Angeles, in a building that is within close proximity to the detention center. He explained his feelings of guilt that followed: “As we were driving away, I remember seeing the detention center there and thinking that somehow it was my fault that other people were going to get deported. It was such a strong feeling of, I don’t know, I guess I just felt guilty, like I did something or didn’t do something.” Eric’s feelings of responsibility for the detention of migrants – through his action, or inaction – speak to his feelings of guilt. He felt at fault, though he was also surviving the *legal violence* of the immigration system that also renders him highly deportable as a Latino young adult (Aranda and Vaquera 2015). Eric would continue to face the threat of deportation as his residency was conditional and he would have to apply to remove the conditions in two-year’s time. As of June 2021, Eric continued to wait on a delayed process of renewal.

Wendy similarly expressed the approval of her green card during her interview as a moment of oscillating feelings between relief, dread, and guilt. She reflected on these confusing and conflicting feelings:

And even when I received my residency, though, it wasn't like a victory cry. I think it was, again, that feeling of dread. And part of it was happy relief. I don't even want to say happy, but it was relief, but accompanied by dread and guilt and confusion. And getting this little pamphlet that's like, "Welcome to the USA," and I'm like, "I've been here for 20 plus years, dammit. Don't welcome me now, acting like you always wanted me here." I even waited to call my mom because, I don't know, I couldn't really find the words to tell her. I knew she was going to be happy for me, of course, but I just couldn't... I don't know. I felt really guilty. And I think I still do. It's not like it was a celebration. It was being able to breathe, just getting my head over water rather than bobbling up and down with the current. It was like, "Okay, I can breathe," but still worrying about everyone else around me who's not safe. Yeah. It was odd.

For undocumented young adults like Eric and Wendy, the moment they obtain legal status is marred by the years of legal exclusion. It was not uncommon for young adults to reference the infamous *Welcome to the United States: A Guide for New Immigrants* pamphlet that accompanies their green cards. The guide is an attempt to outline their new rights and privileges as residents. However, the difficulty for Wendy and other undocumented young adults to accept “Welcome,” as a genuine sentiment from the government, is that it denies the *legal violence* embedded in the laws that caused their exclusion in the first place. Moreover, as Wendy describes, the feeling of relief is limited to having her “head over water,” signaling that she understands this legal inclusion as a partial solution to her long-term illegalization. Indeed, her

transition towards legality is also shaped by her relationships to her family who remains undocumented. Thus, her feelings of guilt signal her fears of her own complicity in forming part of a legal process that continues to illegalize her loved ones.

As Eric and Wendy's experience exemplify, their obtainment of residency marks a pivotal moment in their *transition towards legality* wherein they contend with conflicting feelings of relief and guilt. For new green card holders, the shifts from conditional residency to residency and to naturalization was fraught with delays and added layers of vetting. In this way, acquiring citizenship signaled another key moment when folks experience a significant shift in their legal context and contended with the aftermath of naturalization.

Isabel was one of the folks I spoke with who was able to obtain citizenship during the Trump Era. Isabel took a transactional approach to her immigration process as a way to create an emotional distance from the process. Though useful at first, the impact of the legalization pathway would culminate in a wave of conflicting emotions during her oath ceremony. Isabel describes her thoughts on the day:

I was surrounded by all these people. It did feel a little weird too. Just being surrounded by this hyper American sentiment or like pro-American sentiment all intensifying in the one spot for that moment. So it was kind of intense. I mean, I did get teary when you have to raise your hand. Or even before that, just sitting there. If I thought about it too much, I would get teary and I knew that I would quickly start crying and I'm like, "Okay, not right now." I don't want to go through this right now. So I was just trying to think of something else, my mind is somewhere else. Immediately after it [ceremony] happened when it was official, when I got my certificate, I jumped in the car. I started crying. And I didn't know what was happening because the whole time, I think for those I guess, I think two years,

three years of being like in the process [to naturalize]. I didn't have any breakdowns, or anything associated with that. I was fine, but then it all came and got me after the ceremony. And so when we did talk about it, at that time weekly, and I think it was just like that conversation was more just like... I think everything, all the trauma, all the psychological toll, all those years. It just like rushed to me. You know. It was just intense. So after that I think its more on and off talking about it.

Isabel's recollection of the oddity of the oath ceremony's hyper- and pro-American sentiment is similar to the sentiment folks share with the "Welcome" statements that are received as new residents. These instances of nationalism and pro-immigrant discourse felt particularly jarring for undocumented and recently legalized young adults as they felt they denied the anti-immigrant hostile climates in which they came of age and gained legality. Like Eric, Isabel was physically present but kept an emotional distance so as to not be engulfed by the overwhelming acknowledgement of the "trauma" and "psychological toll" of the over 15 years of her illegalization. She recalls speaking to her husband daily about these feelings when they first occurred, and subsiding into on-and off conversations in the years that followed. Isabel's experience demonstrates these feelings and reflections occur long after the obtainment of legal status, though at a lesser frequency.

Upon following-up with Isabel, I asked her to describe the emotions she was experiencing and why she thought they were occurring. She reflected:

I think it was remembering all the hardships, sacrifices that not just I had gone through but my family and my friends, and what everyone has had to endure for it to lead up to that moment, but just for me. Again, it was just like a lot of that I guess internal tension of feeling relieved, all at once after all these years, but also not being able to fully enjoy it

because this whole experience has been shaped by who you're around and who has gone through it with you. So I feel like I couldn't really fully appreciate it because it didn't feel like a final final resolution. I felt like I wouldn't feel full relief until everyone close to me was okay. And I just knew that was going to be really difficult. So I was always thinking of what this meant in relation to others.

Isabel's reflections of the intensity of her emotions signaled her underscoring of the years of hardship and sacrifices she and her family endured for her to be able to obtain citizenship. Her internal tensions were a result of accepting her own sense of relief alongside the continued legal exclusion of folks who similarly shared her experiences with illegality. Her confounding feelings of relief and guilt are therefore shaped by her reflections of undocumented trauma and by her relation to others. The next section will discuss the turmoil of these transitions in legal status to undocumented identity and belonging.

Enduring Harm: Legal Violence in (Il)legalization

Undocumented Identity and Belonging

Victoria came to the US when she was 10 years old. She and her brother joined another family to cross the US-Mexico border. It was a different time before 9/11 and though this allowed for her journey into the US to be much smoother than her parents, she nonetheless entered the country without a Visa. With no legal entry, years later she would begin to figure out that legalization through marriage was not an automatic process, rather she had to “find the other steps, the other missing pieces.” Though the legal recognition of her same-sex marriage allowed Victoria's entry into legalization, as argued in chapter two, she entered the legalization through marriage process constricted by Trump Era attacks on immigrants. She would come to face a slowed *legalization continuum*, including request for extensions to her conditional status and a

delayed naturalization process. As she was waiting for her citizenship interview, Victoria and I spoke about her thoughts on obtaining citizenship. She shared,

I feel like the dealing with USCIS and the fees and the packets, that's going to feel like, "Okay, finally, it's over." And you know that will end. But then I still feel like even though I always do tell people that I'm a resident, I'm still undocumented at heart, like always. And so, I think that's going to be the case even when I become a citizen. I don't know, it's hard to just take what has been part of your identity for so long and has shaped who you are in such a deep way that I feel like even if I want to become a citizen, that's not just going to go away, you know?

Victoria distinguishes the adjustment of status as the formal legal process that will come to an end upon her naturalization. However, she alludes to an added layer of her *transition towards legality*, beyond the process of regularization and into questions about her identity. Even though she shares with folks that she is indeed a documented resident on paper, her reference to “undocumented at heart” speaks to Victoria’s strong attachment to an undocumented experience and identity, one that she believes will withstand beyond her U.S. citizenship.

Being undocumented I feel like it really made me who I am or just made me. It made me be interested in politics. It made me see my role in society or even my contribution to here, to this country. And also, my social network. My close friends, my lifelong friends, we all sort of meshed and connected from both those that were or are undocumented, but also even those that were our allies in all this. And so I feel like it's not going to go away by just being a citizen. I feel like, well, for one, we're people of color, women of color, and still I'm always going to be Mexican. So, for me, it's like, well, I'm always going to be a foreigner in a way here. So, that's never going to go away.

Victoria speaks to the multiple forms that her undocumented status intersects with her identity formation, friendships and sense of belonging as an immigrant and woman of color. In fact, her relationship with her wife began through their activism for immigrant rights during their community college years. Victoria therefore speculates that the obtainment of U.S. citizenship will not erase her undocumented experience, nor will it provide her full inclusion as someone otherized by markers of race, gender, sexuality and immigration status.

Gabriel also shared strong ties to an undocumented identity. Initially he identified as AB540 – a state policy granting in-state tuition for undocumented youth in California. Abrego (2008) argues that for undocumented students, who are beneficiaries of AB540, their *legal consciousness* involves an adoption of ideals of meritocracy. AB540 has a transformative effect on undocumented youth, who adapt an AB 540 identity to minimize stigmas associated with undocumented identities and to legitimize their efforts for educational access and upward mobility (Abrego 2008). As a college student, Gabriel had similarly signaled his preference for an AB540 identity as a way to identify and ask for help without having to disclose an unlawful status. This adherence to AB540 would be formative to his identity and participation with immigrant communities, both of which he would have to contend with as he accessed the rare pathway for legal inclusion through marriage.

Like Victoria, Gabriel's undocumented experience deeply shaped his adherence to an undocumented identity. His grappling with legalization and undocumented identity began when he received his notice to appear for his green card interview. Gabriel is an immigration attorney who works closely with immigrant families. This connection, personally and professionally, informed his conflicting feelings about access to a rare legalizing pathway.

I actually had like an identity crisis when I received the interview notice. I felt a sense of betrayal to my community and maybe not being worthy enough of receiving that benefit. And it was a conversation that I had at length with one of my supervisors of like being uneasy with the idea of getting lawful status and feeling, I don't know, like a cop-out or a sellout rather. And it was definitely an inner conflict that I had. And I think I expressed this to my partner once and he couldn't understand it. He was like, "what do you mean? Why wouldn't you?" But in me it was like, no. And even after [legal status], for a while, I still identified as undocumented. But then at that point I felt like it was disrespectful. I still, I refrain from it. And it was just so weird not to identify as undocumented anymore. It's just so strange. And I don't think that that's going to change even when I become a citizen. I think I would be, not embarrassed of sharing that I'm a citizen, but just like not share widely. I don't know. I don't know. It's just weird. It's strange. I don't even know how to describe it.

Though it was difficult for his partner to understand his internal turmoil, for Gabriel it was the potential loss of an undocumented identity and fears of betraying his community that accompanied his transition towards legal status. As an immigration attorney himself, his internal struggle with feelings of confusion, betrayal and guilt speak to his strong connection to an undocumented identity and membership to immigrant communities. As a practitioner of law and activist, these feelings are also shaped by his expertise and his understanding of the unjust policies and procedures that deem some migrants more deserving than others. As I asked Gabriel to share where he feels these emotions stem from, he further made these connections:

Being in the movement for so long, seeing the injustices, realizing that there are people in more difficult circumstances, more deserving, if deserving is the right word, and how

easy it was for me and how lucky I was. Lucky in the sense that not only did I find love, but through that love came like all these benefits. It's just, it seems, it feels unfair. And it feels like I'm partaking now in that unfairness. And now part of the division between the community that I once was part of. And I honestly I think it's because my sister is still undocumented or has DACA. And I can see how much she's struggling, that it just breaks me. It's just so unfair. And like her, there are many more, right? And I'm in this on a daily basis, I get to see clients who have parents who are breaking their backs. It's just like, it makes absolutely no sense that they don't have status.

Gabriel identified his obtainment of legal status as complicity to the *legal violence* of the immigration system that unequally harms migrants by creating categories of deservingness. As an attorney, he was able to draw on his legal, social and economic resources to ease his transition towards legal inclusion. And yet, he is conflicted with access as he witnesses his sister's struggle and that of his clients, with legal exclusion.

For Victoria and Gabriel, their activism in the 2000s and 2010s eras of undocumented movements, also shaped their sense of belonging to the undocumented activism movement. However, as they transitioned towards legality, they struggled with their sense of belonging and role within the movement. Victoria shared her thoughts about continuing to feel undocumented and on her role within undocumented spaces, as a now legalized person:

I think socially and my interest as a person, I didn't feel any different. Right. Like, which is why I would always sound so not excited because I didn't feel any different. Even sometimes I would go to rallies or to protest or talk about immigration. Like I'm still, I was still feeling undocumented. And then I and a couple of my friends, that adjusted around the same timeframe, we would joke around and we'd be like, "Oh my gosh, now

we're allies. Oh, no, we can't chant like that" We were still very welcomed. And I appreciate that. Like the community it's not like because we're residents they're going to treat us differently now. But, sometimes we were like, okay, maybe we should step back because we're not undocumented anymore. We can't be speaking for or on behalf of the community, even though we were, for many years, we're not anymore. Things have changed, and a new generation of undocumented people are experiencing much different things, especially the younger ones without DACA now. And so, I was like, okay, I need to stay, but take a step back.

Victoria's expression that she continued to feel undocumented, speaks to her understanding that legal status has not significantly altered her sense of self, however it has shaped how she can identify and her role in undocumented movements. As an activist who is transitioning from undocumented to "ally," she reaffirmed her commitment to the movement, however she contends with her new status by acknowledging its privileges and shifting her role as a supporter that must be attuned to new waves of undocumented generations that maneuver different challenges.

Janet, who arrived in the U.S. at the age of seven, also shared similar struggles with her identity and sense of belonging as an immigrant rights activist. She shared her fears that she was potentially regressing into an identity crisis.

I am documented now, and it feels weird to say that. Part of me feels like where do I even belong anymore? Do I no longer belong in spaces that were so important to me? It's weird to think about how I identify now because it was a long journey of accepting and having a sense of comfort in my own undocumented identity. I went from afraid to confronting that fear, to undocumented and unafraid, you know standing proud y sin miedo [without fear]. It's hard to just let that go. Now I feel like I'm starting all over

again. It almost feels like shame, am I ashamed to say I'm documented? Is that what that feeling is? It just feels maybe uncomfortable to just let go of being undocumented. I mean I can't say "I'm undocumented," even if I feel that way. But to have to say "formerly undocumented" that doesn't feel quite right.

In describing her identity formation process as an undocumented person, Janet's process is similar to the trajectory of undocumented folks who formed an *Undocumented and Unafraid* identity and movement (Wong et al. 2012). Reflecting on the arduous journey to arrive at a positive sense of self, Janet expressed concerns that the loss of that hard fought identity will negatively affect her sense of self and belonging. Unable to distinguish if it is shame, discomfort or another sense of alienation to her immigrant identity, Janet's experience speaks to the confusion that young adults experience during their *transition towards legality* as they experience the harmful effects of both their past legal exclusion and new legal inclusion. For many, these questions of identity and belonging continue as they make sense of the ruptures caused by the enduring harm on their psychological and physical wellbeing.

Mental and Physical Health Impacts

As made evident by their difficulties with the loss of an undocumented identity, young adults often recalled their struggles with growing up undocumented. They described prevalent feelings of fear and anxiety stemming from the limitations and uncertainty of their undocumented status. For most, their experiences with the *legal violence* endured through their undocumented years and process of legalization – and its resulting stages of confusion as they navigate new legal inclusions – manifested into negative impacts to their psychological and physical health. Folks recounted difficulties with anxiety, depression and PTSD. Others experienced chronic illnesses like gastritis, ulcers, high cholesterol, arthritis, headaches,

migraines and other chronic body pains. To examine these ailments, I apply the lens of *legal violence* to expose the role of immigration law in causing the physical and psychological enduring harms that young adults face through their *transition towards legality*.

As previously discussed, Isabel felt a rush of emotions during her oath ceremony. She had difficulty discussing the emotional toll of the process of naturalization. When further reflecting on the weight of the process and healing, she discussed how the illegalization of immigrants has an enduring psychological effect.

I think when we're talking about the psychological toll of growing up undocumented, I feel like because it really cuts you deep and cuts across all these aspects of your life, it can follow you for years, even after you've adjusted your status. And so to me, that's where I'm thinking of healing is not going to come not from just like policy changes, but I don't know what needs to happen. I just know that there's so much more that needs to happen. Because I just keep thinking, this was something else where people are enduring, this is some type of other psychological terror that you're having to deal with after.

Isabel's description of undocumented status as producing a psychological terror demonstrates the violence and harm inflicted by prolonged periods of illegalization. Growing up undocumented, Isabel's experience with her undocumented migrants bled into all areas of her life, therefore leaving lasting imprints even post the obtainment of status. This violence is so profound, that as Isabel ponders, legal inclusion or policy changes alone may not fully address the spill-over effects of legal violence into migrants' wellbeing and health.

In a similar way, Marina also discussed the effects of growing up undocumented and the fear of detention as enduring into her transition to residency. Marina was 14 years old when she arrived in South Los Angeles to reunite with her parents. As she explained earlier, she had a

stressful interview process, likening it to a test. Fortunately, Marina did receive her green card, however she described a sense of disbelief of her new legal status. She felt having status “became real” when she first traveled internationally. Though she was traveling as a U.S. resident she describes the anxiety she felt crossing the border as similar to the nervousness and anxiety she experienced when she was undocumented.

It was the same feeling that I had before DACA, when I didn't have my driver's license, and how I would feel when there was like a cop behind me or when I would get stopped. That's the feeling I was getting crossing from the US into Mexico. I was like, this is it, but am I going to come back? And I hadn't been in Mexico since I was 14 years old. So this was like a huge deal for me to see the difference. So that was a pretty huge shock for me. And on the way back, we went through the border. And I remember being in the car, getting that feeling like there's a cop behind me type of feeling and me holding onto my residency card, like just holding onto it until they asked me for it and being really nervous about it. And my husband trying to distract me. He's like, "You'll be okay. Let's talk about something else." Because he knows how I get when I get pretty anxious. So we got to the front of the line and they [border agent] looked at my residency card, he looked at me, and he started asking my husband questions... And that's it. And I remember telling my husband, I was like, "It was like an hour of stressing, and then it was like 30 seconds to go through." And I remember looking at my card, my residency card, and thinking, "This piece of plastic is what was keeping me down for so long and stopping me from having opportunities that I wanted to get in the US." And it was pretty crazy to think about that every time I looked at that card, every time I pass them. Now we have

*SENTRI*³¹, so we're able to cross pretty fast through the borders, so I don't think about it as much anymore. But sometimes I do, and when I cross walking, that is how it comes back then that's a different experience, I found. I get nervous, I start sweating, that whole kind of PTSD feeling of what I felt when I couldn't do that, when I was undocumented.

Marina explained that she felt a heightened sense of anxiety when interacting with agents of law – such as the police officers who patrolled her driving without a license and the border agents who regulate her entry into the U.S. In comparing these two figures of law, Marina explained her anxiety stems from her fears of their authority to regulate her immigration status. Though Marina discussed knowing her residency status afforded her the ability to travel more freely, her description of the recurring anxiety, and likeness to PTSD symptoms when traveling demonstrates how her undocumented trauma follows into her *transition towards legality*. Her experience demonstrates that *legal violence* embedded in the immigration system endures after the obtainment of residency and continues to be present with figures who can regulate migration.

Difficulties with anxiety and depression were common for the young adults I spoke with. Gloria has a long history managing her anxiety and depression. While she was able to access support during her college years with a therapist at her university, this resource did not continue post-graduation. She references key moments when her immigration status caused stressful situations and negatively impacted her mental health.

I have a lot of anxiety. I did see a therapist throughout college for anxiety and for depression. It got somewhat better for a while. But then my depression was difficult to

³¹ Secure Electronic Network for Travelers Rapid Inspection (SENTRI) is a program that allows pre-approved, low-risk travelers expedited entry into the U.S. at the border. It also requires an application and interview process for approval.

manage when I had trouble with my DACA renewals. Then that came through and I was able to go back to feeling somewhat secure, for two years at a time at least. But then, I remember right before, leading to the interview I had panic attacks and my anxiety got pretty bad. But of course, at the time I didn't have the same therapist anymore so I mostly tried not to think about it too much.

Unable to access a therapist she had difficulty managing the negative impacts on her mental health stemming from the stressful difficulties with her DACA authorization and green card interview. Similarly, Carmen began seeing a therapist during her undergraduate years. She had a service animal that helped her manage her depression, particularly in the difficult months waiting for her consular process. She shared how this support helped her manage her depression and anxiety:

Just having him [service animal] everywhere kind of gave me a sense of, "Keep going," because there were days where I just wanted to sleep. I did not want to go anywhere, but I knew I had to get up to take him to the washroom. I knew I had to. Now that I'm at home, he follows me everywhere. And it's kind of bad, but I try not to think about the [consular] process, because then I don't have to deal with it. I overthink stuff, I'm a very big over thinker, so once I start over thinking, I scare myself and I make myself very anxious. I'd rather just put it away and kind of pretend it's not there up until I have to think about it. I just take one step at a time. I take breaks. Also, my dog just comes to me, he knows when I'm having very bad anxiety. He'll come, and he'll want me to pet him, or he'll want to go outside. It's just a reminder of like, "You need to take a break from it."

The consular process was especially triggering for Carmen and she kept the anxiety at bay by trying not to think about it. Though she acquiesces that avoidance may not be the best approach,

she manages her mental health by setting boundaries on the process. Carmen would need this strategy to help her endure an elongated process. Although she had applied in February 2020, the process was delayed, and she submitted a request for expedited review. This request was denied and Carmen would have to wait until December 2021 for her consular process. In April 2022, Carmen shared the news that she received her green card in the mail; though she is still managing the long-term effects of (il)legalization in her daily life.

Chronic trauma, stress, depression and anxiety also manifested into negative consequences for my study participants' physical health. For some, their physical ailments began in their youth as they were learning to adapt to their undocumented status. Tomas shared how stress manifested into his physical body through ulcers, beginning when he was in high school. He shared:

Oh man, has this done a number on my body. So I started suffering from ulcers. I guess just from the stress and worry all the time. I take these pills now, like a million of them to help and I have to have regular check up to check on my intestines, my digestive tract. But yes it's been difficult finding time to do that too with everything going on with work and going through this process too. We try to de-stress and we go out, we hike, we see our families and our friends but it's like you can't let it go fully. It's always there, that worry and just always not knowing what is going to happen next.

For Tomas, his *transition to illegality* (Gonzales 2011) was marked by chronic stress, resulting in the physical manifestation of ulcers. These ailments continued as he adjusted his status through marriage, for as he described, the worry was ever present despite his attempts to de-stress. Tomas' long-term impacts to his physical health were also affecting his mental health and ability to find rest and relief from the ever-present threat of immigration law and its uncertainty.

For Raul, chronic stress started much earlier, when he was in middle school and beginning to explore the world on his skateboard. This new freedom also came with concerns of deportation. During our conversation, Raul candidly shared an anecdote about his “doomsday backpacks,” a vivid illustration of the legal violence inflicted through deportability and its resulting effect on Raul’s health:

I had a very doomsday mindset growing up. I always had a backpack on me with everything I needed in case I got deported. For a doomsday prepper, doomsday is like the end of the world. For me, doomsday was: I get deported. So I had a doomsday prepping backpack everywhere I went with me. I had one in my car. I had one in my bedroom, in my closet. I had one at school. I had one at my best friend’s house. I had a backpack in case I got deported when I was at the library reading or while I was out at the gym. So no matter where I got deported, I’d have my prep bag ready to go... And each backpack would have a week’s supply of crackers, one of those water-mix straws that you would see on those infomercials all night. I had a big one I wanted to buy me two of those. I would always have... What’s it called? Mexican money. I had to ask my uncle, “Can you get me Mexican money just in case I get deported?” So it was crazy because I had so many backpacks. Gosh I had so many backpacks, I still have them in storage too. I had just one military messenger bag that I called my super trick bag because it was the one that I would hope I get deported with because it had everything. It had copies of my birth certificate, it had copies of all these student school IDs because back then I couldn’t get a California ID. I had meals for a week in there. Those little crackers that you can buy when an emergency starts with emergency rations. I would have stuff like that. I would have batteries for my Game Boy in there. So that’s one way that I dealt with the trauma.

Raul's' doomsday backpacks are a painful illustration of the enduring effects of undocumented trauma through childhood and into adulthood. As a young boy, his experience with illegality would be marked by chronic stress and trauma – a consequence of the *legal violence* and the harm it produced through his illegalization and the threat of deportation. Raul took pride in sharing that over the years he learned to manage these fears. He slowly let go of his backpacks. His nephew, Alexis, a US citizen began to repurpose the backpacks by giving them new life and utilizing them to carry books and fun items.

Six months after this conversation, in early 2021, I checked in with Raul as he was preparing for his consular process. Unfortunately, his case would require him to travel to Mexico to apply for entry as a resident. It was clear that his trauma was re-emerging as he admitted his stressors had manifested into another doomsday backpack. It began as an emergency backpack for his long commutes but in reality, they were a new version of his doomsday backpack, reanimated by the stressors of a pending consular process. Moreover, this chronic stress was coupling with difficulties with his mental health during COVID-19 to harm his physical health.

The first month the COVID-19 pandemic hit I was just fearful of everything. I was afraid of going outside. I was afraid of this, I was afraid of that. It was really weird. I was just afraid of everything. And my wife really helped me through that. I was also going through an ulcer. I was getting these horrible ulcers from H. pylori infection. And I couldn't find a doctor because they're all busy because of COVID. And I finally had my endoscopy a month ago after six months of waiting for one. I had a doctor and then she just left the profession, so I had to find another doctor. But I definitely have a diagnosis for high cholesterol. I definitely have a diagnosis for being obese, my BMI is really high. They're still not sure if I have high blood pressure. And I also have a diagnosis for chronic

gastritis. So I have three things going for me. So I pretty much try to watch what I eat. Watching what I eat would help me with all of those, but I love food. So definitely a lot of stress on my shoulders. And I think my body's showing it, also with all the canas [grey hairs] I'm getting.

Raul's experiences with chronic stress – stemming from the *legal violence* of his undocumented status and the precarities of his consular process – were further exacerbated by difficulties with his mental health during the pandemic. The description of his various ailments, points to the linkages between chronic illnesses, auto-immune disease, and distress stemming from migration and immigration laws (Garcini et al. 2021). For Raul, the *legal violence* embedded in both his (il)legalization, from childhood through adulthood, was further compounded as he faced a high-risk consular process that forced him to voluntarily depart to Mexico for his green card interviews. As Raul waits on his interview to be scheduled, he must find ways to cope with harm to his psychological, physical and emotional health.

Conclusion

Undocumented communities and allies have long advocated for a pathway to legalization for immigrants. Many have also called for the dismantling of borders and more inclusive solutions to address the multiple forms of state violence against immigrants and their families. As the experiences of undocumented and recently legalized young adults reveals, while a pathway for legalization is an important step towards justice, papers alone is not an adequate solution to dismantle the dehumanization and violence endured by immigrant communities. It is not enough to propose legal inclusion as a singular solution to address the erasure, dehumanization and harm of illegality. For such a limited proposal ignores the conditions and harm created by illegality and the continuation of structural inequalities created through other

systems of oppression that affect immigrants. Therefore, it is important to understand the process of undocumented immigrants regularizing their status as more than a singular and linear process of incorporation. Also needed are conceptualizations of migrant health that can account for the long-term consequences of legal inclusion on mental, emotional and physical health.

As this chapter has demonstrated, for undocumented and recently legalized young adults, their “adjustment of status” process is exactly that – an adjustment, an adaptation, a correcting and a way of coping towards legal inclusion. As argued, their *transition towards legality* is a multi-stage process of adjustments that includes the (un)learning and (un)doing of their (il)legalization. By including an analysis of the immediate and enduring harm of immigration law, on the psychological and physical health of migrants, I draw connections between the effects of law and migrants’ immediate and long-term wellbeing. As young adults also grapple with conflicting feelings of relief and guilt and maintain commitments to immigrant communities and family members, their legal incorporation also has implications for their loved ones and communities. The maintaining of ties to the immigrant experience is an important implication as media and discourse has portrayed the obtainment of citizenship among first-generation migrants as one of adopting an “American” mindset or a distancing from the immigrant experience. Therefore, by distinguishing their transitions towards legality as a generational experience, I bring attention to the role of their prolonged illegalization in shaping their incorporation post the obtainment of legal status. In sharing their stories, I demonstrate that their process of obtaining papers is not simply one of becoming legal, or winning a strategic game, rather it is about negotiating a different kind of legal inclusion, simultaneously strengthened and marred by years of illegalization.

CHAPTER 5: CONCLUSION AND IMPLICATIONS

In this dissertation, I examined how 1.5 generation Latina/o/x young adults in heterosexual and same-sex marriages negotiated the marriage-based legalization process. In doing so, I centered the stories shared with me through longitudinal interviews with thirty-six Latina/o/x young adults and three years of fieldwork in Southern California. I have offered insights into how undocumented and recently legalized young adults navigated the *legalization continuum*, its various transitions towards legal inclusion and the effects of immigration law and regularization during hostile political climates and precarious context caused by the COVID-19 pandemic. My examination of the understudied nexus of sexuality and (il)legalization provided an expansion of intersectional frameworks and legalization. Through the experiences of LGBTQ Latina/o/x young adults, I demonstrated how the prevalence of heteronormativity and normative cultural expectations of marriage and sexuality during the regularization process placed same-sex couples in particularly vulnerable positions – highlighting sexuality as a critical axis of analysis.

Through this project, I highlighted Latina/o/x young adults' decision-making process as one rooted in their resiliency and agency. In confronting the intersecting structures and conditions that cause their social, political, economic and legal exclusion, this generation sought ways to enact strategies to protect themselves and their families, endure and surpass compounding precarities, and survive unprecedented threats to their lives and livelihoods. Although young adults enacted strategies through an empowered and oppositional approach, these tactics did not shield them from a complex and emotionally involved immigration process. Rather, as their stories make evident, during the Trump Era and COVID-19 pandemic their legalization process were further complicated, narrowed, and burdened. Moreover, by design the

legalization through marriage continuum invaded their intimate lives, causing added layers of anxiety and emotional difficulty as they maneuvered the burdens of legitimizing marital unions in the face of great discretionary power. Therefore, I highlighted the *legal violence* embedded in the illegalization of young adults and the process of obtaining legal inclusion, in order to demonstrate the detrimental effects of law on young adults' daily lives and futures. I emphasize these negative effects as intruding upon migrant's identity formation, sense of belonging, health, wellbeing and legal incorporation. Thus, by examining undocumented and recently legalized young adults' experiences with legalization, I offered a deeper understanding of the range of negotiations that are necessary in order for young adults to navigate new social locations, rights and privileges as recently produced U.S. residents and citizens.

My approach in this dissertation was to highlight young adults' agency and resiliency as they navigated a burdensome legal process of regularization, faced changes and instabilities during hostile climates, and adapted to changes in their immigration status. In highlighting these attributes, I do not mean to patronize immigrant communities as people who can defy all odds or similar narratives that reinforce tropes of deservingness or worthiness; rather, it is to highlight how migrants fight for their humanity in the face of powerful and intersecting systems of oppression and exclusion. Therefore, my tethering to an examination of law is necessary. Through this analysis of law, I emphasize the role of law in shaping a generation of immigrants through prolonged illegality and through its far reach into their transition as legalized immigrants. Therefore, this work has offered an empirical analysis of the mutually constitutive relationship between migrant everyday life and law – through the experiences and voices of Latina/o/x young adults.

Limitations and Future Directions

I met undocumented young adults through legal fairs, immigration clinics, online groups, and my own networks. The majority were college-educated and had prior experiences as activists – though only a couple described themselves as current activists. Therefore, my participants were connected to local resources or were members of immigrant-serving organizations and social movements. Therefore, the experiences of resilience and oppositional consciousness that were dominant in this study may be indicators of folks who have extensive networks of support and the necessary resources to enact agentic power. It is important to note that young adults' access to networks and resources did not shield them from fears and consequences of the Trump presidency nor a difficult legalization process. However, it is unclear how those who did not have access to these social networks or resources fared during regularization.

My participants also form part of a subset of the 1.5 generation, who based on their prior experience with illegalization, were able to draw upon a pre-existing oppositional consciousness as a skillset to navigate a difficult legalization process during the contentious period between 2016 and 2020. Therefore, a limitation of this study is the absence of the experiences of young adults who are not well connected to local resources or networks, particularly hostile climates. Further examination of the role of social networks and resources, and their absence, may reveal the extent to which legalization through marriage is mediated by social connections and a prior knowledge of navigating illegality. Such an examination may also provide further considerations for the long-term incorporation of the most marginalized members of the 1.5 generation.

One of the study's criteria was that participants be in the active planning or application stages of their legalization and naturalization process. In that timeframe of my study, only four participants were forced to abandon their process due to the ending of a relationship or other economic or legal barriers. The majority remained in transition, in various stages of the

legalization continuum from the submission of their initial green cards to naturalization. Therefore, I did not interview young adults who at our initial meeting were not eligible to legalize through marriage. In my fieldwork, I did meet some young adults who were unable to legalize. They were either married to U.S. citizens but did not meet eligibility or they were eligible but either were not in a romantic relationship or were not yet comfortable moving towards marriage with their current partners. Therefore, this study did not include folks who were unable to legalize. Except for participants who were in an appeal processes due to the revocation or delay of their green card, I did not interview young adults whose immigration processes resulted in deportation. Further studies may expand our understanding of legalization by including applicants whose petitions are denied and result in deportation proceedings. Lastly, the inclusion of same-sex couples also needs further examination. The folks I spoke to who were legalizing through same-sex marriages, dominantly identified as gay or lesbian, with only three identifying as bisexual. Therefore, the inclusion of LGBTQ migrants should be expanded to include a broader representation of LGBTQ experiences and marriages.

Recommendations

During his March 1, 2022 State of the Union address³², President Biden spoke about the “need to secure our border and fix the immigration system” in order to “advance liberty and justice.” After outlining multiple enforcement plans to secure the U.S. border and increase screening of immigrants, he pivoted to immigration reform.

We can do all this while keeping lit the torch of liberty that has led the generation of immigrants to this land – my forebearers and many of yours. Provide a pathway to citizenship for Dreamers – those with temporary status, farmworkers, essential workers.

³² See, <https://www.whitehouse.gov/state-of-the-union-2022/>

To revise our laws so businesses have workers they need and families don't wait decades to reunite. It's not only the right thing to do, it's economically smart thing to do. That's why the immigration reform is supported by everyone from labor unions to religious leaders to the U.S. Chamber of Commerce. Let's get it done once and for all.

President Biden proposal to fix the immigration problem is a dual approach of reform and increased enforcement. While a pathway to citizenship has long been absent, enforcement policies have been on the rise for decades. Moreover, Biden's immigration discourse includes a pedestalling of "Dreamers," as the undocumented young people who are well educated and portrayed as being in all other ways "American," and therefore more worthy of legal inclusion. Although in some immigrant and academic spaces the term DREAMER has been problematized as a moniker that creates exclusions through reinforcing ideologies of deservingness (Abrego and Negrón-Gonzales 2020); the centering of "DREAMERS" in political discourse has remained central. While this has led undocumented young adults to be the most positively framed group of immigrants, they remain undocumented. Moreover, the continued co-optation of their lives as markers of deservingness, will further problematizing their legal inclusion in relation to the broader immigrant community.

For the folks I spoke with for this project, rather than wait for the long-promised immigration reform, they sought entry into a narrowing legalization pathway through the only available option – marriage. However, as a complex and emotionally involved path their experiences demonstrate that the obtainment of legal status is a difficult process at all stages. Drawing on my fieldwork and conversations with participants³³ I close this dissertation with

³³ I closed my conversations with participants, attorneys and advocates by asking them, "What advice would you share with someone who is planning to legalize through marriage?"

policy and programming recommendations. For although there was resounding support for a just reform and the dismantling of systems of illegalization, our conversations often led to considerations about widening current paths and supporting immigrants through legalization and as they navigate life after obtaining legal status.

Through this work, it has become evident that the marriage-based process has two critical aspects, the technicalities of the legal process and its emotional toll and consequences. The attorneys and legal advocates I spoke with mainly had recommendations based on their areas of expertise, referring to the need for the elimination of barrier that make migrants inadmissible for regularization. They offered policy driven recommendations, given their day-to-day work helping folks navigate the complicated mechanisms of law. For example, they suggested the need to eliminate the 3-year and 10-year bar, de-criminalize marijuana related convictions as a federal crime, expand the eligibility of DACA and AP, ease the process for hardship waivers, reduce the costs of the process and income requirements, open more lines of communication with USCIS, and increase forms of protection for immigrants in tenuous statuses.

Most participants stressed the importance of obtaining legal representation. They also underlined strategies for finding free or low-cost services, organizing applications, preparing for their interviews, and managing the long waiting periods. They also addressed the emotional component of the process. While many stressed the important of having a supportive romantic partner, others also spoke about the importance of multiple sources of support. They emphasized the critical sustenance they received from parents, siblings, friends and although rare, from a trusted therapist. However, it was difficult for them to broker their difficulties with family and community members who continued to be affected by immigration law. Ultimately, most young adults simply wanted to offer words of encouragement and support to those who would soon

undertake the process. They wished to make clear the emotional component that they often diminished, overlooked or ignored. It was not uncommon for folks to share that although they knew legalization would not be easy, they wish there was a way to better prepare for both the process itself and the aftermath of the transition to legal inclusion.

For this generation, the gaining of legal status did not erase their lived undocumented experiences prior to legalization. Rather, they must grapple with their legal incorporation as immigrants who's past and present are marred by years of illegalization. Therefore, I emphasize the need for holistic recommendations that can support immigrants legal process and their long term emotionally, psychical and psychological wellbeing. Legally, I echo the attorney's call for immigration policies to ameliorate the burdens of legalization by eliminating the mechanisms that narrow this pathway. The costs of the process are also prohibitive and produce further economic strain, therefore reducing the costs and income requirements would also widen this pathway. Given the great discretionary power of USCIS agents, there is a need for better mechanisms of communication with officers and for a reduction of the arbitrariness present during adjudication. Migrants also need additional protections from discretionary power and potential revocations and lapses in status. There is also a need for increased accessibility to medical care, psychological and psychiatric services, and holistic medicine. These services would be beneficial for both preventative care and as migrants navigate health complications stemming from chronic issues with immigration law. Holistic approaches to health, in practice and research, would also help us better understand the relationships between immigration related stressors and the various forms of health that are impacted by immigration law.

Over the years since I stated this work, I have seen the sporadic inclusion of marriage and papers on social media, on podcasts, and local events. And yet, these occurrences are mainly

focused on issues of dating while undocumented or the requirements and steps for legalizing through marriage. For example, most recently, in April 2022, UC attorneys organized together a “Love is in the Air: Marriage-Based legalization” event. As it was presented by attorneys, the focus of the event was to outline the legal process. The Q&A portion was also largely shaped by questions about eligibility and procedural aspects of the process. While it is a great step to see the presence of legalization through marriage gain more visibility. This emergence is still occurring within locations not easily accessible to all immigrant communities. It would be beneficial for future collaborations to encompass both conversations about the legal and emotional aspects of papers through marriage and for these kinds of events to take place across various community spaces. Creating these spaces in accessible ways is critical as young adults contend with conflicting emotions due to the gained privilege of legal status. Therefore, they may be at risk for isolation and may benefit from extended spaces of support either through therapy, peer support or community groups.

In sharing the suggestions, I aim to re-center the lives and agency of people affected by immigration processes. Their resilience and proactive approaches are poignant reminder of the historical struggle of immigrants in the United States. Like generations before them, undocumented young adults have left their own mark as a generation of youth and young adults who mobilized for greater social, legal and political inclusion. More importantly, they form part of immigrant communities who continue to create meaning through their daily lives, interactions with friends and family and as they build fuller lives.

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