

## Forming Families in a Context of Illegality

Late on a Friday night in 2010, Daniel Hernandez, Julio Medina, and Mauricio Ortega were sprawled across the floor of an office in downtown Los Angeles. Armed with a collection of markers and poster board, they were making signs for an immigration reform rally the next day. Amid their joking, Daniel recounted his most recent dating fiasco, when he showed up for a date on his bike. Mauricio cut him off saying that his 20-year-old *carcacha* wasn't much better. They chuckled at the reference to the Selena song in which she sings about how her boyfriend's car is so old and broken down that it barely runs—"Un carro viejo que viene pitando / Con llantas de triciclo y el motor al revés."<sup>1</sup> Her friends laugh as they lurch down the street.

Like most young adults in their mid-20s, Daniel was looking for love, but he saw this possibility slipping through his fingers because of his undocumented status. He didn't have a car to pick up his date, and he refused to risk driving without a license. Going out was often beyond his means because he felt stuck working for minimum wage at a fast-food restaurant. When he did go out, he had to show his Mexican passport to buy a beer, revealing his undocumented status to those around him. He feared that yet another girlfriend would think he wasn't good enough.

Sitting in a quiet corner of an East Los Angeles coffee shop, Regina Castro talked about her marriage. She didn't mention driving or money, but her words echoed Daniel's struggles to negotiate his undocumented status. In a whirlwind romance, she and her U.S. citizen husband got engaged after four months and

married four months later. Yet her undocumented status led many to doubt their intentions. During her engagement party, a close friend jokingly pleaded, “Cut the bullshit! Just tell us the truth—are you getting married to fix your papers?” Countless moments like this haunted Regina as she sought to assure herself, her partner, friends, family, and eventually immigration officials that she was actually in love with her husband and wasn’t using him to legalize her status.

On the other side of town, I met Luis Escobar at a crowded café. Luis avoided dating until he met Camila in college. The citizen daughter of formerly undocumented Mexican immigrants, she understood his situation. They married, hoping to legalize his immigration status, but 11 years later they had yet to file a petition. Meeting with a lawyer soon after their wedding, they learned that Luis faced a risky legalization process that could bar him from the country for 10 years. Uncertain about his future, Luis felt financially unstable as he worked minimum-wage restaurant jobs and supplemented his income teaching Zumba classes. They delayed having children because he feared being separated by deportation. Now raising a toddler, he felt guilty that he could not provide for her in the way he wanted. His voice cracked: “You feel that you’re punishing someone that shouldn’t be punished. You don’t feel that it’s society’s fault; you feel that it’s *your* fault because that’s who you are.” As we spoke, his wife entered with their daughter. Luis immediately reached to take her, bouncing her on his lap for the rest of our conversation. Their love starkly contrasted with his half-hour reflection on his failings as a father.

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Daniel, Regina, and Luis are 1.5-generation undocumented young adults in their 20s who migrated to the United States as children. Their anxieties may sound familiar to anyone who has dated, married, or become a parent: *Would someone want to date me? How can I be a better partner? Should we get married? Am I doing the best for my children?* Yet their stories reveal that immigration laws and policies are fundamentally (re)shaping Latino immigrant families and individuals’ experiences in them.

As 1.5-generation immigrants, they have spent the majority of their lives in the United States. They sat in the same classrooms as their U.S. citizen peers, speaking English and absorbing U.S. culture. As former president Barack Obama contended, “They are Americans in their heart, in their minds, in every single way but one: on paper.”<sup>2</sup> But immigration status barriers disrupt their transition into adulthood as they begin to realize the significance of their undocumented status and how it will hinder their ability to complete their education, begin working, and achieve upward mobility.<sup>3</sup>

Although they are not legally barred from marrying or having children, immigration policies crept into the most personal and private corners of their lives.

They created structural barriers in Daniel's everyday life, fueling his dating insecurities. They fostered feelings of exclusion, shading Regina's marriage experiences, Luis's decision to have a child, and their feelings about their ability to be good partners and parents.

In 2012 their lives changed. President Obama announced the Deferred Action for Childhood Arrivals (DACA) program, allowing select 1.5-generation undocumented young adults to apply for two-year, renewable protection from deportation and a work permit.<sup>4</sup> Daniel and Luis both applied for and received DACA; Regina had just become a lawful permanent resident through marriage. They eagerly pursued new opportunities: Regina followed her husband to the East Coast, reenrolled in college, and was preparing to graduate from a prestigious university. Like other DACA recipients, Luis and Daniel reported economic advancement.<sup>5</sup> Luis began a new career as a community organizer, nearly tripling his previous income and receiving benefits for the first time in his life. Daniel chose to work a series of well-paid, part-time jobs in communications. They all began to feel more secure as they settled into their new lives.

Still, the marks of their previous undocumented status remained. The need to maintain a joint household (in case immigration agents investigated their case) influenced Regina's educational and career choices. When she and her husband decided to separate, she worried about how it would look to friends and family. Would they accuse her of using him for papers since she was about to become a citizen?

Daniel was almost 30 and still single. Receiving DACA had reshaped his romantic life by giving him "peace of mind." He had a stable income that he could spend on dates and other nonnecessities. At our second interview, he sported a new \$200 bag, a far cry from when we first met and he was wearing faded T-shirts from his high school punk days. He had an official California ID card that easily let him buy a drink. He was finally learning how to drive. All these changes allowed him to date more casually, but his previous experiences with rejection had kept him from committing to a serious relationship for over two years. He felt left behind as his friends hosted baby showers and engagement parties.

Luis, now in his early 30s with two kids, felt as if he had to learn to be legal. Receiving DACA made him "feel like a kid. Like I was a nine-year-old that came into this country again. Where it was like, I don't know anything, I need help." He worked long hours as he struggled to learn the professional skills that his citizen coworkers had been developing for over a decade. His financial stability allowed him to put his older daughter into a better preschool, pay for her ballet classes, cover medical visits, and save up to move out of his in-laws' home. Still, he agonized about legalizing his status and worried about whether policy changes would one day pull the rug out from underneath him and his family.

Theories of immigrant illegality highlight how laws and policies make undocumented immigration status consequential in individuals' everyday lives and for

their overall incorporation opportunities.<sup>6</sup> Drawing on two waves of interviews with undocumented and recently legalized 1.5-generation Latina/o young adults and their romantic partners, I explore how immigration policies permanently alter the material, psychological, and social foundations of mixed-status Latino families.<sup>7</sup> I ask, How do immigration policies shape undocumented young adults' dating, marriage, and parenting? How do changes in immigration policy, such as the establishment of DACA, reconfigure illegality and alter its consequences for family formation? What are the implications of these policies for citizen partners and children? I pay attention to the dynamic nature of this process by examining the effects of immigration policies over time as young adults age, relationships progress, and legal barriers change.

I argue that immigration policies cultivate enduring consequences for undocumented young adults and their families. Immigration-related barriers produce long-term consequences for undocumented young adults by continually constraining their family formation, including whom they date, if and how they advance relationships, and how they perform their roles as partners and parents. Although obtaining DACA carries immediate material benefits, negative consequences persist because immigration policies already shaped early circumstances and left emotional scars. These individual enduring consequences transform into lasting multigenerational inequalities as citizen romantic partners and children share in the punishment inflicted by immigration policies.

I elucidate the mechanisms that make immigration policies consequential in everyday life and transform these into enduring inequalities. I point to how the nature of families and family formation prompts persisting consequences, how laws and policies codify structural inequality, and how hegemonic gender norms help turn material constraints into persisting socioemotional barriers. Applying a gender lens adds a critical layer, showing how gendered provider expectations make material barriers particularly salient for men, disproportionately disrupting their participation in the family formation process. Mapping the process and scope of consequences allows us to envision ways to intervene and move toward fuller integration for undocumented immigrants, their families, and communities.

#### WHY STUDY THE FAMILY FORMATION OF LATINA/O UNDOCUMENTED YOUNG ADULTS?

I turn attention to family formation because families, in their various forms, are key sites of social reproduction in which privilege or inequality can be transmitted from one generation to the next.<sup>8</sup> Familial relationships provide critical social, emotional, and economic support over one's lifetime. Such relationships promote individual well-being and foster the transmission of social, cultural, and economic capital. Thus, everyday family experiences reflect and (re)produce social inequalities.

Members of marginalized families have less access to material, social, and emotional resources, leading individual constraints to ripple through families and persist over generations. Low incomes create financial barriers that limit decisions to cohabitate, marry, or have children, often producing disengagement from family formation or divergence from expected patterns.<sup>9</sup> Economic concerns stress all family members by producing conflict between romantic partners and disrupting caregiving relationships and parenting practices.<sup>10</sup> The resulting family instability—be it through poverty, divorce, parental incarceration, or immigration-related family separation—is associated with poorer economic, educational, social, and health outcomes for children.<sup>11</sup>

Such inequalities are increasingly produced through laws and legal institutions that insert themselves into the lives of marginalized families. Incarceration disproportionately disrupts the family lives of low-income racial minorities, destabilizing familial relationships and harming partners' and children's well-being in the process.<sup>12</sup> The child welfare system relies on normative notions of good parenting, which leaves low-income, racial minority, and immigrant families vulnerable to intervention and surveillance.<sup>13</sup> Detention and deportation undermine immigrant families, increasing their risk of family separation and sometimes termination of parental rights.<sup>14</sup> In all these cases, legal institutions disrupt family processes, increasing the risk of negative long-term consequences for all family members.

I turn attention to Latino immigrant families because they are disproportionately subjected to punitive immigration policies. Estimates suggest that in 2016 there were about 10.7 million undocumented immigrants living in the United States, making up 24 percent of the immigrant population.<sup>15</sup> Although they hail from across the globe, around three-quarters are of Latin American origin.<sup>16</sup> Almost half of Mexican and Central American immigrants are undocumented.<sup>17</sup> A quarter of Latino children have at least one undocumented parent.<sup>18</sup> These statistics reveal that Latino families live in the shadows of immigration policy, but we know little about what this looks like and how it shapes consequential family outcomes. Centering families as a key site of intergenerational mobility, I illuminate how illegality endures to fuel the continued exclusion of Latino families and communities.

#### ENDURING CONSEQUENCES: THE NATURE OF FAMILIES

Family formation is driven by a series of choices made at expected times. As undocumented young adults face constrained choices, they make (or avoid making) decisions, which permanently structures their family formation process. Changes to immigration policies or to one's immigration status cannot easily, if at all, undo these past choices. Further, the close social ties and multigenerational

nature of families ensure that inequalities bleed into the lives of citizen partners and children, paving the way for enduring consequences.

### *Constrained Choices*

Young adulthood is marked by crucial decision-making and transitions, including those related to college, career, marriage, and childbearing.<sup>19</sup> These life course transitions are produced through a series of choices.<sup>20</sup> Further, the day-to-day realities of family formation require individuals to continually make smaller choices that determine family development: where to go on a date, who will run errands, or whether to enroll a child in an after-school activity. Illegality constrains these choices so that the imprint of undocumented status remains, even as undocumented young adults transition into more secure immigration statuses.

Previous work suggests that moving from an undocumented to a more secure immigration status improves incorporation. Immigrants who legalized their status via the 1986 Immigration Reform and Control Act experienced improved long-term social, political, and economic integration.<sup>21</sup> Those who obtain temporary protected status (TPS) have better economic outcomes than they did when undocumented.<sup>22</sup> DACA recipients experience improved educational, economic, social, and well-being outcomes after obtaining work permits and protection from deportation.<sup>23</sup>

Yet choices made while undocumented continue to affect one's life after transitioning into a more secure status. Cecilia Menjivar and Sarah Lakhani find that undocumented immigrants undergo intimate transformations as they make themselves look like desirable candidates for legalization; for example, they choose to marry instead of cohabitate, or they become active community members through volunteer work. These prelegalization choices transform them as people: "They learn certain values, norms, and new ways to think about themselves that persist after legalization."<sup>24</sup> Likewise, I suggest that relationships are profoundly shaped by the sociolegal context in which they are formed and progress. Outcomes may improve, but the consequences of undocumented status, particularly if prolonged, remain because of previously constrained choices.

The timing of sociolegal changes, and whether they align with the timing of expected family formation transitions, determines the extent to which undocumented young adults see enduring consequences. This follows the logic of life course scholars who argue that the timing of life course transitions has long-term consequences because they affect subsequent transitions.<sup>25</sup> In this case, undocumented young adults could not simply pause a relationship while waiting for inclusive immigration policies to allow them to date, marry, and parent in the ways they desired. As time passed, natural progression required them to make choices about if and how to advance their relationships. Structural barriers shaped the foundation of the relationship, dictated how it would blossom and grow, and

influenced their feelings about the relationship and their role in it. It determined if and when they would have children. As children aged, parents could not provide certain opportunities when needed or desired.

Undocumented young adults and their relationships suffered when their constrained choices prevented them from transitioning to and participating in marriage or parenthood in line with their own, their partners', and others' expectations. These choices and memories remained with them, even as they transitioned into a more secure immigration status. When expected relationship transitions coincided with receiving DACA, relationships thrived. But for some it felt too late; their families had already been intimately shaped by immigration policies.

### *Multigenerational Punishment*

Family members are inherently (inter)dependent on one another, linking their stress, misfortune, opportunities, and upward mobility. This fosters shared experiences of illegality within mixed-status families as social ties and daily interactions lead citizens to witness and share in the punishments produced by immigration policies and adopt corresponding risk-management strategies. I refer to this as *multigenerational punishment*, wherein the sanctions intended for a specific population spill over to harm individuals who are not targeted by the law.<sup>26</sup> This concept highlights the structural nature of this phenomenon—rather than attributing these spillover effects to chance—and emphasizes the widespread effects of the law. In this case, enduring consequences emerge as immigration policies embed themselves in citizen family members' everyday experiences, limiting their opportunities for upward mobility and imposing inequality over generations.

Previous research has established that illegality limits citizen children's lifelong outcomes. Undocumented parents' economic hardship, psychological distress, and limited access to suitable childcare lead to delays in children's early cognitive development.<sup>27</sup> In the wake of a parent's deportation, children experience short- and long-term economic instability and psychological distress.<sup>28</sup> As children age, parental undocumented status contributes to lower academic performance and to a higher likelihood of behavioral problems, adjustment disorders, and anxiety disorders.<sup>29</sup> Even in adulthood, those with undocumented parents have worse educational and economic outcomes than the children of legalized or U.S.-born parents.<sup>30</sup>

Additionally, immigration policies shape family relationships and dynamics. Deportation fears can weaken parent-child bonds, straining parents as they focus on alleviating these fears rather than nurturing children's development.<sup>31</sup> Economic barriers can also undermine relationships and create family instability when parents work long hours that prevent them from spending time with their children.<sup>32</sup> Further, in a reversal of family roles, citizen children help their parents navigate illegality and may try to manage their parents' feelings and actions.<sup>33</sup>

Sibling relationships can be strained as citizen children are granted opportunities that undocumented ones are not.<sup>34</sup> Romantic partnerships can also suffer as economic instability, deportation, and legalization processes expose citizen partners to inequalities.<sup>35</sup>

I pay attention to the experiences of citizen partners—a group that has been overlooked by scholars—and move beyond establishing negative outcomes for family members to examine how these emerge. My approach views familial relationships as interrelated and multidirectional; it is not just undocumented family members creating barriers for citizens but also citizens helping undocumented individuals navigate barriers and potentially mediating negative outcomes. Ultimately, I explore the long and complex process through which illegality shapes not only structural barriers but also relationship dynamics and decision-making.

To understand the full circumstances, I trace how the citizen partners and children of undocumented young adults experience illegality. They adopt a de facto undocumented status as they share in the limitations raised by their undocumented partner's or parent's status: fearing deportation, sharing the same low socioeconomic status, and self-regulating their movement and social participation. Many adopt strategies to mediate these shared consequences by helping their undocumented partners and parents navigate immigration-related barriers. These shared consequences and experiences ensure that illegality limits the incorporation and upward mobility of later-generation citizen family members.

#### SHARING STRUCTURAL INEQUALITY: CONTEXT OF ILLEGALITY AND SHIFTING IMMIGRATION POLICIES

The nature of families paves the way for consequences to endure over time and into future generations, but it is the structural character of illegality that produces these consequences in the first place. Illegality has been created and sustained by embedding inequalities into laws and policies that make immigration status consequential in everyday life. Scholars use the concept of immigrant illegality to theorize this process. I develop the concept of *context of illegality* to embed U.S. citizens' multigenerational punishment into this framework.

##### *Conceptualizing Context of Illegality*

Scholars refer to immigrant illegality to theorize the sociopolitical condition of undocumented immigrants as well as those who have other insecure immigration statuses. This work focuses on immigration laws and policies to show how illegality is produced and how immigration status functions as a source of social stratification.<sup>36</sup> Structural inequality is produced by immigration law, immigration enforcement and deportation practices, employment policies, and rules dictating access to social services; these restrict undocumented immigrants' everyday activi-

ties, shape decision-making, and limit upward mobility. In making these connections, many scholars have offered additional concepts to capture how the law functions in everyday life. For example, Susan Coutin coins the term *legal nonexistence* to conceptualize how undocumented immigrants are “physically present but legally absent” because they do not have permission to be in the country.<sup>37</sup> Cecilia Menjivar advances the concept of *liminal legality*, the “gray area” between documented and undocumented statuses that enables vulnerability and uncertainty.<sup>38</sup> These and other related concepts maintain theoretical focus on the immigrant and the role of the law in their everyday lives and incorporation trajectories.

Immigrant illegality has also been used to discuss the spillover effects of immigration-related laws and policies on U.S. citizen family members.<sup>39</sup> This extension beyond immigrants’ sociopolitical condition to the sociolegal context makes it difficult to theorize how enduring consequences emerge in individual lives and proliferate over generations. Thus, I use *immigrant illegality* to refer only to the sociopolitical condition of immigrants caught in insecure legal statuses; it is a legally constructed state of being. I offer *context of illegality* to conceptualize the sociolegal context created by laws and policies that produce (il)legal statuses. Clearly devoting attention to the larger social context provides theoretical leverage to understand how inequality is shared within immigrant families and communities.

Previous research has established the power of sociolegal context in determining immigrant incorporation outcomes. Segmented assimilation theory implicates governmental policy as one of three factors that shape immigrants’ *context of reception* and determine the diverging incorporation patterns of immigrant groups over generations.<sup>40</sup> Elizabeth Aranda and colleagues focus on the *legal context of reception* to highlight the increasingly insecure and exclusionary nature of contemporary immigration policy and how this reduces immigrants’ ability to perceive and achieve material advancement.<sup>41</sup> Further, Tanya Golash-Boza and Zulema Valdez refer to *nested contexts of reception* to capture how undocumented immigrant incorporation varies in light of state and local policies.<sup>42</sup> Following this logic, I focus on the sociolegal context to identify how the enduring effects of illegality are established at the family level.

I define *context of illegality* as the social context that is constructed by immigration-related laws and policies and occupied by all members of mixed-status families and communities, regardless of immigration status. It is a marginalizing social world that produces substantial individual, familial, and social inequalities. Like *context of reception*, it embeds the structural nature of inequality into theory, attributing individual and shared consequences to immigration policies rather than chance. *Multigenerational punishment* is a key mechanism through which the context of illegality produces enduring inequalities. Thus, the context of illegality provides a theoretical foundation from which we can imagine immigrant illegality as a deeper source of intergenerational inequality.

### *Constructing the Context of Illegality*

Illegality is constructed by a broad set of immigration-related policies, including immigration laws that determine who can legally enter and remain in the United States, immigration policies that determine how agencies handle immigrants, and other laws and policies that determine if undocumented immigrants are granted various rights and privileges. Interviews revealed four specific policy areas: (1) employment authorization or lack thereof, (2) deportation threats and immigration enforcement policies, (3) access to state-issued driver's licenses and identification cards, and (4) limited pathways to legalization. Although not a formal legal status, DACA altered the nature of illegality by shifting these barriers to foster recipients' tenuous legal inclusion.<sup>43</sup> I outline these four aspects of illegality, how they shifted with DACA, and their consequences for undocumented young adults and their families.

*Economic (Im)mobility and Employment Authorization.* The most salient aspect of illegality for participants was their inability to access a valid Social Security number. Immigration policies have made this increasingly consequential over the past three decades with the implementation of employer sanctions for hiring undocumented workers and the establishment of the E-Verify program to enable employers to quickly verify employment authorization.<sup>44</sup> These legal barriers exclude undocumented immigrants from employment opportunities, ensuring that they earn less and face restricted pathways to socioeconomic mobility.<sup>45</sup>

Without employment authorization, undocumented immigrants often use invalid Social Security numbers to complete hiring paperwork, are paid under the table, or are self-employed. This restricts employment options and increases their concentration in low-wage work. In 2012, about 62 percent of undocumented immigrants held service, construction, and production jobs, twice the share of U.S.-born workers in these occupations.<sup>46</sup> Further, undocumented status increases the risk of low earnings and labor violations, including a higher likelihood of earning below minimum wage and experiencing wage theft.<sup>47</sup> One study found a 17 percent wage gap between undocumented and documented Mexican immigrant men and a 9 percent gap between undocumented and documented Mexican immigrant women; controlling for human capital and occupation reduces, but does not eliminate, these significant differences.<sup>48</sup> Employment barriers subsequently limit their ability to move out of impoverished areas that further stymie upward mobility.<sup>49</sup>

Reflecting these larger patterns, the undocumented young adults I interviewed reported economic immobility. Without employment authorization, about one-fifth struggled with unemployment or the instability of self-employment or short-term work. Another fifth worked in service and production jobs common among undocumented immigrants: factory and warehouse workers, janitorial and maintenance staff, and nannies. Almost a quarter worked in restaurants, often in fast food, where many became low-level managers. Slightly more than

a quarter used their educational credentials and social networks to obtain self-described “better” jobs as administrative assistants, educational service providers (e.g., tutors), and salespeople. A few, mostly college graduates, obtained professional employment, often in the nonprofit sector.<sup>50</sup> In all, they averaged an annual income of \$15,936, ranging from \$1,500 to \$50,400. On average they earned \$8.90 an hour, slightly more than California minimum wage at the time. But their income paled in comparison to the \$40,000 median earnings of full-time young adult workers aged 25–34 in 2016. It was also substantially less than the \$25,400 median earnings of young adults who did not complete high school.<sup>51</sup> Many also reported economic stagnation; they had been in the same job and had earned about the same for years. Their undocumented status ensured that standard approaches to pursuing economic mobility—promotions, additional training, or higher education—were unlikely to pay off. Their ability to achieve socioeconomic mobility depended on immigration policy changes that would provide employment authorization.

Economic instability had substantial consequences for romantic and family lives. Many men spoke about how their low incomes made it difficult to afford dating and feel like a desirable partner. They struggled to develop stable partnerships, transition into marriage, and have children because they feared being unable to provide for the family. When they did form families, economic instability manifested at the family level and was shared by citizen partners and children. Partners felt pressure to use their own citizenship privilege to close their family’s financial gaps, sometimes leading to conflict. Parents struggled to meet children’s basic needs and provide opportunities that would pave the way to a better life for the next generation.

DACA reshaped this aspect of illegality by providing access to a work permit. Most suggested that obtaining a work permit was the most significant impact of DACA.<sup>52</sup> Indeed, the average income of the employed DACA recipients I interviewed increased by almost \$500 a month to \$21,900 annually. Of the 72 recipients, about a fifth experienced upward mobility as they moved into professional employment, and 7 percent elected to forgo employment to pursue educational opportunities. About a third saw moderate changes, staying mostly within the service sector, but 19 percent moved to less labor-intensive jobs, and 13 percent moved out of recurrent unemployment. Almost two-fifths saw little change; 14 percent of participants worked in the same job, and 24 percent in a similar job.

In most cases, DACA fostered economic flexibility. This translated into more stable romantic and family lives as recipients felt it was easier to go out on dates, make family formation decisions, and provide opportunities for children. But those without a college education and extensive social networks struggled to turn their employment authorization into substantial upward mobility.<sup>53</sup> Many felt that the impact on their family formation was minimal. Some had previously

established strategies to manage their low incomes and move forward with their romantic lives, while others had made choices that had already precipitated consequences that they could not undo.

*Fear and the Deportation Regime.* A less salient but highly significant aspect of illegality was undocumented immigrants' deportability. Historically, immigration enforcement occurred primarily along the U.S.-Mexico border.<sup>54</sup> Increasingly punitive internal immigration enforcement policies have, however, built up a deportation regime that fosters a state of hypervigilance and fear in everyday life. Emerging in the late 1990s, 287(g) agreements multiplied throughout the 2000s to deputize local police officers to enforce immigration law by detaining immigrants for immigration officials. Other programs, such as Secure Communities, conducted immigration status checks in jails and prisons to identify individuals with deportation orders. These enforcement practices filled minor police interactions with deportation risk, and deportations rose to unprecedented levels, totaling 4.2 million from 1997 to 2012, more than double the 1.9 million deportations conducted before 1997.<sup>55</sup> Hoping to avoid these risks, undocumented immigrants may withdraw from society, stay close to home, and avoid driving without a license; such behaviors negatively affect their educational, economic, social, and health outcomes.<sup>56</sup>

The threat of consequential interactions with immigration enforcement varies by how much police cooperate with immigration officials. Some state laws increase police encounters' significance; most infamously, Arizona's SB 1070 requires police officers to determine the immigration status of *anyone* whom they have lawfully stopped, detained, or arrested.<sup>57</sup> By contrast, California state laws seek to lessen the threat of deportability; the 2014 TRUST Act, for example, limits the scope of who can be detained by police for immigration officials, reducing risks for noncriminal undocumented immigrants.<sup>58</sup>

The undocumented young adults I interviewed had unique understandings of their deportability. Their fears were situationally triggered by seeing police, interacting with immigration and law enforcement officials, and hearing about raids, detentions, and deportations. Many believed they occupied protective locations that shielded them from these interactions. In addition to living in progressive California, they blended in with their U.S.-born peers, and spent most of their time in spaces where immigration officials would likely not enter.<sup>59</sup> Yet they recognized that Latino men's hypercriminalization and raced-gendered policing procedures increased this group's risk of interacting with police officers, developing criminal records, and being transferred to immigration custody.<sup>60</sup>

Undocumented young adults, their romantic partners, and citizen children were often concerned about how deportation separates families. Unaccustomed to this threat, many citizen partners initially feared their partner's deportation. Like their undocumented partners, however, they became accustomed to this threat and tailored activities to minimize this risk. Fears reemerged in parenthood

as they recognized equally unbearable options for managing deportation—family separation or family relocation outside the United States. Both options carry severe material, social, and emotional consequences.<sup>61</sup> Intent on avoiding these risks, undocumented young adults and their citizen family members avoided unnecessary travel, limiting partners' opportunities to build intimacy and parents' ability to foster their children's social and cultural capital.

DACA established a new protective location by “deferring action” on a recipient's deportation. This, coupled with their ability to receive a driver's license, substantially reduced the threat of sudden, groundless removal. As a result, DACA recipients and their families felt more secure and became more comfortable expanding the family's horizons beyond their immediate neighborhood.

*Spatial and Social (Im)mobility: State-Issued Driver's Licenses and ID Cards.* Although not an immigration policy, driver's license laws and related law-enforcement practices construct illegality within social interactions. Like most states, California denied undocumented immigrants access to state-issued driver's licenses and identification cards during my first wave of interviews. As a result, many drove without a license. While this increased their risk of deportation, most participants were preoccupied with the material costs of driving without a license. In 2013 the fine for driving without a license in California was \$402, and counties had the discretion to increase this fee. Cars were regularly impounded for 30 days, racking up thousands of dollars in fees.<sup>62</sup> Participants feared being caught by sobriety checkpoints, which are routinely used to detect unlicensed and undocumented drivers.

Avoiding or minimizing driving without a license raised problems when dating, particularly for men who were expected to drive. The resulting negotiations often presented citizen partners with their first opportunity to help by taking on the role of licensed driver. As this responsibility grew, some couples reported that it stressed their relationship by burdening citizens and exacerbating undocumented partners' feelings of dependence. Children also faced consequences—being stranded on the side of the road when cars were towed and learning to keep an eye out for police.

The ubiquity of a state-issued license or ID also created challenges when individuals could not present this form of identification. About 95 percent of eligible adults held a California ID or driver's license in 2013.<sup>63</sup> Not having one could make it difficult (sometimes impossible) to open a bank account or credit card, obtain government records, access health care, purchase controlled over-the-counter medications, obtain a library card, apply for apartments, and identify one's self to police or other government agents.<sup>64</sup>

For undocumented young adults, this constraint posed a barrier to social participation. Being unable to apply for driver's license in their late teens was a key moment when they began to realize that their undocumented status would limit

their opportunities.<sup>65</sup> Feelings of difference extended into their transition to adulthood as those in their 20s and 30s were required to show proof of age to enter bars or clubs or to purchase alcohol. In most cases, they resorted to using identification issued by their country of origin's consulate—foreign passports or *matrícula consular* identification cards. While these forms of identification sometimes work, those presenting them risk being denied access or subjected to questioning that forces them to reveal their undocumented status. Fearing embarrassment and rejection, many avoided places where they had to show identification. This infused stress into their dating lives, especially for women who often had to negotiate this concern if their date planned something that required an ID.

DACA's provision of a valid Social Security number allowed recipients to obtain state-issued driver's licenses and identification cards.<sup>66</sup> Further, in January 2015, California implemented Assembly Bill 60, allowing undocumented immigrants to access California driver's licenses.<sup>67</sup> This change facilitated spatial mobility and social participation, making dating and everyday family life easier.

*Limited Legalization Opportunities: Marriage and the 10-Year Bar.* Ultimately, immigration law produces illegality by regulating undocumented immigrants' ability to adjust their status, or "legalize." The U.S. immigration system rests on principles of family reunification according to which lawful permanent residents and U.S. citizens can petition for their family members' permanent residency.<sup>68</sup> Although many family petition categories exist, the most straightforward is that of U.S. citizens who petition for immediate family members—spouses, parents, and unmarried children under 21—as these are not subject to annual visa limits. When I was conducting interviews, these petitions were processed in about six months and, when approved, resulted in immediate permanent residency.<sup>69</sup> All other types of family visas have wait times of one or two decades.<sup>70</sup>

Legalization pathways became more complicated in 1996, when the Illegal Immigration Reform and Immigrant Responsibility Act established reentry bars to punish undocumented immigrants who had "entered without inspection." Immigrants who entered the United States on a valid visa or who had preexisting petitions filed for them before 2001 can adjust their immigration status while remaining in the United States.<sup>71</sup> Many, however, do not meet these requirements and must return to their country of origin to process their application. Leaving to do so triggers a 10-year bar on their reentry if they have been in the United States for over a year as an adult, even if their application for permanent residency is approved.<sup>72</sup> While they can petition to lift this bar citing "extreme hardship" for their citizen petitioner, this is a high and ill-defined standard that is subject to immigration officials' discretion. With no guarantee that this reprieve will be granted, they risk being unable to reenter the United States, which discourages many from applying.<sup>73</sup>

The undocumented young adults I interviewed had limited opportunities for family-based visa petitions. Almost all had undocumented parents.<sup>74</sup> Forty-four

were parents of citizen children but would have to wait years until their child turned 21 and became eligible to file a petition for them. Extended family petitions were an option, and a handful of participants reported having petitions filed for them, usually by an aunt or uncle after arriving to the United States; they were still awaiting adjudication on these cases or had “aged out.”<sup>75</sup> Thus, a petition filed by a U.S. citizen spouse appeared most viable, yet most of the 126 undocumented participants faced the 10-year bar. Only 18 reported entering on a valid visa, and 17 others reported a preexisting legalization petition that may exempt them from the bar.<sup>76</sup>

Despite legal realities that dramatically limited this option, many undocumented young adults reported being urged to pursue legalization through marriage to a U.S. citizen. They were unceremoniously proposed to by friends and partners, or encouraged by friends and family to quickly move their romantic relationships to marriage. Many invested energy to assure their romantic partners that their relationships were built on love, not a desire for papers. It shaped their relationship progression, some of them electing to delay marriage to allay suspicion and others fast-forwarding their relationships to marriage. Although citizen partners longed to provide this form of security, many couples found this to be a long and risky process. Those who could pursue it found that it restructured the very foundation of their relationship.

Although DACA did not provide a pathway to legalization, it created an opportunity that could facilitate legalization. DACA recipients could apply for advanced parole, which provides permission to travel outside the United States for educational, employment, or humanitarian reasons. Subsequently, they reentered with inspection, enabling them to adjust their status without the threat of the 10-year bar.<sup>77</sup> Some DACA recipients took advantage of this opportunity and became permanent residents through marriage.

These four legal barriers structure the context of illegality and jointly limit how undocumented young adults and their citizen family members socially engage in the world around them. In the following chapters, I explore each barrier as it becomes relevant throughout the family formation process and trace how its role shifts as relationships progress and policies change.

#### HIGHLIGHTING GENDER AND THE ROLE OF HEGEMONIC CULTURAL IDEALS

Applying a gender lens further elucidates how illegality is made consequential within mixed-status families. Previous research reveals the critical role of gender in shaping a wide variety of migration outcomes: individual and household migration decisions, migration journeys, settlement experiences, legalization patterns, initial and long-term labor market outcomes, family formation and maintenance, transnational activities, and return migration patterns.<sup>78</sup> Within the context of the family, hegemonic cultural ideals—particularly gendered roles and

expectations—influence when, where, and how undocumented immigrants experience and negotiate illegality.<sup>79</sup> They turn material constraints into socioemotional barriers to family formation.

Cultural expectations (re)produce contemporary inequality. Cecilia Ridgeway traces how cultural stereotypes about men and women enable gender inequality to persist.<sup>80</sup> They make gender consequential by assigning intrinsic characteristics and prescribing standards of behavior based on the idea that men and women are unequal. Acting on these beliefs reinforces their persistence and maintains unequal access to resources and power. Although individuals and subgroups may hold alternative gender beliefs, certain stereotypes become hegemonic, predominating over others so that they must be either adopted or negotiated. Often these hegemonic ideals are grounded in white, middle-class, heterosexual experiences because this group has the power to shape cultural images; theirs become the “default rules of the gender game” as they are “inscribed in the media, government policy, [and] normative images of the family.”<sup>81</sup>

Gendered stereotypes and other hegemonic cultural understandings enable gender and immigration status to mutually construct experiences of illegality. Undocumented young adults acculturate to gendered expectations that are based in U.S. middle-class realities; women are expected to be dependent and nurturing caregivers and men economic providers. These ideals inform the roles men and women expect and are expected to take on as they date, marry, and become parents.<sup>82</sup> Although gendered expectations are in flux, people encounter and must grapple with hegemonic ideals as they participate in family formation and assess their self-worth.<sup>83</sup> Cultural ideals about romantic love, lavish weddings, the American dream, and intensive parenting function similarly and intersect with gendered expectations to influence men and women’s approaches to family formation.

Undocumented young adults had to find ways to align their material constraints with gendered expectations; otherwise they developed socioemotional barriers that prevented full participation in family formation processes. In some cases, participants took risks to meet gender expectations; other couples renegotiated expectations to align them with their constraints. Although some women hoped to avoid dependent gender roles, accepting them insulated many from the material and socioemotional barriers that limited men’s family formation. Ultimately, gendered provider expectations constructed diverging experiences of illegality, disproportionately disrupting men’s participation in the family formation process.

Throughout, I highlight variation in experiences of illegality, paying particular attention to gender. This approach departs from previous research that argues that undocumented status is a master status that eclipses all other social characteristics in its effect on individuals’ lives.<sup>84</sup> Instead, I adopt an intersectional approach that envisions social locations as rooted in interlocking systems of oppression, in which

marginalization is produced at the intersection of multiple structural inequalities. This moves away from the idea that one social location can supersede another to highlight how individuals simultaneously occupy multiple social locations that work together to determine how they experience the world.<sup>85</sup> Within this framework, I focus on gender to highlight how it intersects with immigration status to fundamentally shape experiences of illegality. This approach complements recent efforts to explore undocumented immigrants' diverse experiences along the lines of immigrant generation, gender, race/ethnicity, class, and sexual orientation.<sup>86</sup>

#### DATA AND METHODS

Following the changing context of illegality, this project evolved into a longitudinal study of the family formation experiences of undocumented young adults. I conducted 286 in-depth interviews with 196 young adults in Southern California: 126 were initially undocumented, 31 had recently legalized their status, and 39 were their romantic partners. I interviewed about half the undocumented young adults and about two-thirds of the legalized participants twice, once in 2011–12 and once in 2014–15. This allowed me to reach saturation across multiple comparison groups and subpopulations at two significant time points.

Initially interested in incorporation patterns, I interviewed 125 young adults from November 2011 to August 2012: 95 were undocumented, and 30 had recently legalized. These interviews broadly covered how immigration status affected their participation in school, work, civic life, and family formation. As I finished these interviews, President Obama announced the DACA program, dramatically shifting the consequences of illegality. I also had new questions given how deeply immigration policies were influencing romantic relationships.

I conducted a second wave of interviews from July 2014 to August 2015. I and a research assistant reinterviewed 90 original study participants: 69 from the undocumented sample to assess the impact of DACA and 21 from the recently legalized sample to see how their integration was progressing. Both groups were asked more detailed questions about their family formation experiences. For those 35 whom I was unable to reinterview, I found others to take their place: 31 who would have been undocumented in 2011 and one who legalized their status just before 2011. We also interviewed 39 of their current romantic partners to understand how they were experiencing immigration policies.

I used snowball sampling, initiating recruitment with 12 participants who had varying levels of education and separate social networks. I drew these initial participants from my social networks built through four years of personal involvement and previous research with college- and community-based undocumented youth organizations. I selected undocumented participants along two lines of comparison—gender and education level—as these composed key lines of difference within undocumented young adults' experiences of illegality. In the first

wave, I aimed for equal numbers of men and women from six education levels that ranged from not having completed high school to having a bachelor's degree. I maintained gender and educational diversity in the second wave.

We sat in coffee shops, restaurants, parks, and homes talking at length about their relationships. I asked broad questions that traced their overall romantic trajectories from dating to marriage to parenting. They described their romantic lives: how they felt about their current relationship status, their partners and why they chose them, past heartbreak and relationship problems, and dreams for the future. We covered key turning points—why relationships ended, if and how dating relationships turned into permanent partnerships, decisions to marry or not, whether they would have children and when. We talked about how their immigration status affected their partners and children. Our conversations were punctuated with laughter and tears as we wound through the pain and promise of romance.

Participants embraced the opportunity to talk. I asked questions and listened as they wound their way through self-discovery. I followed as they moved off topic, trusting that this was part of their process and could reveal something new. I encouraged them to ask me questions, and I often found myself recounting my own experiences, explaining immigration law, and describing preliminary findings as participants sought insight into their relationships.

All undocumented and recently legalized participants were Latina/o, 1.5-generation young adults who had spent the majority of their lives living in the United States. All but six migrated from Mexico. The majority arrived as young children, but there was variation: 38 percent arrived before age six, 40 percent arrived between ages six and 10, and 22 percent arrived between ages 11 and 16. Almost all immediately settled in Southern California. All were undocumented when they were growing up and transitioned into young adulthood. By the second wave of interviews, participants spanned the spectrum of (il)legality; a portion remained undocumented, most had received DACA, some had adjusted their immigration status, and a few had become naturalized citizens. Additional demographic data is presented in table 1.1.

Almost all participants wanted to build a family. Of the undocumented participants, about two-fifths were single or casually dating, about one-quarter were in exclusive dating relationships, and one-third were in committed partnerships, including cohabitation and marriage. Of those in a relationship, almost two-thirds were partnered with a U.S. citizen or permanent resident, and one-third were with undocumented individuals. Of the recently legalized participants, 22 had adjusted their status through marriage to a U.S. citizen; of these, 16 were still married to the same partner and the remaining six had legalized through strategic marriages. The nine who had legalized through long-pending natal-family petitions were mostly single or dating. Around four out of every five participants were partnered with a Latina/o. Slightly more than a third were parents.

TABLE 1.1 Demographic characteristics of interview participants

|   | Undocumented<br>young adults<br>( <i>n</i> = 126) <sup>†</sup> | Recently legalized<br>young adults<br>( <i>n</i> = 31) <sup>††</sup> | Romantic<br>partners<br>( <i>n</i> = 39) |
|---|--|--|--|
| <b>Immigration status in 2011–2012</b>                      |  |  |  |
| Undocumented  | 125  | —  | —  |
| Work permit, pending LPR application                        | 1  | —  | —  |
| Lawful permanent resident                                   | —  | 29   | —  |
| Naturalized citizen   | —  | 2  | —  |
| <b>Immigration status in 2014–2015</b>                      |  |  |  |
| Undocumented  | 20   | —  | 4  |
| Work permit, pending LPR application                        | 2  | —  | 0  |
| DACA recipient  | 72   | —  | 1  |
| U visa  | 3  | —  | 0  |
| Lawful permanent resident                                   | 3  | 18   | 0  |
| Naturalized citizen   | 0  | 4  | 6  |
| U.S.-born citizen   | —  | —  | 28                                       |
| <b>Age at most recent interview</b>                         |  |  |  |
| Mean age  | 27.17  | 28.44  | 29.03                                    |
| 20–24   | 37   | 3  | 6  |
| 25–29   | 58   | 19   | 16                                       |
| 30–34   | 24   | 9  | 9  |
| 35–39   | 3  | 0  | 3  |
| 40+   | —  | —  | 1  |
| Not reported  | 4  | 0  | 4  |
| <b>Gender</b>   |  |  |  |
| Women   | 66   | 17   | 19                                       |
| Men   | 60   | 14   | 20                                       |
| <b>Education level<sup>†††</sup></b>                        |  |  |  |
| High school, incomplete                                     | 12   | 3  | 4  |
| High school diploma or GED, in progress                     | 4  | 0  | 0  |
| High school diploma or GED                                  | 26   | 0  | 4  |
| Two-year college, incomplete                                | 15   | 3  | 3  |
| Two-year college, trade certificate                         | 2  | 0  | 0  |
| Two-year college, associate's degree                        | 5  | 1  | 2  |
| Two-year college in progress                                | 23   | 1  | 4  |
| Bachelor's degree, incomplete                               | 1  | 2  | 3  |
| Bachelor's degree, in progress                              | 20   | 2  | 4  |
| Bachelor's degree or higher                                 | 18   | 19   | 13                                       |
| Not reported  | 0  | 0  | 2  |
| <b>Annual individual income in 2011–2012</b>                |  |  |  |
| Mean annual individual income<br>of employed participants   | 15,931   | 32,435   | —  |
| Median annual individual income<br>of employed participants | 14,400   | 27,600   | —  |
| \$0   | 11   | 3  | —  |
| \$1–\$5,000   | 3  | 1  | —  |

(contd.)

TABLE 1.1 (continued)

|   | Undocumented<br>young adults<br>( <i>n</i> = 126) <sup>†</sup> | Recently legalized<br>young adults<br>( <i>n</i> = 31) <sup>††</sup> | Romantic<br>partners<br>( <i>n</i> = 39) |
|---|--|--|--|
| \$5,001–\$10,000  | 11   | 0  | —  |
| \$10,001–\$15,000   | 27   | 3  | —  |
| \$15,001–\$20,000   | 12   | 1  | —  |
| \$20,001–25,000   | 9  | 4  | —  |
| \$25,001–\$30,000   | 3  | 4  | —  |
| \$30,001–\$40,000   | 1  | 2  | —  |
| \$40,001 or more  | 2  | 5  | —  |
| Not reported  | 16   | 7  | —  |
| Annual individual income in 2014–2015                       |  |  |  |
| Mean annual individual income<br>of employed participants   | 21,942   | 34,598   | 28,059                                   |
| Median annual individual income<br>of employed participants | 19,200   | 34,080   | 24,600                                   |
| \$0   | 8  | 1  | 5  |
| \$1–\$5,000   | 6  | 0  | 0  |
| \$5,001–\$10,000  | 7  | 1  | 5  |
| \$10,001–\$15,000   | 13   | 1  | 3  |
| \$15,001–\$20,000   | 19   | 1  | 2  |
| \$20,001–25,000   | 11   | 2  | 4  |
| \$25,001–\$30,000   | 9  | 1  | 4  |
| \$30,001–\$40,000   | 11   | 4  | 3  |
| \$40,001 or more  | 8  | 6  | 7  |
| Not reported  | 8  | 5  | 6  |
| Relationship status at most recent interview                |  |  |  |
| Single, never married                                       | 36   | 4  | —  |
| Single, previously married                                  | 11   | 2  | —  |
| Casually dating   | 5  | 2  | 0  |
| Committed dating relationship                               | 33   | 6  | 13                                       |
| Cohabiting  | 11   | 1  | 3  |
| Married-like relationship                                   | 10   | 0  | 3  |
| Married   | 20   | 16   | 20                                       |
| Parental status at most recent interview                    |  |  |  |
| No children   | 82   | 20   | 23                                       |
| Parent  | 44   | 11   | 16                                       |

<sup>†</sup>Sample size varied by wave. Overall, *n* = 126. When reported by time period, *n* = 95 in 2011–12 (wave 1) and *n* = 100 in 2014–15 (wave 2).

<sup>††</sup>Sample size varied by wave. Overall, *n* = 31. When reported by time period, *n* = 30 in 2011–12 (wave 1) and *n* = 22 in 2014–15 (wave 2).

<sup>†††</sup>Reported based on 2011–12 attainment level for undocumented and recently legalized samples and 2014–15 attainment level for romantic partners.

Of the 39 romantic partners, most were U.S. citizens, usually second-generation children of immigrants. All but three were Latina/o, with equal numbers of men and women and a range of education levels. Of the 28 partnered with the

undocumented sample, their relationship status ranged: 12 were in committed dating relationships, three cohabiting, three in marriage-like relationships, and 10 married. One-third were parents. Of the 11 partnered with the recently legalized participants, 10 were married to the spouse they petitioned for, and one was the partner of a participant who had legalized through marriage to someone else; almost two-thirds were parents.

Most of my participants were heterosexual, but I spoke to 15 who identified as lesbian, gay, bisexual, or queer (LGBQ). I include LGBQ participants' experiences throughout and, where salient, speak to how same-sex couples experience and negotiate immigration laws differently from straight couples.

Additional details about project design, recruitment, interview content, analysis, and positionality are available in appendix A. Participant demographics are summarized in appendix B.

## ORGANIZATION OF THE BOOK

*Of Love and Papers* tracks the traditional course of family formation, moving from dating to marriage to parenting. I trace the everyday consequences of immigration policies to show how they shape intimate relationship decisions and family dynamics. In most chapters, I focus first on the barriers raised by undocumented status and then show how receiving DACA created immediate material benefits but did not fully reverse the effects of beginning relationships in a context of illegality. I bring in the perspectives of citizen family members throughout to show how they also experience illegality. In all, I show how immigration laws and policies cultivate enduring consequences that fundamentally (re)structure Latino immigrant families and individuals' experiences in them.

Chapter 2 establishes how the prospect of legalization through a U.S. citizen spouse shapes undocumented young adults' approaches to romantic partnerships. I trace the enduring consequences of this complicated legal reality: developing preferences for citizen partners, the emotional toll of prematurely ending relationships with undocumented partners, and the social costs of being judged for their partner choices.

Chapter 3 focuses on how illegality structures the development of undocumented young adults' romantic relationships. I show how gendered expectations and immigration status intersect to limit their ability to feel like a desirable partner, go on dates, and advance relationships. Incongruent gendered expectations make it particularly difficult for undocumented young men. Although obtaining DACA facilitated participation, most had already found ways to manage their status while dating, limiting substantial impacts.

Chapter 4 explores how mixed-status couples jointly negotiate illegality in committed romantic partnerships. I focus on citizen partners to show how they

come to understand their partner's undocumented status, realize that they will share in the consequences, and commit themselves to mediating these to the best of their ability. This can take a toll on relationships as it restructures relationship dynamics—infusing stress and guilt into relationships—and in some cases, laying the foundation for conflict. DACA provides important relief to both partners, but its temporary nature transforms some of their fears into new ones.

Chapter 5 examines the experiences of 22 mixed-status couples who married and successfully legalized the undocumented partner's status. I show how participating in this legalization pathway has enduring consequences as couples have to construct and perform their relationship in specific ways. This legal process opens up opportunities to pursue upward mobility but simultaneously produces new emotional and material consequences that persist even after the undocumented partner has become a lawful permanent resident.

Chapter 6 turns to parents to show how immigration policies shape parenthood. I identify how immigration policies create family-level economic instability that prevents undocumented young adults from meeting their own and others' parenting ideals. The disconnect between their material resources and gendered cultural ideals disrupts childbearing and parenting experiences. Receiving DACA increased parents' sense of financial security and flexibility, but some negative feelings endured, particularly when parents struggled to leverage DACA to pursue upward mobility.

Chapter 7 focuses on citizen children to show how multigenerational punishment emerges, places them in a *de facto* undocumented status, and limits their opportunities for upward mobility. I describe how children witness parental barriers, internalize differences between themselves and their peers who have citizen parents, and have limited access to opportunities for upward mobility. These effects crystalize as children age; as a result, DACA came too late to undo the limitations that some experienced.

I conclude by situating my findings in a broader legal context. I reflect on how immigration laws and policies are responsible for deepening, transforming, and alleviating the consequences of illegality for undocumented young adults and their families. Such policies will have sweeping implications for immigrant and racial/ethnic communities far into the future.