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Second-Class Families: The Challenges and Strategies of Mixed-Status Immigrant Families

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LOYOLA UNIVERSITY CHICAGO

SECOND-CLASS FAMILIES:
THE CHALLENGES AND STRATEGIES OF
MIXED-STATUS IMMIGRANT FAMILIES

A DISSERTATION SUBMITTED TO
THE FACULTY OF THE GRADUATE SCHOOL
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

PROGRAM IN SOCIOLOGY

BY

DIANA MARITZA GUELESPE

CHICAGO, IL

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For my parents, Javier y Elba

Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

—Dr. Martin Luther King, Jr.

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ABSTRACT

The most recent peak in migration has involved large numbers of undocumented people and much of the sociological scholarship on immigration explores their lives as individuals and how they stay connected to their family across borders, but there is little research about the new phenomenon of mixed-status immigrant families – families with at least one unauthorized immigrant and one U.S. citizen – or how their families face the looming risk of separation. The purpose of this dissertation is to describe the experiences and challenges these families confront. Why has there been a rise in mixed-status immigrant families? How does the relative permanence of mixed-status families affect other family members? What dilemmas do they face regarding work, travel, and education?

To answer these questions, I conducted interviews with 54 mixed-status family members who live in Chicago and 10 community advocates who serve mixed-status families. The families consisted of one undocumented spouse, one citizen spouse and at least one U.S.-born child. The focus of this study is on adult members of these families and how their mixed-status affects them. I found that members developed strategies that allowed them to safely access resources while protecting against the risk of separation. Moreover, families used their citizen members strategically to access resources. I found that spouses who are citizens take on additional responsibilities and give up work and

education prospects in order to keep their families from risk. In other words, decisions made to keep families together also hinder opportunities for members who are legal. Diminished work, travel and educational opportunities among the citizen spouse leads to the development of a group of second-class families and impairs their ability to get ahead.

CHAPTER ONE

INTRODUCTION

Leticia and Javier are a married couple in their thirties. They started dating when they were teenagers but have known each other much longer. “I’ve known Leticia since she was nine years old” Javier says smiling. “Our families lived in the same building. That’s how we met.” Javier and Leticia married eight years ago and have a three-year old son. Leticia finished graduate school six years ago and Javier has been a cook for a popular Lincoln Park restaurant for over 15 years. All seems to be well with them. Leticia has pursued her college education. Javier has a stable job, and now they have a beautiful family.

But a closer look suggests another side to their story. For example, Leticia and Javier honeymooned in the Midwest while most of their newly married friends left the country for a nice sandy beach in Latin America. Leticia has not pursued job opportunities that she qualified for based on her work experience and graduate degree. Her income stagnated and her job mobility ground to a halt. What could be holding her back?

The story of Leticia and Javier illustrates the complexities of life in a mixed status family. Javier is undocumented. Leticia is a U.S. citizen. In spite of their marriage, Javier has been unable to legalize his immigration status. A change in immigration law in 1996 has made it nearly impossible for Javier to stay in the U.S. and get a green card, unless he

is willing to go back to Mexico for at least ten years. Since 2008, immigration enforcement strategies have changed how the couple moved around the city, leading Javier to ride a bike to work rather than drive without a license and risk arrest. But the new strategy poses risks, too: Javier was hit by a car on his bike and, because of his status, refused to seek medical attention or pursue legal action against the car's driver.

Leticia also faces challenges while pursuing her career. Fearing that her husband will be deported, she has passed up opportunities to work with the federal government that require background checks on her family members. Leticia and Javier cannot buy a house or car together because most banks and financial institutions will either not lend to people without a social security number, or will qualify them only for high-interest rate loans. This means that credit cards, utility bills, and grocery discount cards are all in Leticia's name, making her the primary person responsible for the family's financial obligations. Perhaps the most challenging experience for them is not knowing if or when the day will come when Javier will be detained and deported. "We know that the bubble we live in can burst at any moment" says Leticia. "There isn't a day that goes by that I say, 'I'm happy that it was just another day.'"

This dissertation explores the challenges mixed-status families confront on a daily basis and the strategies they create to keep their families together. It focuses specifically on Mexican mixed-status families who live in the Chicago-area and examines how spouses' undocumented immigration status affects other members of the family, in particular U.S. citizen spouses. The families I studied had at least one U.S. born child and were composed of one spouse who was born in Mexico and is in the U.S. without

documents and the other with legal status or U.S. citizenship. At the turn of the 21st century, there has been a rise in mixed-status immigrant families. The dilemmas they face regarding work, travel, and education are the focus of this dissertation.

Between September of 2011 and June of 2012, I conducted 30 interviews with 54 mixed-status family members. Most of the families I interviewed lived in Chicago, except for a handful that lived in a bordering western or southern suburb. Through these interviews, I found that families faced many challenges: how they traveled locally, how they explained to their children and extended families their reasons for not being able to travel or adjust their undocumented spouse's immigration status, and how they expected to deal with the deportation of their undocumented spouse. These families developed strategies to manage their daily challenges. Their strategies allowed them to safely access family resources in ways that did not expose their undocumented member's status. They used their citizen members strategically to protect against the risk of separation. Decisions made to protect undocumented family members and keep families together hinder opportunities for members who are legal. Citizen spouses take on additional responsibilities, or give up work and education prospects when those opportunities conflict with strategies that keep their families together.

I first became aware of the challenges mixed-status families faced in 2004 while working for an immigrant coalition in Chicago. During that time, I led groups of immigrant community leaders to lobby in Washington, DC for immigration reform. Among the group, it was important to include persons directly impacted by the policy who could share their experiences with legislators. We often traveled with people who

were undocumented. As the organizer of the advocacy trip, I planned for the risks we could encounter if an undocumented member of our group was turned away from boarding a plane or entering a federal building. We developed strategies as a group, such as allowing people with citizenship status to be first in line, so that the undocumented persons would know what kind of identification they needed to present. We also had alternative plans to drive to our destination if someone could not board a plane. The experience of traveling with undocumented persons made me realize how much easier travel was for me as a U.S. citizen and, all of the obstacles that undocumented persons confronted on a daily basis. Like many of the families I interviewed, we stayed together. If one of the members of the group could not board the plane, none of us would. My experience traveling with mixed-status families led me to question how other aspects of their lives were different and what that might mean for their socioeconomic mobility and integration into U.S. society.

What are Mixed-Status Families?

The undocumented population in the U.S. grew rapidly between 1990 to 2007, peaking at 12.4 million people (Passel & Cohn, 2008). Much of the sociological scholarship on immigration explores immigrants' lives as individuals and how they stay connected to their families across borders. However, there is little research about the new phenomenon of mixed-status immigrant families – families with at least one unauthorized immigrant and one U.S.-born child (Passel & Cohn, 2011) – or how their families face the looming risk of separation. The presence of mixed-status families in the U.S. is not new. However, in the past, families passed through this stage temporarily. Mixed status

families now appear to be more permanent. This is due to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).

One of the common ways mixed-status families came about was when undocumented couples married and had U.S.-born children or when an undocumented person married a U.S. citizen or person of legal residency status. Prior to IIRIRA, family members who had an unauthorized entry, could stay in the country while being petitioned, but needed to leave the U.S. to process and pick up their visas at a U.S. embassy. The passing of IIRIRA applied 3- and 10-year bars to people who admitted to an unauthorized entry. A 3-year bar was applied to people who admitted to being in the U.S. without authorization for up to one year. A 10-year bar was applied to people who admitted to being in the country without authorization for more than one year. This complicated the family petition process because one needed to admit to entering the country without authorization.

After IIRIRA, petitioning a family member who was undocumented became a “Catch-22.” The family member being petitioned would have to admit to entering the country without authorization. That person would have to leave the U.S. to process their visa at a U.S. embassy and would immediately be denied entry for either three or ten years. In the best of circumstances, if an undocumented person wanted to be petitioned by their spouse, they would have to consider being separated from their family for years. Rather than waiting 10 years for possible reunification, many family members choose not to adjust their status. Instead they choose to risk deportation and stay close to their families in the U.S. Thus, the law leads many families to remain in a permanent mixed-

status limbo. I discuss this policy in further detail in chapter three. I also discuss recommendations for changing this policy in Chapter Five.

Historical Overview of U.S. Immigration Policy Post-1960

The passage of IIRIRA and other restrictive immigration policies in the last few decades has been part of a growing restrictionist trend since the 1960s to clamp down on undocumented labor. Historically, U.S. and Mexico have had an established flow of labor and goods which has been an important factor in the economic development of both countries (Gomberg-Muñoz, 2011). But, immigration policies toward Latin America began to change during the 1960s offering fewer avenues of legal migration and increased immigration enforcement. Since the September 11, 2001 attacks on the Pentagon and World Trade Center, strategies for detaining and deporting undocumented immigrants have also changed. Although I primarily discuss IIRIRA and Secure Communities as the immediate policies affecting mixed-status families, they should be understood within a larger historical framework of immigration policies.

The flow of people and goods between Mexico and the U.S. has had a long history which dates back to the late 19th century (or earlier if you consider the period when the west and southwest were Mexican territory). The migration of Mexican workers to the U.S. began on a larger scale, during the early 20th century. During this time, the supply of Asian and low-wage European workers was cut off due to policies, such as the Chinese Exclusion Act of 1882, the Quota Act of 1921 and the Immigration Act of 1924 which purposely curbed the migration of southern and eastern Europeans. Mexican workers were prized as a source of cheap, temporary agricultural labor and their

migration was encouraged (Calavita, 1994; Gutierrez, 1995). U.S. labor shortages during World War II increased U.S. reliance on Mexican workers and resulted in a bi-national treaty, known as the Bracero Program. Nearly five million workers were contracted through the program, but a much larger number entered the U.S. outside of the program (Ngai, 2004).

Prior to 1965, there was no restriction on the number of migrants that could legally enter the U.S. from Mexico and other Latin American countries. The quota system of 1921 and 1924 were not imposed on countries in the western hemisphere. The Hart-Cellar Act of 1965 changed that policy by abolishing the quota system and creating categories of preference based on family ties, critical skills, artistic excellence and refugee status. It also created separate ceilings for the western (120,000) and eastern (170,000) hemisphere, making 20,000 visas available for Mexican workers per year (Calvita, 1994; Massey, Durand, & Malone, 2002). This change in policy did not stem the flow of migrant workers to the U.S.; it just created a group of “illegal” or undocumented immigrants.

Over the years, the group of undocumented immigrants grew, in part, due to the neoliberal economic policy ushered in by the Reagan Administration. This policy promoted economic globalization by privatizing public-owned companies, promoting free trade and free markets, and creating policies that favored the movement of finance and production across borders (Gomberg-Muñoz, 2011). The U.S. has entered into neoliberal agreements with countries across Latin America. The most important of these are the North-American Free Trade Agreement (NAFTA) with Mexico and Canada in

1993, the Dominican-Republic Central America Free Trade Agreement in 2004. In Mexico, NAFTA was supposed to allow the economy to grow but instead the economy plunged into an economic crisis. Rather than help the Mexican economy, NAFTA resulted in the closing of many Mexican businesses that were unable to compete with U.S. industries, leaving many Mexicans unemployed. The failure of these free trade agreements to recognize the need for labor to move freely across borders, along with finance and production is responsible for dramatically increasing the number of undocumented immigrants seeking work in the U.S.

The U.S. has responded to the growing number of undocumented immigrants in numerous ways. It increased enforcement at the U.S.-Mexico border through various border operations, such as Operation Blockade (1993), Gatekeeper (1994), Safeguard (1995, 1999), Hold-the-Line (1997) and Rio Grande (1997) (Gomberg-Muñoz, 2011). These operations have had short-term effects and have led migrants through treacherous terrain resulting in increased numbers of deaths at the border. Stricter visa controls and travel screenings since September 11 were implemented and have led to drop in the number of nonimmigrant visas issued. The passage of Immigration Reform and Control Act (IRCA) attempted to implement workplace enforcement by obligating employers to verify work eligibility of those they hire. This legislation has had little impact because most employers see no risk in noncompliance (Meissner, Kerwin, Chishti, & Bergeron, 2013). A consequence of the legislation has been the opening of a black market in false documents (Massey, Durand, & Malone, 2002).

Collaborations between the criminal justice system and immigration enforcement has been a new strategy spurring the implementation of programs, such as Criminal Alien Program (CAP), the 287(g) program, the National Fugitives Operations Program (NFOP) and the Secure Communities program. The goal of these programs is to remove noncitizens considered to be dangerous criminal aliens. However, these programs have also been criticized by civil rights advocates and law enforcement professionals for detaining and deporting ordinary status violators (Meissner et al., 2013). This collaboration has also led to the creation of a large-scale detention system meant to house detainees as their cases move through the immigration court system. In 2011, the system detained and deported 391,953 noncitizens; 48% had criminal convictions. Each year the number of noncitizens detained surpasses the number of people serving sentences in the federal Bureau of Prison facilities (Meissner et al., 2013).

Immigration policies since the 1960s are characterized as restrictive because their goal has been to significantly curb migration from Mexico and other Latin American countries while turning a blind eye toward employers who hire undocumented workers and criminalizing the workers. In addition, legislation such as IRCA and IIRIRA make it nearly impossible for undocumented workers who have started a family and lived in the U.S. without breaking any criminal laws to adjust their status and become legal permanent residents. Instead these policies have generated inequality by assigning an “illegal” status to a segment of the U.S. labor force (De Genova, 2005; Gomberg-Munoz 2011; Lipsitz, 2005; Massey et al., 1994; Massey, Durrand, & Malone, 2002; Ngai 2004; Portes & Walton, 1981; Sassen-Koob, 1981).

The following section briefly reviews studies on mixed-status families and the literature on assimilation, transnationalism, and gender and migration. These studies helped shape my research on mixed-status families and raised questions related to broader immigrant processes and established theories related to immigration. In particular, I wanted to know how mixed-status families were becoming part of their new country and whether citizen wives' opportunities were being blocked by traditional gender roles.

Studies on Mixed-Status Families

The scholarship on mixed-status families can be divided into three overlapping areas: a demographic description of the undocumented population and their children, a discussion of 1996 welfare reform effects on immigrant families and their health, and, more recent publications which discuss the experiences of children, youth and undocumented parents living in mixed-status families.

Reports by the Pew Hispanic Center provide a demographic overview of mixed-status families through their figures on the current undocumented population and their children. The overview estimates that there are 11.1 million (2011) undocumented immigrants living in the U.S.; two-thirds of whom have lived in the U.S. for at least ten years. The undocumented population makes up 3.7% of the total population and 5.2% of the U.S. labor force (Passel & Cohen, 2011). Three-quarters of the undocumented population are Hispanics, mostly from Mexico (58%), other Latin American nations (23%), Asia (11%), Europe and Canada (4%) and Africa (3%).

The report on the length of residency and patterns of parenthood among undocumented populations found that nearly half (46%, or 4.7 million people) were parents of minors and the number of U.S.-born children born to at least one undocumented parent has more than doubled since 2000 (Taylor, Lopez, Passel, & Motel, 2011). This percentage is higher than that of legal immigrant households with children (38%) and U.S. native households with children (29%). Researchers state the difference in percentage is due to the relative youth of the undocumented population, who are overwhelmingly in their childbearing years. The report estimates at least nine million people currently live in mixed-status families made up of one undocumented parent and one U.S.-born child. Another report (Lopez & Velasco, 2011) found that childhood poverty among Hispanics reached a record number of 6.1 million in 2010, marking the first time in U.S. history that the largest group of poor children is not white. Two-thirds (4.1 million) of Latino children in poverty are children of immigrants and 86.2% of these children were born in the U.S. The other two million are children of U.S.-born Latinos. The combination of an undocumented population that is large, youthful and relatively settled in the U.S. has laid the groundwork for the continued growth in the number of mixed-status families. This demographic pattern makes an important case for studying mixed-status families and learning how their experiences affect their decisions regarding work, travel and education, thus their ability to climb the socioeconomic ladder.

The largest body of literature on mixed-status families discusses the immigrant-related provisions in the 1996 welfare reform legislation which restricted legal immigrants' access to public benefits, such as SSI, food stamps, TANF, nonemergency

Medicaid, and the Child Health Insurance Program (SCHIP) for the first five years of residence in the U.S. Researchers who studied the effects of this legislation found varying levels of participation among U.S.-born children in citizen families and mixed-status families. They found that U.S.-born children born to immigrant parents have reduced participation levels in public benefits programs even though they have the same rights to these programs as any other U.S.-born child. They also found that U.S.-born children in mixed-status families had a higher rate of being uninsured than U.S.-born children in citizen families (Capps, Kenney & Fix, 2003; Fix & Passel, 1999, 2002; Fix & Zimmerman, 1995, 1999; Hernandez & Charney, 1998; Zimmerman & Fix, 1998; Zimmerman & Tumlin, 1999). Fix and Zimmerman (1999) argue that the disparities are created by policies that advantage or disadvantage noncitizens which have spillover effects on the citizen children who live in immigrant families. By not understanding the complexity of mixed-status families, welfare reform has created two classes of citizen children; those who live in a household with noncitizens and reduced benefits; and those who live in a household with only citizens and no comparable disadvantage (Fix & Zimmerman, 1999).

Recent scholarship has focused on the experiences of children, youth and undocumented parents in mixed-status families, particularly their health, development and social and economic integration. Tienda and Haskins (2011) discuss how the complications of living in a mixed-status family are driven by the constant fear of deportation, which prevents undocumented parents from accessing public benefits for their U.S.-born children. Lack of information about benefits and the ability to navigate

bureaucracies are additional barriers. My research supports Tienda and Haskins's (2001) analysis linking families' fear of deportation with complications in their life. As I stated earlier, mixed-status families weigh the risk of deportation in decisions they make on a daily basis. The constant fear of deportation is exacerbated a newly implemented immigration enforcement strategy, which I discuss in detail in chapter four.

Landale, Thomas and Van Hook (2011) discuss the strengths and vulnerabilities of children of immigrants. They found that although some disadvantages are offset for children in immigrant families by living in a two-parent household, these benefits erode the more time the family spends in the U.S. The authors identify risk factors, such as separation of parents from their children and how living in a mixed-status family can lead to poverty and unstable living conditions. Potochnick and Perreira (2010) studied the psychological well-being of Latino youth between the ages of twelve and nineteen. They evaluated how migration stressors and migration supports were associated with depressive symptoms and anxiety. Compared to documented adolescents, undocumented adolescents were at greater risk of anxiety, and children in mixed-status families were at greater risk of anxiety and marginally greater risk of depressive symptoms. Yoshikawa (2011) describes the experiences of undocumented parents raising U.S.-born children. Through in-depth interviews, in-home child assessments, and parent surveys, he identified three sets of experiences that distinguish undocumented parents from legal parents: (1) avoidance of programs and authorities, (2) isolated social networks, and (3) and poor work conditions—all of which may negatively affect their child's development, thus future school performance and job prospects.

The aforementioned reports and studies provide a scattered glimpse into the lives of mixed-status families, but draw important conclusions: (a) there has been a rapid and continued growth pattern in the number of mixed-status families; (b) children in mixed-status families have had unequal access to public resources; and (c) current immigration enforcement policies affect the financial stability and emotional well-being of mixed-status family members. The following section briefly reviews the literature on assimilation theory, transnationalism and gender theory.

Assimilation and the Second Generation

One of the enduring topics among immigration scholars has been the notion of assimilation, also referred to as integration or incorporation. Are immigrants assimilating and how do they assimilate have been questions that researchers have sought to answer and over time three major theories of assimilation have been established; the classic assimilation model, the racial/ethnic disadvantage model and the segmented assimilation model.

Classic Assimilation Model

One of the earliest models to explain immigrant assimilation is known as the *classic assimilation model*. The classic assimilation model, also known as “straight-line” assimilation, views the process of assimilation as a convergence, where the immigrant’s norms, values and characteristics become more like that of the dominant culture over time. This model was the product of research conducted by a group of University of Chicago scholars from the 1920s, better known as the Chicago School, who specialized in urban sociology. Scholars such as Robert Park, Ernest Burgess and W.I. Thomas

trained graduate students to incorporate ethnographic fieldwork to their theoretical research in order to make sense of the changes in our society due to urbanization and industrialization. At the time, the country was experiencing a mass migration of southern and eastern European immigrants, many of which settled in the Chicago area. By incorporating ethnographic fieldwork to their research they also captured the experiences of city's newcomers—immigrants.

The Chicago School left a great deal of work on the study of immigrants including one of the first definitions. Park defined assimilation as “the name given to the process or processes by which people of diverse racial origins and different cultural heritages, occupying a common territory, achieve cultural solidarity sufficient at least to sustain a national existence” (1930). He also developed the notion of a *race-relations cycle* which he viewed as the stages to the assimilation process. These stages were “contact, competition, accommodation, and eventual assimilation” (1950). Park used these stages to describe how migration brings people into closer contact with one another, which then brings about competition between groups who struggle to gain an advantage and leads them to a form of accommodation. The accommodation stage is characterized by unequal relations among groups who have a settled understanding of their group position.

Since the development of this model, researchers have expanded and revisited it. Milton Gordon (1964) expanded the stages of assimilation into seven categories and stated that acculturation was the first stage and the only stage which could last indefinitely. The seven stages of assimilation are: (1) cultural or behavioral assimilation

(adoption of cultural patterns characteristic of the “core group” or host society), (2) structural assimilation (entrance into the primary group relationships, such as clubs, cliques, and institutions, of the host society), (3) identificational assimilation (taking one’s sense of ‘peoplehood’ or collective identity from the host society), (4) marital assimilation (large scale intermarriage), (5) attitude receptional assimilation (absence of prejudice), (6) behavior receptional assimilation (absence of discrimination), and (7) civic assimilation (absence of value and power conflict between or among groups). His work was important for noting the structural and generational elements of assimilation. The first generation (immigrants) were least assimilated and less exposed to American life compared to their American-born children (second generation) and their grandchildren (third generation) who were more like the American mainstream. Gordon also created a reference point for immigrants when he described overall American culture as the “middle-class cultural patterns of, largely, white Protestant, Anglo-Saxon origins.”

Alba and Nee (2003) re-examined the Chicago School’s work on assimilation to find that over the years its emphasis on two-way accommodation, or the process of interpenetration between groups, was dropped and eventually gave way to the ideas by 1970s researchers (Glazer & Moynihan, 1963; Greeley, 1974; Novak, 1972) that immigrants were not assimilating to American culture. Alba and Nee (2003) merge the Chicago School theory with current work on assimilation to create a model of immigrant incorporation where assimilation is the byproduct of the actions taken by immigrants and their children to improve their situation. Alba and Nee also emphasize the importance of acceptance by the mainstream population in order for immigrant incorporation to occur.

The idea that each generation becomes more like the American mainstream with complete assimilation occurring by the third or fourth generation does not consider the complexity of mixed-status families. It assumes that spouses who marry have the same immigration status and their children are all U.S.-born. The following assimilation theory was a response to classic assimilation theory and acknowledged that immigrants who were racially and ethnically diverse faced structural barriers.

Racial/Ethnic Disadvantage Model

The *racial/ethnic disadvantage model* suggests some immigrants' paths to assimilation are blocked (Glazer & Moynihan, 1963). Nathan Glazer and Daniel Moynihan examined this phenomenon and found that the adoption of English language and "American" customs by New York City Blacks, Puerto Ricans, Jews, Italians, and the Irish did not lead to the same opportunities as they did for earlier European immigrant groups. Glazer and Moynihan use the example of New York City, a place that has been the home to generations of immigrants, to stress the cultural and ethnic pluralism that persists among new as well as old immigrant groups. Glazer and Moynihan (1963) argue that discrimination and institutional barriers hinder employment and other opportunities which block assimilation. These barriers are not immediately perceived by the immigrant groups as they often compare the socioeconomic status they hold in their new country with their status in their home country. They state that second and third generations come to the realization that full assimilation may take longer than they originally thought and this realization can cause an emergence/reemergence of racial/ethnic consciousness.

Segmented Assimilation Model

Over the last two decades, immigration scholars have differentiated between the early twentieth century immigrant wave and the post-1965 immigrant wave (Gans, 1992; Portes & Rumbaut, 1996, 2001; Portes & Zhou, 1993). The primary difference being that the new immigrants are from Latina American and Asian countries, and are non-white. Another difference is a broader diversity in their socioeconomic background (Alba & Nee, 2003; Bean & Stevens, 2003; Zhou, 1997). New immigrants are also arriving to the U.S. as it experiences changes in the economy and labor market. Some scholars have argued that assimilation of early European wave was aided by a growing economy which provided manufacturing jobs and greater opportunity for upward mobility. Today's economy provides more service-based jobs which are less favorable for immigrant assimilation (Fernandez-Kelly & Schaufli, 1994; Gans, 1992; Massey, 1995; Portes & Zhou, 1993; Suarez-Orozco & Suarez-Orozco, 2001; Zhou, 1997).

The differing characteristics and context of postindustrial economy have lead a group of scholars to develop a third assimilation model, the *segmented assimilation model*. This theory, proposed by Alejandro Portes and Min Zhou (1993) states that because the U.S. is a stratified and unequal society immigrants assimilate into different segments of society. They state that there are three paths to assimilation. The first path is similar to the classical or straight-line assimilation theory which asserts that over time immigrants will increasingly become more like the American middle-class. The second path states that immigrants will assimilate into a lower class or underclass. This path leads them to poverty and downward mobility. The third path is characterized by

economic integration and preservation of immigrants' culture and values which leads to diverse paths of assimilation. Portes and Zhou emphasize the contextual, structural, and cultural factors as a way to predict whether assimilation will be "successful" or "unsuccessful." They specifically look at factors, such as national origin, socioeconomic status, contexts of reception in the U. S., and family resources, both social and financial. The segmented assimilation model combines aspects of the "straight-line" and racial/ethnic disadvantage models in order to explain the more varied assimilation patterns of immigrants.

This final model of assimilation has also given way to contemporary studies on the second generation, or children of immigrants. In discussing segmented assimilation, Portes and Zhou (1993) distinguish between an advantaged and disadvantaged group among the second generation. They state that the second generation of a disadvantaged group can result in a rejection of assimilation and take on the characteristics of an "oppositional" group. While the advantaged group of the second generation take on a process of selective acculturation and hold on to traditional home-country attitudes and use them as inspiration to achieve success. Many of the recent studies emphasize the importance of contextual, structural and cultural factors among the second generation, as they face obstacles in critical moments of their development, thus, their identities, aspirations and academic performance are all affected (Portes & Zhou, 1993; Portes & Rumbaut, 2001; Zhou & Bankston, 1998).

Each of these models has its criticisms. The classic or straight-line assimilation model was developed at a time when migration to the U.S. was predominantly European

from Ireland, Poland, Greece, and Italy. Their migration was also considered to be a permanent resettlement as opposed to a more circular labor-migration pattern commonly associated with Mexicans. The model has also been criticized for requiring the "new" immigrant group to wholly take on the characteristics of the dominant group in order to assimilate and assuming absorption of immigrant and ethnic groups into the dominant society to be the ideal. The racial/ethnic disadvantage model has been criticized for overemphasizing racial/ethnic barriers and not explaining evidence of socioeconomic mobility. Critics of the segmented assimilation model state that the theory inaccurately attributes poor economic outcomes to racialization when they may stem from other constraints such as family financial obligations or sluggish job growth which slows the rate of mobility (Kalogrides, 2009). A final criticism of the model is that it has not been tested beyond the second generation and oppositional attitudes among the young maybe misinterpreted, thus misconstrue the pace of assimilation.

Both the racial/ethnic disadvantage model and segmented assimilation model acknowledge how certain factors can lead to various paths to assimilation, but neither of these models considers immigration status as a barrier. Instead, they emphasize factors, such as national origin, socioeconomic status, contexts of reception in the U.S., and social and financial family resources. My research can elaborate on the segmented aspect by illustrating how first and second generations can be affected by their spouse's immigration status.

Transnationalism

During the 1990s, transnationalism was introduced as a response to the nationalistic trend of assimilation theories. Scholars argue that there has been a long-inherited relation between modern science and nation-states which ignores nationalist assumptions in representing modern societies by assuming that nation-state boundaries adequately trace the limits of analytical units and confining social science research to the boundaries of nation-states (Anderson, 1983; Wimmer & Glick Schiller, 2002).

Transnationalism is also response to the notion that assimilation is a one-way process which culminates in a “melting pot.”

Transnationalism migration scholars argue that some migrants continue to be active in their country of origin while living in the receiving country. Their work describes how migrants and their children participate in familial, social, economic religious, political, and cultural processes across U.S. borders while living in the U.S. (Basch, Glick Schiller, & Blanc-Szanton, 1994; Faist, 2000; Glick Schiller, Basch, & Blanc-Szanton, 1992; Grasmuck & Pessar, 1991; Guarnizo, 1997; Itzigsohn, Cabral, Medina, & Vazquez, 1999; Jacoby, 2004; Kavisto, 2001; Kyle, 2000; Levitt, 2001; Mahler, 1998; Portes, Guarnizo, & Landolt, 1999; Smith & Guarnizo, 1998). Basch et al. (1994) defined the concept early on as “the process by which immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement. We call these processes transnationalism to emphasize that many immigrants today build social fields that cross geographic, cultural and political borders.” However, Levitt (2001) refined that definition and excluded migrants who simply returned

frequently or maintained personal and business ties, but are primarily rooted in the host country. She states that transnational migrants are “incorporated into the countries that receive them while remaining active in the places they come from.” She also characterized people who remain in the sending countries and are financially dependent on a family member in the U.S. as transnational people because they live “within a context that has become *transnationalized*” (2001). Scholars now recognize that migrants maintain ties to their home countries and operate in fluid social spaces where people, money and “social remittances” cross borders (Levitt, 2001).

But, certain aspects of transnationalism have also been criticized. Some scholars state that the term is not clearly defined or resembles that of *global* or *international*. New forms of transnationalism have been proposed, such as bi-local, bi-national, or pan-ethnic (Lucassen, 2006). Some scholars argue that there is nothing new about transnationalism because migrants have always maintained ties to their home countries (Waldinger & Fitzgerald, 2004). Other scholars question its importance by arguing that claims are mostly based on case studies, one of which finds low rates (10-15%) of “regular and sustained” transnational activity among Dominicans, Salvadorans and Mexicans (Guarnizo, Portes & Haller, 2003; Portes, Guarnizo & Haller, 2002) and another which predicts a rapid decline of transnationalism among the second generation (Lucassen 2006; Portes et al., 1999).

While transnationalism acknowledges a two-way process of assimilation the application of this theory to mixed-status families is difficult as many of the families are limited in their ability to travel. The following section on gender and migration offers

some insight on relations between couples which applies to my research on mixed-status families.

Gender and Migration

Throughout the twentieth century, research on migration focused mostly on men, but this changed in the 1980s as feminist scholars asked questions about women's experiences of immigration. This was due to the national women's movement, the growth of Women's Studies programs and feminist scholarship, and policymakers' and academics' renewed interest in migration (Hondagneu-Sotelo & Cranford, 2006). The focus of women and migration by scholars has changed to gender and migration; however, it has not received equal attention. Feminist scholarship defines gender as the social and cultural ideals, displays, and practices of masculinity and femininity which organizes and shapes our opportunities and life chances (Stacey & Thorne, 1985). The scholarship on gender and migration, in general, discusses gendered patterns of migration and changing gender relations with migration, both of which I will briefly review.

Gendered patterns of migration are driven by gendered labor demand and recruitment, which in turn influence gender-specific networks. When a gendered state, economy and social sphere intersects with women and men's traditional "roles" this leads to changes in women's and men's activities, relative power and identities (Hondagneu-Sotelo & Cranford, 2006). Though most of the early literature on gender and migration ignored or assumed male-dominated immigrant networks were natural, neutral or did not require further research (Massey, Alarcon, Durand, & Gonzalez, 1987), in retrospect, scholars acknowledge that men and women have been migrating for work since the

colonial period. Tienda and Booth (1991) describe how young women in Latin American rural communities migrated to cities and worked as domestic workers in private households. These women came from poor families and had little education. In the late twentieth century, new urban jobs in retail and service surfaced. This made it possible for some woman migrants to move out of domestic work or begin work in the informal sector vending (Chaney & Garcia Castro, 1989). Arizpe (1981) pointed out that the tendency for Latin American women to migrate to cities while men migrated abroad was the result of historical conditions, an example being the recruitment strategies of the United States' Bracero Program which issued labor contracts to Mexican men. By the 1960s, male migration to the U.S. accelerated women's migration in and outside Mexico. The growth of new jobs in packinghouse and textile manufacturing propelled more women to migrate to cities in Mexico. At the same time, Mexican, Cuban, Dominican, Salvadoran, and Guatemalan women also began migrating to the U.S. to work as domestics, factory workers, and in retail (Ellis, Conway, & Baily, 1996; Sassen-Koob, 1984; Toro-Morn, 1995). Though many of the women who tended to migrate were single women without children, there is also a pattern of mothers migrating to the U.S. while leaving their children behind to be cared for by their grandmothers, other kin or paid caregivers. This pattern has been called "Latina transnational motherhood" (Hondagneu-Sotelo & Avila, 1997). Such mothers are often separated from their children for years, sometimes ten years or more, and have to cope with stigma, guilt and criticism from others for leaving their children behind. When men leave their children, however, they

are seen as fulfilling a familial obligation of breadwinning for the family (Hondagneu-Sotelo & Avila, 1997; Hondagneu-Sotelo & Cranford, 2006).

The aforementioned studies discussed women who stay behind when their husbands migrate, women who migrate internally to larger cities and women who migrate to the U.S. Another focus of gender and migration scholarship has been how gender relations change with migration. Boserup (1970) argued that women's status declines with industrialization and migration, but today's debate has moved beyond that argument and is concerned with understanding the contradictions in women's status.

One example of changing gender relations is a study of a rural Mexican village with strong patriarchal hold over young, single women in the workforce (Mummert, 1988). In the past, employers needed to obtain parental permission to employ young women and assure parents that their daughter would be chaperoned. Today, the work of young Mexican women is no longer stigmatized. In fact, such women are expected to work. While the first generation of young women workers turned over their paychecks to their parents, today they either keep all of it or contribute a portion to their families. Young women also have more decision-making power in households. Their courting practices are more open and mother and daughters often pool their earnings to purchase the couple's new land, in an effort to avoid subordination by living with her in-laws. Another study also illustrates how remittances sent home by men influence the status of women back home. Mascarenhas-Keyes (1993) found that lower caste Catholic women who provided domestic and farm labor for upper class Catholics were able to hire Hindu immigrant women as domestics. As a result, the lower caste Catholic women no longer

define themselves as fit for domestic or farm work. In turn, the Hindu women have redefined themselves as marketable employees and have gained independence and subordination.

Women and men who migrate internationally are met with other systems and structures of oppression based on race, nationality and citizenship which intersect with gender relations (Hondagneu-Sotelo & Cranford, 2006). Glenn (1986) illustrated this in her study of Japanese immigrant women and their daughters whose primary struggle was not within the family, but with a racist society and an exploitative stratified labor system. In her work with Mexican families in the U.S., Hondagneu-Sotelo (1994) found that immigrant women gained power and autonomy while immigrant men lost some of their authority and privileges with migration. When the couple was separated the men did their own household chores. When the wife joined the husband in the U.S. they continued these behaviors and maintained a more egalitarian household. Most studies find that women fare better in the U.S. compared to men because they can connect their traditional responsibilities with paid work, while men's gender identity is tied to being the sole breadwinner. It is difficult for men to uphold the traditional "role" as sole breadwinner because women's income is critical to the family's survival.

My research compliments this literature by examining gender relations among mixed-status families. It illustrates how responsibilities in the household shift depending on whether the husband or wife is undocumented. It also provides an example of how mixed-status families create gendered strategies for reducing the risk of family separation.

Conclusion

My research focuses on families in which one spouse has citizenship status and the other is undocumented, and describes the strategies they create to reduce the risk of separation. In this chapter, I explain how the spread of neoliberal economic policies in Mexico and Latin America and restrictionist U.S. immigration policies have created a group of “illegal” or undocumented workers in the U.S. Their inability to travel freely due to their undocumented status in addition to changes in immigration law which make it difficult to obtain a green card through a citizen spouse have led to the permanence and growth in the numbers of mixed-status families. A new approach to immigration enforcement has made it difficult for undocumented workers to live in the U.S. and carry out daily family life. In response, mixed-status families have created strategies to confront the dilemmas they face regarding travel, work, and education.

This research broadens the scholarship on immigration, particularly as it relates to the areas of assimilation, transnationalism, and gender and migration by providing an example of how the experiences of mixed-status families are not entirely explained by existing assimilation theories. For example, in the case of Leticia and Javier, this research illustrates how a second generation’s level of education can be trumped by her husband’s undocumented status. This research also supports gender theories by illustrating how migration changes gender relations. In this case, how traditional gender roles change or stay the same depending on which family member holds the citizenship status, husband or wife.

In the following chapters, I explain in detail how mixed-status families confront the daily challenges of facing a 10-year bar from the U.S., drive while risking deportation and prepare for their family's potential separation. I also describe the services community advocates provide to mixed-status families, including their challenges as service providers, and discuss their suggestions for changes in procedures, policies, laws and services that can be made to improve the lives of mixed-status families and prevent a generation of second-class families.

CHAPTER TWO

METHODOLOGY

This research examines the lives of Mexican mixed-status immigrant families who live in the Chicago area. It explores the challenges they confront in their daily lives and strategies they use for coping with these challenges. This research is different from previous studies, as the focus is on the adults, or spouses, in the family. I used participant observation and semi-structured interviews to obtain information about their lives. I conducted thirty interviews with mixed-status family members between September 2011 and May 2012. Their families were composed of one undocumented spouse, one citizen spouse or legal resident, and at least one U.S.-born child. In addition, one of the parties was Mexican. Thirty families and 54 people were represented in the interviews (see Table 1). Couples preferred to be interviewed together, so both spouses were present in 24 of the interviews (see Table 2). I also interviewed 10 advocates to deepen my understanding of the policies that affect mixed status families' lives.

Table 1. Immigration Status and Gender of Individuals Interviewed (N=54)

	Women	Men
Undocumented	11	16
U.S. Citizen	17*	10

*Includes one legal permanent resident who was in the process of obtaining citizenship.

Table 2. Immigration Status of Couples and Individuals Interviewed (N=30)

	Couples	Individuals
Undoc. Wife & Citizen Husband	10	
Undoc. Husband & Citizen Wife	14	
Citizen Wives		3
Undocumented Wives		1
Undocumented Husbands		2

Demographic Details

The families I interviewed were working class and some bordered on low-income. This was a reflection of my recruitment at community agencies which generally provide services to low-income families. In most families, both husband and wife were employed. The undocumented spouse was more susceptible to fewer work hours or unstable employment due to economic downturns and lack of work authorization. These couples married young and had a range of one to four children (see Table 3). The total number of children among the 30 families was 54. Nearly half (47%) of families had one child and 50% of the children were less than five years of age (see Table 4). Parents depended on extended family members to care for their children and shared transportation.

Table 3. Number of Children in Mixed-Status Families (N=30)

	Number of Children in Each Family
One Child	14 (47%)
Two Children	9 (30%)
Three Children	6 (20%)
Four Children	1 (3%)

Table 4. Ages of Children in Mixed-Status Families (N=54)

	Number of Children
0-5 years	27 (50%)
6-14 years	17 (31%)
15-18 years	4 (7%)
19+ years	6 (11%)

Twelve of the families owned their home and 18 rented apartments; however, it was not uncommon to see extended family members living in their homes and apartments. I became aware of this usually towards the end of the interview when an uncle or brother arrived and I presumed they were guests. Then the couple would say, “Oh, that’s just my uncle. He lives here, too. We can continue with the interview.” Four couples rented apartments from their families. They lived in two flats with finished basements. In three of these cases the wives were citizens and her parents owned and lived in the building. This was helpful to the couple for childcare purposes.

Eleven Undocumented Wives

Among the 54 participants, 11 were undocumented wives married to citizens. Among these 11 women, five arrived as minors and six arrived as young adults (see Table 5). The five who were brought as minors explained that it was not their choice to come to the U.S., but the choice of their parents. Each had attended grade school and high school and faced challenges in pursuing higher education due to their immigration status. Among the six women who arrived as young adults, four had migrated after recently being married. They each met their husbands in their hometowns while their future

husbands visited their own families. After marrying and having their first child, they found it difficult to maintain a distant relationship, so their husbands arranged for them to cross the border.

Table 5. Undocumented Spouses Age at U.S. Arrival (N=27)

	Under 18 years	Over 18 years
Undocumented Women	5	6
Undocumented Men	8	8

Sixteen Undocumented Husbands

Sixteen of the participants were undocumented husbands. Among the undocumented husbands, eight arrived as minors. Similar to the undocumented women who were brought as minors, the men also explained how their parents or relatives brought them to the U.S. They faced similar challenges in pursuing higher education and jobs during high school. The other eight who arrived as young adults stated they did not plan to remain in the U.S. permanently and had only come to quickly earn money or visit siblings who had migrated earlier. They explained that they came to earn enough money to buy a car, truck, start a small business; make improvements to their family home in Mexico or buy their own home. All sixteen men met their wives in the U.S. They explained that after starting a family their outlook on going back to Mexico changed.

Seventeen Citizen Wives

The citizen wives were the most educated among all participants. Seven had attained four-year degrees; among them one had a Master's degree and another had a

Ph.D. Four were taking college courses. Two wives who were not college educated ran businesses from their homes; one ran a cleaning business with her sister and another ran a daycare center in her finished basement. Seven of the wives were U.S.-born, mostly second-generation (see Table 6). The remaining 10 were immigrants who arrived as children or young adults. They gained their residency through a family member. All of the wives were employed except for three. Their highest level of education was a high school diploma. One legal permanent resident is included in this category. She was in the process of becoming a citizen and enrolled in citizenship classes.

Ten Citizen Husbands

All of the citizen husbands were employed. Two held college degrees. The eight who did not attend college worked in construction, at restaurants, and in service-oriented jobs. Two were U.S.-born. Eight arrived as immigrants and obtained residency through a U.S. citizen family member (see Table 6). All of the legal spouses explained that immigration status was irrelevant when they met their husbands and wives. They viewed getting married and starting a family as a natural progression of their relationship.

Table 6. Immigration Status of Citizen Spouses (N=27)

	Citizen Women	Citizen Men
U.S.-Born (Non-Immigrant Family)	1	1
U.S.-Born (2 nd Generation)	6	1
Naturalized as Adults	2	6
Naturalized as Children (1.5 generation)	8	2

Mixed Race/Ethnicity Couples

Among the 30 families, nine were of mixed-race/ethnicity. The same themes and challenges held true throughout their interviews compared to those where both spouses were Mexican and Mexican-American (see Table 7). These challenges included getting their extended family members to understand how new immigration policies affected their lives, not traveling together as a family, and accessing financial resources.

Table 7. Race/Ethnicity of 30 Families

	Couples	Individuals
Mexican/Mexican-American	17	4
Mexican/Latin American	4	2
Mexican/Asian-American	1	
Mexican/African-American	1	
Mexican/White-American	1	

The Interview Process

Before starting the recruitment process, I obtained several letters of cooperation from organizations that provided services to immigrant and Latino families. They allowed me to make announcements at their events and/or programs and I originally thought that I would find most of the participants from those efforts. I created an attractive flyer and printed hundreds of copies that I distributed to each organization, but I realized that unless I made a personal connection with people they would not trust me enough to be interviewed.

Building trust with participants at every stage of the process, from recruitment to scheduling the interview and carrying out the interview, was very important. It was not enough for me to make announcements at events or leave flyers with staff. The most effective way I recruited participants was by informing the staff at community agencies about my study. Then, they would encourage eligible families to call me and sign up to be interviewed. This required setting up meetings with key staff and gaining their trust first. I met with people who completed food stamp applications, immigration forms and who taught adult education classes. Once they were on board with my study they asked me to visit their offices on particular days so their clients could ask me questions before agreeing to be interviewed. Sometimes this required me to spend four or five hours at an agency and perhaps sign up one family. Spending the day at an agency became a regular part of my week. During my busiest recruitment months I spent the day at three different agencies throughout the week. Two-thirds of the participants were recruited this way.

In addition to community agencies, one-third of the participants were recruited through acquaintances that were mixed-status and knew other families in the same situation. After interviewing them, I asked if they would share my information with others who would be interested in participating. The respondents themselves were the best recruiters for the study as they had a built-in trust with their friends and had gone through the interview process. In fact, I often received a call from a mixed status family member within a few days of interviewing one of their friends.

Even though I had arranged for private and secure locations across the city to conduct interviews, many individuals preferred to be interviewed in their homes. This

was more convenient for them as many of them had children. I also realized that if I went to their homes, it would eliminate the need for them to drive to a location which could pose a risk for their family. Nineteen interviews were conducted in homes and 11 were conducted in a private space at a library, community agency or workplace near their home (see Table 8).

Table 8. Interview Locations (N=30)

	Home	Private Location
North-side	6	8
South-side	9	3
Southern Suburbs	4	0

The interviews generally lasted between one and a half and two hours and were conducted on the weekends and weekday evenings. Scheduling the interviews was challenging as both spouses tended to work opposite schedules. Working opposite or staggered schedules was best for them so one could drop off their children at school while the other picked them up. Their work schedules gave me a narrow window of opportunity, so during the week I often arrived at their homes in the evening near seven o'clock. In few cases, I was able to catch one of the spouses off from work during the week and schedule interviews during the day. This was rare and one of the fathers mentioned to me that his five year-old son also found it strange for him to be home and asked him, "Dad is today Sunday? Are we going to church?" He explained to me that his son asked him those questions because that is their routine on his only day off, Sunday.

Participants also preferred to be interviewed with their spouses, in which case they were interviewed as a couple. In total, 30 interviews were conducted and 30 families were represented in the study. Twenty-four interviews were conducted with both spouses present and six interviews were conducted with one spouse. Originally, I planned to interview a group of spouses together and another group separately, but considering their staggered schedules I went along with what worked best and felt comfortable for them. The six individuals who were interviewed without their spouses were people who tried to get their spouses to participate but gave up on finding a time when they both were available. One undocumented husband explained, “She works all day then takes classes at night. Then she stays at school after her classes so she can study and do her schoolwork there. It’s really hard for her to find time. We rarely see each other.” A wife from a different family explained that her undocumented husband’s work schedule varied and even if he had a scheduled day off he could be called in to go to work. In this case, both spouses were scheduled to be interviewed. When I arrived, she said, “My husband was called in to go to work and he has to go because you never know when there’s not going to be any more work.”

Before starting the interviews, I took time to explain the study and tell them the types of questions they would be asked. Here again, it was important to establish trust. For most, it was the first time they participated in a study. I also wanted them to understand how I would keep their information confidential and not share it with government agencies. In all cases, I had only met or spoken to one of the spouses prior to arriving for the interview. Explaining the study and sharing my motivations for

conducting research was a way for me to gain their trust and get both spouses to feel comfortable with me. I shared my personal background with them; a daughter of immigrants, whose mother is Mexican. Some asked me questions like, “What part of Mexico is your mother from? Have you been there?” I also shared my experiences with mixed-status families as an advocate prior to entering the Ph.D. program at Loyola University Chicago. I described how I worked with families who took a risk and publicly shared their stories with the media or members of Congress in hopes of influencing legislation or delaying a deportation order. I explained that by participating in my study they could share their story in an anonymous way.

The interviews were semi-structured. Respondents were asked questions about their daily routines, relationships with family members, immigration experiences, work experiences, education experiences and parental experiences. I asked participants to name specific challenges they confronted in these areas and tell me about the last time they faced that challenge. I also asked them how they dealt with those challenges. Halfway into the interview couples caught on to the flow of the questions and tell me about another challenge or offer an example of the challenge they were telling me about. They would say, “Oh, that’s another thing, we can’t ...,” or one would look at the other and say “Tell her about the time”

The interviews were conducted in English and Spanish. Nineteen were conducted in Spanish, seven were conducted in English and four were conducted in both English and Spanish. One of the characteristics among the couples who alternated speaking

English and Spanish was that all of the husbands were undocumented. The wives were college graduates, two of whom received degrees higher than a bachelor's.

The interviews usually took place in the living or dining room of their homes. If young children were in the home they would have them play in a separate part of the house during the interview. It was common for a young child to walk into the room and ask their parents for something. They were also curious about me and asked their parents questions about me. After the interviews, parents would allow them to come back into the room. As I prepared to leave, I spent 10 to 15 minutes with the couple and their children. They asked me questions or showed me their toys. Two families specifically asked me to wait because their children wanted to meet me. Two other families had college-aged children. After their interviews, they showed me pictures of their children's high school graduations. One family had a framed picture of their daughter receiving a scholarship award from Mayor Daley. Another couple, whom I interviewed on an early Saturday morning, woke their daughter up who attended a university downstate and asked if I could talk to her about school.

Each interview was transcribed verbatim, coded and analyzed extensively. The codes from the first six interviews provided a pattern of themes. The themes were related to financial hardships and challenges as a family and individually. I asked detailed questions about these themes in future interviews. After coding another group of interviews, I identified specific challenges that led to financial hardship and interfered with carrying out life as a "normal" family. These themes became individual chapters or sections in chapters that were interrelated with other themes.

Participant Observation

In addition to semi-structured interviews with couples, I also engaged in participant observation at several sites across the city. The sites included community organizations, conferences on immigrant issues, hometown association meetings and parties, citizenship workshops, a faith-based rally and immigration court.

As I previously mentioned, I spent many hours visiting community organizations which provided services to immigrant families. One organization was located on the north side of the city and two were located on the south side in two different Mexican neighborhoods. I visited the organizations to make announcements about my study in their citizenship and English as a Second Language (ESL) classes. These classes were usually three hours long and given in the morning and evening. Teachers allowed me to make an announcement during their 15 minute break period. On a few occasions, I visited a class that was also celebrating a student who had passed his or her naturalization exam. During these classes, students brought homemade dishes and shared a meal after their classmates gave detailed accounts of their immigration interview. The student sat in a chair at the head of the class while everyone quietly listened. Every once in a while a classmate shouted a question, such as “What questions did he ask you?” referring to the U.S. history study questions. Afterwards, students served food and discussed their immigration experiences. I was always invited to stay and join their celebration.

I also spent time at the agencies during their walk-in hours for legal or public assistance consultations. Each organization had specified days and times during the week where one could get assistance on these matters without an appointment. The staff at the

agencies provided space for me to hang out in the event they came across a family who was interested in participating in my study. On these days, I brought my laptop and kept busy until I was approached by a family. Saturdays were the busiest days. There was an endless stream of people who came in and waited sometimes up to two to three hours. Families quietly sat in hallways lined with chairs against the wall. They clutched an envelope filled with papers. Their children were also with them. When chairs in the waiting area were filled, people spilled into other areas of an agency, such as a conference room or connecting hallway. Children would find a corner to play with their toys.

I also attended conferences and discussions on immigration issues as a way to meet advocates and learn of policy issues. During my recruitment period President Obama proposed a change to the process of submitting a waiver. The proposed change would shorten the period of separation for mixed-status families who could prove extreme hardship. I discuss the waiver in detail in Chapters Three and Five. The President's announcement of a proposed change ignited a flurry of questions by the immigrant community. During this time I observed an increase in phone calls and work on the part of staff at community organizations. In an effort to inform the community about the announcement, advocates organized workshops and panel discussions. Some of the workshops I attended were meant to inform advocates and others were larger community events open to the public. One community workshop I attended was held in an auditorium at a community college. There were about two hundred audience members in attendance. They were all Latino families. A panel of five immigration lawyers sat on

the stage facing the audience. One of the lawyers explained the President's proposal and the type of families that could benefit from the change. He emphasized that no process had yet been changed. He spoke for thirty minutes and took questions from the audience about the proposed change. Audience members lined up to ask questions, such as "When will the change be applied?" Some questions tended to be about their own personal situations in which case the lawyer would respond by saying "every family has unique circumstances" and the best thing would be for them to receive a personal consultation. After thirty minutes of answering questions, the lawyers were divided into separate areas of the room and the audience was asked to meet with one of the lawyers to ask their individual questions.

Towards the end of my research I decided to observe an immigration courtroom. At this point, families faced the first stage in their separation. The undocumented family member was detained and appeared before a judge by teleconference from the detention center. None of the families I interviewed were separated, but they expressed fear and anxiety about the process in addition to the physical separation. I discuss their experiences about the process in the next chapter in a section titled "Our Biggest Fear." I decided to observe immigration court to learn about the detention process which mixed-status families feared.

Chicago immigration court is housed in a 17-story building located in the western part of the downtown area. The structure looks like it is made of glass. A café on the ground floor is visible from the outside. Nothing about its appearance gives you the impression that it has anything to do with immigration. The people dining in the café

were mostly white Americans. When I arrived to the designated floor I was told to go through the metal detectors by two security guards who were African-American. There was a long hallway lined with sheets of paper on bulletin boards. The boards listed the court rooms, names of judges, types of cases and the hours at which those cases would be heard. Three of the courtrooms were listed as “detainees.” This meant that the judges presided over cases of people who were currently being detained. As I walked to one of the “detainee” courtrooms I was told by an employee, who was standing near a doorway, to get out of the hallway because an ambulance was called and the paramedics were on their way up. As I walked past the employee I saw a person sitting at the back of the courtroom and three people around that person holding an oxygen mask to their mouth. They looked like they were family members. I asked the employee “What happened?” The employee looked at me and asked “Are you a lawyer?” After I said no, she asked me to clear the hallway again. I never found out why that person became ill, but I recalled the anxiety that families talked about during the interviews and wondered if it had something to do with that.

I spent three hours observing cases where a detained immigrant would appear on a television screen located next to their lawyer’s table at the front of the courtroom. The detainee would sit in an office facing one side of the room with a security guard. The cases would last 15 to 20 minutes. The judge and two lawyers did most of the talking. The proceedings were in English. An interpreter was seated near the judge, however the interpreter did not translate the proceedings. He only interpreted for the detainee when the judge or attorneys asked them a specific question. In one case, the judge and

government attorney could not figure out how many children the detainee had and whether the children lived with him. They spent nearly 20 minutes looking through papers and files and reading letters of support to clarify this question. Meanwhile the detainee was listening to the proceedings but was never asked to clarify. In another case, a family was present. The wife of a detainee sat in the courtroom with her husband's family members. It was the only case I observed in which family members were present. They sat quietly and when the husband came on the screen they began whispering to each other. At the end of the proceedings the judge acknowledged the family's presence and asked the lawyer if the wife was willing to speak. The wife was sworn in and testified that she was a citizen and had four children with her husband. She spoke of him being a good father in a shaky voice. The judge ruled a voluntary departure which meant that the government would not physically deport her husband, but he needed to depart the U.S. within a designated timeframe or face a bar from entering the U.S. At the close of the case the judge allowed the family to quickly communicate with their detained family member before the next case. Four family members approached the television screen and quickly said something. The wife was first. She spoke so quickly that I could not understand what she said, except for the words *te quiero*, I love you, at the end. A woman and man also quickly said hello and goodbye. They seemed to be his siblings. The last person to approach the screen was his father, a tall man in his late 60's with a mustache and a cowboy hat. He looked at the screen and tried to say something, but couldn't. His eyes teared up. He looked down and stared at the floor for a second. Then he looked up, waved goodbye to his son and walked out of the courtroom with the rest of the family.

In all of these settings, I observed how the immigration process causes families to seek out information and assistance in order to navigate a complicated web of policies. Any new activity in immigration leads families to reconsider their situation and provides hope that their circumstances can change.

Interviews with Advocates

In addition to participant observation and interviews with family members, I also conducted interviews with 10 advocates in the field. Advocates play a very important role in the lives of mixed-status families. One advocate described herself as the “buffer to immigration” and another as “their last hope.” Families I interviewed recalled an experience in which they sought assistance from a community advocate. They described how the advocate explained the immigration process to them or guided them in seeking a service. I interviewed 10 advocates in Chicago to deepen my understanding of the policies that affect mixed-status families. The interviews were conducted in June 2012 after the interviews with mixed-status families were completed. Employees of community organizations referred me to advocates they held in high regard and who were recognized for their work assisting mixed-status families. Each advocate I approached was willing to speak to me. They represented non-profit, faith-based, governmental and private offices. Although I only intended the interviews to last 30 to 60 minutes out of respect for their time, nearly each interview lasted two hours. I asked them to describe their work with mixed-status families and tell me about families they assisted. They also talked about the challenges they faced in serving the families and recommended changes that could be made to improve their experience.

Overall, my research allowed me to explore the experiences of mixed-status families and to observe how the policies and practices of authorities affected their lives. Participant observation in various immigration-related settings, semi-structured interviews with 54 family members and 10 advocates permitted me to obtain rich information that will broaden the field of immigration studies.

CHAPTER THREE

“*EL CASTIGO*” – THE CHALLENGES AND STRATEGIES OF FACING THE 10-YEAR BAR

A common misconception is that a green card or legal residency is easy to obtain if you are married to a U.S. citizen. Prior to 1996, it was common for a citizen to obtain legal residency status for their spouse. Family members who were undocumented, or had an unauthorized entry, could stay in the country while their citizen spouse petitioned the government for them, but needed to leave the U.S. to process and pick up their visas at a U.S. embassy. *The Illegal Immigration Reform and Immigrant Responsibility Act of 1996* (IIRIRA) changed that process by applying three- and ten-year bars to people who admitted to an unauthorized entry. This complicated the family petition process for people who entered the country without authorization because one needed to admit to entering the country without authorization in order to be petitioned. A 10-year bar was applied to people who admitted to being in the country for more than a year without authorization.

After IIRIRA petitioning a family member who was undocumented became a “Catch-22.” The family member being petitioned would first have to admit to entering the country without authorization, leave the U.S. to process her or his visa at a U.S. embassy, and remain outside of the U.S. for 10 years. Rather than being separated from their families for 10 years, many undocumented spouses choose not to adjust their status

and remain in the U.S. illegally in order to stay close to their families. When they do this, they risk deportation on a daily basis. This Catch-22 has led many families to remain permanently mixed-status and lies at the heart of their challenges. IIRIRA's effect on mixed-status families, the daily challenges they face, and the strategies with which they confront those challenges is the focus of this chapter.

Many of the 54 mixed-status family members I interviewed call the 10-year bar, *el castigo* – the punishment. *El castigo* was their primary reason for remaining a mixed-status family. Of course, this status posed challenges in their daily lives but the alternative to have a spouse leave the country for 10 years was an immense obstacle causing emotional and financial difficulties for the family. Each of the families had consulted with at least one attorney who explained to them the consequences of petitioning their undocumented spouse. As the attorneys explained, their options come with risks and consequences. Families can either choose to remain together in the U.S. in a mixed-status state, petition their undocumented spouse and separate for 10 years, or move the entire family to Mexico while the undocumented spouse serves out the 10-year ban. This is a difficult decision for them to make as none of the undocumented spouses want to be separated from their family and none wants their U.S.-born children to miss out on the opportunities of living in the U.S.

In this chapter, I review the 1996 IIRIRA law, its effect on the growth of mixed-status families and recent actions by the Obama administration to provide the families with a form of relief. I explore the challenges these families face by remaining in a permanent mixed-status state, such as explaining this status to their family and friends ,

dealing with the fear of an uncertain future, and having less access to resources. Last, I discuss the strategies that mixed-status families create to maximize their options, such as shifting responsibilities, making education a priority, and maximizing U.S. citizen family members' opportunities in order to maintain some financial stability.

1996 IIRIRA Effect on Mixed-Status Families

The enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) resulted in significant changes to existing U.S. immigration laws. The act reformed border enforcement systems and revised grounds for immediate detention and deportation, but it is mostly known for implementing a 3- and 10-year bar from entering the U.S. A person unlawfully present in the U.S. between 180 and 365 days is inadmissible for three years and a person unlawfully present more than 365 days is inadmissible for ten years, unless they receive a waiver. I will discuss the eligibility of families and likelihood of obtaining a waiver later in this section. As mentioned earlier in the chapter, mixed-status families are caught in a Catch-22 scenario because an effort to obtain an undocumented spouse legal residency could result in the application of a 3- or 10-year bar.

One of the effects of IIRIRA has been the growth of mixed-status families. During the time IIRIRA was passed, the U.S. was in the midst of an immigration wave. The wave included one of the highest numbers of undocumented immigrants coming to the U.S., which peaked at 12 million people in 2007 (Passel & Cohen, 2011). The characteristics of the undocumented population, such as their age, family orientation, and dispersed settlement across the country, were also important in leading to the growth of

mixed-status families. A report by the Pew Hispanic Center found the median age of undocumented immigrants to be 36.2 years old, which is 10 years younger than the median age of U.S. citizens. Being in the age-range of child-bearing and child-rearing years also explains why nearly half (46%) of undocumented individuals are parents of minor children (Taylor et al., 2011). The report also found that 63% of undocumented immigrants had been living in the U.S. for more than 10 years, with the highest percent living in the U.S. more than 15 years. The Pew Center report found that the settlement patterns of undocumented immigrants have changed. The immigrants now reside in every state and are increasingly settling in states, such as Georgia, North Carolina, Nevada, Utah, Nebraska and Tennessee. Their numbers in traditional receiving states, such as California, Texas, Florida, New York and New Jersey, still account for the largest share of the undocumented population, but some of these states have experienced a decline (Passell & Cohen, 2011). The implementation of IIRIRA may have at the time been a solution to an increasing problem of unauthorized immigration, but it has created another problem by increasing the numbers of mixed-status families with few options for recourse.

One possibility for reprieve for these families is to apply for a waiver which requires the family to prove extreme hardship on the U.S. citizen or legal permanent resident spouse or parent of the applicant if the applicant is deported. But proving extreme hardship can be very difficult. Claims of family separation and financial obligations are not sufficient to qualify for a waiver. The process of applying for the waiver is also risky. Currently, applicants, or undocumented spouses, must leave the

U.S. and file the waiver at a U.S. embassy in their native country. The petitioners must stay there until their application is reviewed and a decision made, which could take up to a year. The risk is that an application may be denied and undocumented spouses could not return to the U.S. to be near their families.

On January 6, 2012, the Obama administration announced that it would propose a change to the waiver process. The change allows for an applicant to apply for the waiver in the U.S. and receive notification of an approved or denied application prior to filing the application in their home country. This alleviates some of the families' concern about being separated throughout the process and the risk of not returning to the U.S. However, the requirement to prove extreme hardship remains. At the time of interviewing the mixed-status families, the change in policy had not yet taken effect. However, in late 2012 government officials announced the proposed changes would be implemented on March 4, 2013. Prior to its implementation, some mixed-status families who had consulted with attorneys and had strong cases were anxiously waiting for the policy to go into effect so they could have a shot at legalizing their undocumented spouse's status. Other mixed-status families who could not prove extreme hardship were still waiting for a comprehensive immigration reform bill to pass.

The Daily Challenges of Mixed-Status Families

Mixed-status families have one overarching challenge which permeates all aspects of their lives, and that is to balance their efforts to provide for their family with the deportation risk of their undocumented family member. The inability to adjust their undocumented spouses' status without risking family separation leads them to face

challenges on a daily basis. In this section, I describe the challenges mixed-status families confront. Some of these challenges are part of everyday life, such as fielding questions from concerned family and friends. Other challenges are related to the family's future and the extent to which they can develop a contingency plan in the event their undocumented spouse is detained and deported. The last two challenges discuss the difficulty that U.S. citizen family members have in accessing financial resources when they declare an undocumented person is part of their household.

“Why Don't You Fix her Papers?” – Explaining the 10-year Bar or “El Castigo”

Many mixed-status couples are often questioned by their extended family and friends as to why they had not yet “fixed” or adjusted the status of their undocumented spouse. Explaining the 1996 change in the law to concerned family and friends is challenging for mixed-status couples. Each of the families I interviewed were frustrated that their extended family did not understand that the process had changed and was not as simple as filling out paperwork as in the past. Among the 30 families interviewed, 28 had U.S. citizen spouses who were not far removed from their immigrant roots; 19 spouses were naturalized citizens, nine were second generation, one was White American and one was African-American. Since the majority of families were first or second generation, their family members and friends had some familiarity with the immigration process. But, most immigrants, and many citizens, are not really aware of IIRIRA unless they happened to be undocumented and married after 1996.

When I asked a citizen husband whether his family knew of his wife's undocumented status, he replied:

My mom knows and she understands. I think she's just kind of stubborn because she says 'You guys should try.' I mean my mom knows because she works with people and everything. So, she knows the situation but she's still like, 'You guys should try. You can do it.' She hears- you know, everyone has stories and she says 'Oh, I know this one person that was able to get it' and it's like, that doesn't mean we're gonna be able to get it. You know, it's like, for us, it's kind of like we don't want to risk putting all that time and all that money and then having them tell her that she has to stay in Mexico for ten years, cause it's a risk. I mean there's a chance she could stay over there. But to my mom, it's kind of like 'you should try.'

All of the couples had spoken to immigration lawyers and were aware of the consequences of adjusting their status. The challenge was getting their extended family members to understand why they could not "fix" their spouse's papers. In one instance, a citizen wife mentioned that she had taken her undocumented husband to three different immigration lawyers so he could hear for himself what would happen if she tried to "fix" his papers. She explained to me that she went to these lengths because her undocumented husband's uncle would sarcastically ask him the question: "How many years have you been married and she still hasn't fixed your papers?" For the most part, when the extended family members questioned their ability to "fix" their spouse's papers it was within the context of wanting to see them get a better job, go back to school, travel with the family or just make their lives a little easier. However, because they did not understand how the 1996 law has complicated the process, each time they posed the question it was a constant reminder for the family that there is no reasonable solution. They will not risk their family's separation, and being constantly questioned about their situation becomes frustrating to them.

“Our Biggest Fear” – Mixed-Status Families Face Uncertain Futures

The fear of deportation is part of the daily life of a mixed-status family and they are reminded of it each time their undocumented spouse gets in the driver’s seat or heads to work. A citizen wife said, “Our biggest fear is what would happen to our family if he got deported.” I asked each of the couples how they would deal with the deportation of their spouse and all said that it was a topic they found very difficult to talk about as a couple, but knew they needed to in the event it happened. Two couples compared the feeling to a conversation one has when planning for the death of a husband or wife. One of the couples admitted that conversations on this topic only lasted a few minutes because it was too painful to talk about in detail. Their responses to my question tended to fall into one of two categories. They either already had discussed the topic and had an idea of what they would do as a family, but were still unsure how and if it would work out. Or, they had not talked about the topic much and were overwhelmed with the thought of planning for a new life in Mexico or being separated as families.

Twenty-four families had not discussed the deportation topic in depth and often responded by asking themselves a series of questions about their future. A citizen wife explained how she and her husband talked about making plans in this way:

I think we’ve gotten to the part where we say, ‘Yeah, what would we do if you got deported? Okay, let’s change the subject cause I don’t want to think about that.’ I mean he’s been here practically all of his life so, he doesn’t know anybody over there. So, what’s he gonna do over there? I mean, both of us are so Americanized. It’s like, if we get to Mexico what are we gonna do? How are we gonna make a living? I don’t do manual labor... It’s like, what the hell are we gonna do if we go over there?

Since 10 of the undocumented spouses came to the U.S. as children, they feared there would be no one to help them if they were deported back to Mexico. When I asked one of the couples about the possibility of deportation, the undocumented wife hung her head and looked down to the floor. She took a deep breath, sighed, looked up at me and looked me straight in the eyes and said:

There isn't a day that goes by that I say, 'I'm happy that it was just another day.' Because, I don't know. I mean, personally I don't have any family left in Mexico. I don't know Mexico. I don't have any memories of it. I don't know what, how, if I'd be able to survive over there, not having anybody there. Not having anywhere to go. Because if I had some family or someone to at least kind of help me out I'd be able to at least bring them with me or whatever.

Planning their life post-deportation is a challenge that is overwhelming for mixed-status families. In addition to not knowing if or when the deportation will happen, most undocumented spouses left their native country when they were children or young adults and have little or no recollection of what life is like there now. Even when they try to make plans, they are overwhelmed with the thought of having to start all over with no one to help them. This adds to the anxiety of being deported and separated from their family.

Six families had discussed their plans post-deportation and shared them with me. Among the six families, only one of the undocumented spouses had arrived to the U.S. as a child. Five of the families planned on starting a life in their spouse's native country and talked about using their skills or education as a way to smooth their transition into a new job or career. These skills could be a high level of English fluency, managing restaurants, or accounting skills. They envisioned that these skills could allow them to

start businesses or work in the tourism industry. In deciding where to move, they also took into consideration where they had the most family and contacts, where it was safest, and where they could find a job or open a business with the most success. A citizen husband explained how he and his undocumented wife created their post-deportation plans like this:

My main concern is to economically provide everything my family needs. Based on that, we started talking about how we are from different places [in Mexico]. We started talking about which of the two places offers more possibilities to get started. I have a job that would allow me to open a business. She completed a program as an executive assistant, which is a profession in Mexico... [I] come from a family of merchants. I have, for example an uncle who owns a press. I have a brother who owns a grocery store chain, so to speak. So, for me it would not be difficult to do one or the other because I can do both, merchant or printing. The only thing that [we] debate is the violence. Where I am from, yes, the violence is bad and where she is from it is bad too, but calmer. In terms of where we could adapt best, it would be where I am from.

Only one of the couples planned to live separately post-deportation. In their case the husband was undocumented they decided that if the husband was deported the citizen wife would send their three children to live with him in Mexico. They planned for the citizen wife to continue working in the U.S. as this would be the fastest way for them to save money and hire a lawyer who would try to “fix” her husband’s papers. Sending the children to Mexico with the husband would also free up the citizen wife’s time and help them not incur other expenses such as childcare. The husband also had his family in Mexico who could help with the child-rearing. If possible, they planned for the citizen wife to alternate her time living in the U.S. and Mexico until his status was legalized. Although they had talked in detail about their plan, they still expressed uncertainty about how everything would work out. After explaining their plan to me the wife added “but

it's not so easy. It's not easy to say, 'okay, take the kids' and be alone here by myself. I would die of depression."

U.S. Citizens Face Reduced Access to Food Stamps and Tax Credits

Another challenge many families faced was being financially constrained. Families stated that their income allowed them to pay necessary expenses, such as rent/mortgage, utilities, and food, but they could not save money or spend money on leisure activities, such as taking their children to see a movie or going out for dinner. Two ways they tried to reduce their financial obligations was to apply for food stamps and use their tax returns to offset expenses they could not afford. But, they were often found ineligible for food stamps and tax credits because an undocumented person was part of their family.

No undocumented individual is eligible to receive food stamps. In fact, PRWORA, or welfare reform, also prohibits legal residents from obtaining food stamps for their first five years in the U.S. The only people eligible to receive food stamps are U.S. citizens and legal residents who have been in the country more than five years. Food stamp eligibility is calculated by using the number of eligible applicants in the household and the income of the entire household, regardless of immigration status. For example, a family of four where three members are citizens and one is undocumented would be counted as a family of three. If the undocumented spouse were employed, the policy states that three-fourths of that person's income must be included as part of the household income. In this case, the fraction is three-fourths because there are three eligible applicants in a household of four. Mixed-status families are often denied food

stamps because their household number is decreased, excluding undocumented spouses, but their household income includes a portion of the undocumented spouse's earnings.

Mixed-status families were frustrated and saddened when they were denied support and said that they had only applied for the sake of their U.S.-born children. They did not understand why the government deprived a benefit to U.S.-born children simply because one of their parents was undocumented. An undocumented wife explained why they were denied and how she felt about it like this:

I think that sometimes I feel a little bad because, like, for example, we were looking into, um, getting [food stamps] for her. And the way that they calculate the benefits, whether you know who's eligible or not sometimes, because I'm undocumented, um, they count my income but they don't count me as a full person. So, a family that would be in our same situation might be able to qualify for something and because of my illegal status, for those purposes they count my income... So, you know our income would have to be lower than a person in which everyone is a citizen or a legal permanent resident in order to qualify. So, that's one of the things that I feel bad because I say, 'my family maybe should be qualifying for this benefit and you know because of my status, like, we can't get it.' So I think sometimes that's one of the challenges that I see. We would be able to get the benefits if I was a citizen or legal permanent resident, but we can't. And even if we were to get benefits like that-, they wouldn't be for me. They would be for the baby or for [my husband].

Each of the families filed joint income tax returns with their spouses.

Undocumented individuals can file income tax returns even though they don't have a social security number by requesting an Individual Taxpayer Identification Number (ITIN) from the Internal Revenue Service (IRS). Many undocumented individuals file taxes using an ITIN to prove that they paid taxes and improve their chances of gaining legal residency if immigration reform were passed. When couples file jointly the citizen's social security number and the undocumented spouse's ITIN are documented on

the income tax forms. The IRS grants an Earned Income Tax Credit (EITC) to families who do not have high incomes and have children. In order to qualify for the credit, families must meet certain income guidelines and all members must have valid social security numbers. A family with two or three children could receive a couple of thousand dollars due to the credit. When an undocumented spouse in a mixed-status family uses an ITIN they are prohibited from receiving the tax credit.

Again, mixed-status families expressed anger and frustration at not being eligible for the EITC. They did not understand why they would be ineligible for a tax credit meant to help low-income families with children when that money would help their U.S.-born children. A citizen wife expressed her anger in an interview after her undocumented husband stated his status affected their income tax return: “Oh, that’s like the worst thing. Income tax. We get screwed over... Because, a regular couple, a normal couple, when they have kids they get like a thousand per each kid... So, like, we get nothing.”

Having family members and friends who don’t understand the risk in legalizing their spouse, thinking about and trying to prepare for deportation amidst so much uncertainty, and being blocked from accessing resources for their family, weighed heavily on the families. They try to carry on as a “normal” family until they are reminded by something or someone that they are different and because they are different their families pay the price. In the next section, I discuss the strategies that families have created to cope with the challenge of being different.

Strategies for Coping with Daily Challenges

Under the constant threat of separation, mixed-status families find ways to get through their daily lives and carry on as family. Mixed-status families find themselves at a disadvantage when bureaucracies do not legally recognize their undocumented spouse or treat them differently, so they create strategies to help themselves get around these obstacles. Some of their strategies help them cope with daily challenges and include shifting responsibilities and relying more on their citizen spouses. Other strategies are long-term and include continuing their education and being strategic when choosing careers. They use these strategies to counteract the barriers which impede their families from accessing resources and moving forward.

“It Has to be Under my Name” – Citizen Spouses Bear More Responsibilities

Mixed-status families, like every other family, must navigate bureaucracies on a daily basis, such as opening and dealing with bank accounts, establishing credit, and paying bills, in order to become self-sufficient as a family. Often, spouses rely on each other to carry out these activities or do them together. The challenge for mixed-status families is that only one spouse has a valid social security number. Most banks, credit card companies and utility companies require a social security number to open accounts. This process can be frustrating to undocumented persons who have the ability to pay bills, but cannot open accounts in their name, and equally frustrating for their spouses who become upset when companies do not recognize their spouses for simply not having a social security number.

One of the strategies all of the mixed-status families used to get around this challenge was to use the citizen spouse's name whenever a social security number was required. While most undocumented spouses recognized that conducting the family's financial business was a challenge, they viewed themselves at an advantage compared to families where both husband and wife were undocumented. An undocumented wife responded to a question regarding the challenges her family faced as a mixed-status family:

It can be an advantage or disadvantage, because, you know, how it's getting harder for families that are, um, for people who are illegal here to even get regular services like for the house? I mean, even public services. You can't get gas without having a social. You know, to get an account. You can't get the light bill. You can't get like, cable. And I need to sometimes prove, when it comes to the doctor or things like that, I need to prove an address for [my daughter]. When I go to the doctor they ask me, 'Okay, I need a bill in your name.' There's no bill in my name because everything has to be under his. It kind of is a disadvantage to me because I don't have anything under my name... [But] it might be easier for us because at least I can get him to do it.

Although the strategy of having bills under the citizen spouse's name helped them obtain what they needed as a family, it created an imbalance in the responsibilities apportioned to the citizen spouse. Each of the families shared an experience they had when they tried to get both spouses names on shared accounts, this included applying for credit cards, opening bank or utility accounts, buying a house or car, taking their children to see a doctor, buying auto insurance, and applying for grocery store preferred cards. When companies allowed them to have their undocumented spouse listed on the account they would not be recognized as the primary account holder. Cases in which they were listed often meant they paid higher interest rates.

A citizen wife expressed her frustration with a credit card company when she responded to my question regarding their challenges as a couple:

Well, all of the bills are in my name. I try to add his name to the bills, but they tell me that they need his social security number and if he doesn't have a social security number he can't be added. So, the checking account is also in my name but I have him down as the second person on my account. All of the bills come in my name, just because he doesn't have a social security number. That's difficult also because there are times when I'm short on time and I forget and I tell him to call somewhere or pay something. But, he can't because nothing is in his name, so they want to talk to me first, even though I have already given them authorization to talk to him. I always have to do that. Then they always call me and ask me if it's true.

All of the citizen wives were frustrated that their husband's names were often not included in the family's financial dealings and made them the primary person responsible for the family's financial matters. Taking on more of the financial responsibilities acted as an added weight on them. One stated that she needed "relief" and gave the example of buying a car:

When we went to get the car at the dealer, um, you know I asked, I said 'you know he's, he's my husband can we do all the paperwork under both of our names? [They said] we need to run your social securities, we need to run credit checks, we need to run so on and so forth. [We] couldn't do it. . . I mean the cell phone, the companies that we have been with, they, they want your social security they want, um, again, a credit check so pretty much anything that we do and that requires paper work and is legal stuff, what have you, it has to be under my name, it has to be me and has to be my social. So, it has to be me, me, me, me which I don't mind but then it- you know it, it's, at times it's obviously a problem, not, not, not having obviously that, that relief of him being able to do certain things.

Although the families have the option of using their citizen spouses names and social security numbers for services, it creates other issues for the families. Mostly, it prevents them from sharing or relying on each other to carry out responsibilities. It also divides or assigns specific duties to the citizen spouse. Under these circumstances,

traditional gender roles are often reversed. Citizen wives become the family members who take leadership on the family's financial matters, such as opening accounts and even purchasing the family car and home. Citizen husbands find themselves running family errands more, such as grocery shopping and taking their children for doctor's visits. One undocumented husband who was unemployed at the time of the interview admitted to feeling isolated because he spent most of his day at home taking care of their daughter. "I get depressed around the time when all the bills need to get paid. I see her get stressed out." In these situations, mixed-status families can be an example of when and how social interactions become less gendered (Deutsch, 2007). The lack of institutional recognition of undocumented spouses forces the legal spouse to take on certain non-traditional roles, but this does not necessarily lead to more gender equality in the family. It reverses their roles when husbands are undocumented and reinforces their roles when wives are undocumented.

"Sacar mis hijos Adelante" – Citizen Wives and Husbands Study First

All of the mixed-status families viewed higher education as the key to getting ahead – "*sacar mis hijos adelante*," that is, provide a better future for their children. In most of the families, both husband and wife had aspirations to receive a college education or vocational degree regardless of immigration status. However, using education as a way to improve their family's quality of life is complicated by the undocumented status of one of the spouses. As other scholars have noted (Abrego & Gonzalez, 2010), an undocumented person faces certain barriers in attaining a post-secondary education. By not having a social security number they are not eligible to apply for various types of

financial assistance, such as financial aid, scholarships, grants and loans. In most states, they must pay out-of-state tuition rates and two states, South Carolina and Georgia, have barred them from admission (Baum & Flores, 2011).

The challenge for mixed-status families often was that they could not afford to have both husband and wife enrolled at the same time if the undocumented spouse had to pay all of the costs out-of-pocket. This was a challenge even if the citizen spouse received financial assistance and they both enrolled as part-time students. To overcome this challenge, the families developed various strategies.

One of their strategies was for the citizen spouse to attend college first, while the undocumented spouse worked and supported the family. Sixteen of 30 families came to this decision after weighing the costs and benefits to the family. They considered how their degrees would allow them to increase the family income and make it possible for their undocumented husbands to continue their education in the future.

When citizen spouses received financial assistance and scholarships, they attended school as much as their assistance allowed. Thirteen of the 16 citizen spouses were women and three were men. Each of the 13 citizen women talked about the decision to pursue their education in the context of moving the family forward. This is the way that one citizen wife explained how they made the decision for her to return to school:

He also tried going to school for a while when I was working, but we couldn't afford to pay both tuitions. But, he tried. We tried it. We were like, well if you're not gonna be working, if it's really hard for you to find a job, then at least, you know, try and go to school. And we did. We tried really hard, but we just couldn't put him through it. [Right now] I have a lot of financial aid, just because of our

financial situation. It's not where it needs to be. Um, I'm also accepting loans even if I don't have to because, you know, there are things that we have to pay off... And it's been, um, really emotionally draining. Um, there are times when I want to put all my attention to school especially because I know that's how I can *sacar mis hijos adelante*, you know. That's all I can do.

The three men who pursued their education had a difficult time staying enrolled or pursuing opportunities related to their studies. In one case, an undocumented wife felt badly that her husband could not take advantage of an opportunity while studying:

When he was in school ... he got offered to go to Europe. That was one of his things, to go and study over there and get a different type of scholarship. And I felt, like, that he wanted me to, kind of, go, or at least for a while, because it was gonna be for quite a long time. Like, a year or six months. And, I feel, like I, kind of held him back because, uh, I can't travel far and I can't, I can't go as far as he wants to.

This strategy also caused conflict between one of the couples when a citizen husband dropped out of a vocational program due to the demands of his full-time job and lack of interest. She described how she questioned him about returning to school:

I've kind of been hard on him about going to school or like, getting a better job or things like that, but I guess it's because they're things that I haven't been able to do because of my status and I kind of push him like, 'Come on, like, you can get financial aid. Why aren't you doing it?' And I think sometimes it causes a bit of conflict between us. And, I think that, maybe, um, if I was able to get financial aid, if I was able to, you know, go and be a teacher, I think maybe I wouldn't be so hard on him. I think part of me is still kind of like, 'You can do it and you're not doing it,' you know. I wish I had that privilege. I think that sometimes I pressure him. And maybe if I did, you know, um, have a legal status here in the country then I might just be like, you know, whatever.

The undocumented wife wanted her citizen husband to return to school and get a better job, because she recognized that his citizenship status gave their family the best shot at improving their quality of life. She realized that even if she were to earn a college degree she could not obtain a job in the field due to her undocumented status, so, she

pressured her citizen husband to return to school. The conflict developed when he did not take responsibility for moving the family forward by returning to school, as other citizen spouses have done.

The families' strategy of furthering one's education falls in line with previous research that has found that obtaining a degree increases one's economic mobility (Haveman & Smeeding, 2006; Teranishi, Suarez-Orozco, & Suarez-Orozco, 2011). Mixed-status families take it a step further by choosing the person who will study first. They choose the person with the legal immigration status because this person has the least barriers to complete their education and the best chances to obtain a higher-paying job. Attainment of a post-secondary education by the citizen spouse becomes a critical component of the family's long-term stability.

Citizen Wives Strategically Plan Careers

In addition to furthering their education, four citizen spouses chose to pursue careers based on their experiences in a mixed-status family. Two wives discarded job opportunities that would jeopardize how they protected their undocumented spouse. One citizen wife chose a career which would lead to helping other mixed-status families and another citizen wife chose a career which was transferable to another country in the event her husband was deported.

Among the two wives who discarded job opportunities, each mentioned how accepting or applying for the position would jeopardize their undocumented husband's safety. One of them explained her decision like this:

Initially, I wanted to pursue some type of federal job. The more I looked into it, into the job, the requirements, into the things that they were going to do that, things that you needed to qualify for certain jobs, many of them openly said “we are going to do a full and complete extensive research on you as well as your immediate family.” A clearance check, so it’s right there. We talked about it and we said “you know what? Its, its, its better if I don’t pursue that road because chances are I might be able to get the job but that I am putting him-, I guess, um (pauses to wipe her eyes with tissue). He then said “You know what? Let’s go get divorced. Legally we will be divorced.” I said no, I don’t want to do that, I said I got married because that is what I wanted to do, I, I, we have a daughter and she was born in wedlock. I mean, I married because I wanted to, not because society said I needed to be married, not for no other reason. It is what it is and we have to deal with it.

One citizen wife imagined the possibility that her husband would be deported when choosing a career. The choice hinged on whether such a career could be practiced outside of the U.S. She wanted to develop skills that were transferable to another country. She explained how she made the decision about what to study:

We’re both interested in going back to school. Just that- We decided to work and save some money so one of us could go back. So, I just started to take some classes, English classes, still, since I didn’t finish. After English classes, I’ll go on to college courses next year... You know, even for that I have to think about what I should study because I have to pick a career, maybe not one that I like, but one that I can continue outside of the U.S. So, if I had planned to study law, well, I have to discard that career choice because if the day comes that we have to leave, I have to be able to use my career outside of the U.S. So, even for things like that I have to think about it.

Conclusion

Mixed-status families create strategies to help them deal with the challenges of having a family member who is undocumented and who face a 10-year bar from the U.S. Their strategies of shifting responsibilities, furthering the U.S. citizen spouse’s education and maximizing the citizen’s opportunities helps them deal with the constant reminder that they are “different” and their lives can change at any moment.

Their challenges are similar to other types of families, such as working-poor and LGBT families (Bernstein & Reimann, 2001; Casper & King, 2005; Hertz & Marshall, 2001) in that these families also face financial hardships, limited access to resources, and uncertain futures. But, mixed-status families are different in the aspect of having someone who is not authorized to be in the U.S. as part of their family. This simultaneously creates advantages and disadvantages for members of the family. The advantage of living in a mixed-status family is that it allows undocumented individuals to obtain credit cards, open bank accounts and receive basic utilities, which are only available to people with social security numbers, through their citizen spouse. The disadvantage of living in a mixed-status family is that government policies which penalize undocumented individuals also block opportunities for U.S. citizen members of the household. Citizen spouses bear the brunt of responsibilities because they have social security numbers and are given the added weight of pursuing higher education for the sake of their family's future. Their mixed-status state also influences their career paths and forces them to make decisions out of necessity instead of choice.

The passage of IIRIRA and the effect it has had on immigrant families has produced a new type of family which faces emotional and financial hardships on a daily basis and limits U.S. citizen's potential. When mixed-status families try to overcome these obstacles they are confronted with other government policies (tax credit and food stamps) which do not take their complex family make-up into account and limit their ability to have their basic needs met. The combination of these policies, the 10-year bar, food stamps and earned income tax credit, is leading mixed-status families to form a new

underclass; one that is shut out of government programs because of their family make-up and encourages their separation. This means that mixed-status families have to work twice as hard to stay together even when they face financial setbacks.

The emotional hardship of facing an uncertain future also takes a toll on families. As many of the undocumented spouses arrived as minors and young adults they feared being sent back to a country in which they had very little recollection, in addition to being separated from their families. As adults, and mothers and fathers, they had to think about how they would provide for their family in a country in which they are strangers themselves. Their citizen spouses also had to think about whether they could make a living in a country other than their own. This fear of facing an uncertain future is also similar to that of DREAMers, undocumented individuals who were brought to the U.S. as children. Studies and newspaper reports since 2001 have focused on this segment of the undocumented population after the Development, Relief, and Education for Alien Minors (DREAM) Act was introduced. Similar to mixed-status families, these studies have described the fear and anxiety DREAMers felt about their futures. After being raised in the U.S. and having gone through the educational system their identity and aspirations were much like those of a U.S.-born citizen, however, their undocumented status prevented them from enrolling in college and applying for jobs (Abrego, 2006; Gonzalez, 2007, 2008 2009; Perez, 2009; Vargas, 2011).

The lack of immigration reform and the ongoing vulnerability of mixed-status families will lead to more complex paths of segmented assimilation, as discussed in chapter one; thus, reduced levels of immigrant and second generation integration.

Mixed-status families are a unique example of how the second generation experiences a slower path to assimilation simply by being married to or having a parent who is undocumented. In these cases, the unauthorized immigration status of one spouse affects each family member regardless of their race, class or U.S. citizenship status. Their inability to adjust their status without separating from their family confines them to a life of lower paying and unstable jobs, while their citizen spouse's opportunities become limited in an effort to protect their spouses from being deported. It is important to understand how government policies affect mixed-status families, particularly at a time when there is strong anti-immigrant sentiment and polarized debate on immigration, so that every citizen can equally access opportunities rather than become second-class citizens.

CHAPTER FOUR

IN LIVING IN FEAR – THE DAILY CHALLENGES AND STRATEGIES OF DRIVING WHILE RISKING DEPORTATION

When the average person thinks of undocumented immigrants being deported, perhaps they think of people being rounded up in factories or a group of people being apprehended at the border. Immigration raids and border patrol enforcement are some of the ways undocumented immigrants are identified and deported. Today, there is a new way to seize undocumented immigrants. Instead of apprehending them in the workplace, they are apprehended while driving on their way to work. The connection between driving and one's immigration status has become significant due to a newly implemented federal initiative called *Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens* (Secure Communities). Unfortunately, only 33% of the people deported under Secure Communities have been the program's intended targets – dangerous criminals (ICE, 2011). The implementation of Secure Communities, its effect on mixed-status families and the strategies they create to minimize their risk of deportation while driving is the focus of this chapter.

While conducting my interviews with mixed-status family members, the topic of driving and getting around in general was one that quickly surfaced as a source of stress and anxiety for all. At a surface level, mixed-status families are just like every other family. They are hard-working, provide for their members, and want the best for their

children. What makes them different is that they must appear to be “normal” families while quietly grappling with the fear of losing a family member to deportation. This fear permeates their daily life especially when an undocumented spouse drives.

All of the family members conducted activities outside of the home; they worked, ran errands for the household, dropped their children off at daycare or school and picked up their children from the homes of extended family members and others who cared for them. In many cases, spouses worked late shifts and more than one job, which led them to rely heavily on cars to juggle their daily activities. Taking public transportation would double, if not triple, their commuting time and in some neighborhoods is not even possible after certain hours.

Undocumented persons in Illinois, and 46 other states, cannot obtain driver’s licenses because they cannot present the required social security number and proof of residency.¹ This is the case in all states except New Mexico, Utah and Washington which grant some form of driving privileges to undocumented immigrants. The combination of not being able to obtain a driver’s license and the Secure Communities federal initiative made driving an extremely risky activity for an undocumented spouse. Mixed status families carefully and meticulously planned their travel by car.

Like most families, they not only rely on their car to get to work and take their children to school, but they also rely on their car for leisure activities, such as visiting

¹The State of Illinois changed its policy of granting driving privileges to undocumented immigrants throughout the course of this research. At the time mixed-status immigrant families were interviewed, undocumented immigrants in Illinois were not eligible to obtain drivers licenses, nor was there proposed legislation to grant them this privilege. I discuss the role of this research in changing the policy in the conclusion section of this chapter.

extended family and going on family outings. However, the degree to which the families do this is dependent on factors, such as whether it is in the city or suburbs and if the spouse with the driver's license can drive. Whether the distance is long or short they must plan a safe route to get where they are going, taking streets and highways with less of a police presence. All of the undocumented spouses had experienced being pulled over by the police, so their routes were developed through personal experience and the experiences of friends and family members who had also been pulled over.

In this chapter, I explore the challenges mixed-status families face when an undocumented spouse drives. I also review the context of laws and proposed legislation related to driving nationwide which have led mixed-status families to face the risk of deportation on a daily basis. Last, I discuss the strategies that mixed-status families create to minimize their need to drive, the likelihood they will be stopped by the police and how they assure each other that they have arrived to their destination safely.

Keeping Communities “Safe” and “Secure”

The connection between driving without a license and being deported has become more of an issue in recent years due to two factors; a change in how the U.S. government has carried out immigration enforcement, thus a rise in the number of deportations, and the increase of states introducing immigration legislation in an effort to keep communities secure and neighborhoods safe, particularly Senate Bill 1070 of Arizona. The combination of these two factors in the last four years has led to a widespread fear among mixed-status families that their undocumented spouses could wind up in immigration custody each time they get behind the wheel.

In 2008, U.S. Immigration and Customs Enforcement (ICE) piloted a program called *Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens*. Under Secure Communities, ICE partners with local law enforcement agencies to share biometric information, such as fingerprinting, for the purposes of identifying immigrants in jail who are deportable under immigration law and pose the greatest threat to public security (ICE, 2009). ICE uses the National Crimes Information Center Uniform Offense Classification by Level to define a dangerous criminal alien. Crimes are categorized into three levels: Level 1, Level 2 and Level 3. ICE claims to identify and prioritize immigrants that are Level 1 offenders. These are individuals who have committed aggravated felonies or two or more crimes punishable by more than one year. Some of the crimes listed in the Level 1 category include homicide, kidnapping, sexual assault and robbery.

The process of identifying Level 1 offenders begins when an individual is taken into police custody. After the individual has been fingerprinted, information sharing with federal authorities allows ICE to search for that individual's criminal and immigration history. ICE and the local law enforcement authorities are notified when an individual's record contains an immigration violation. ICE reviews cases with immigration violations and determines whether those individuals should be taken into federal custody. ICE explains in their strategic plan that "By focusing enforcement actions on the most dangerous criminal aliens, we expect that a higher number of aliens from this top category will be apprehended and removed" (ICE, 2009).

As of June 5, 2012, Secure Communities has been integrated into 97% of all jurisdictions throughout the United States and has resulted in the deportation of 141,000 convicted criminal aliens from the U.S. since 2008 (U.S. ICE, 2012). Since 2009, deportations have reached record levels, averaging 400,000 deportations annually. Under the Obama Administration, over one million people have been deported (Department of Homeland Security: 2010 Yearbook of Immigration Statistics). These include thousands of immigrants with no criminal record.

In theory, Secure Communities only targets immigrants who are dangerous Level 1 offenders. However, ICE figures from 2010 reveal that only 33% of immigrants taken into ICE custody were Level 1 offenders. For the same year, 27% of immigrants detained by ICE had no criminal record. The remaining 40% were considered “Level 2 and 3” offenders, which were also not supposed to be the priority for ICE (ICE, 2011). The failure to prioritize Level 1 offenders by ICE has been one of many criticisms of the program and one which directly impacts how mixed status families decide how to conduct their activities outside of the home.

The majority of immigrants detained through Secure Communities are not dangerous criminals, but are stopped by the police for traffic-related violations. When an undocumented person drives without a license and is stopped by the police they must admit to driving without a license. This is the moment which most families fear because driving without a license is grounds for being taken into police custody, which then runs the possibility that the driver will be turned over to ICE and deported. In some cases, if there is another person in the car with a driver’s license the police officer will ask that

person to drive and not take the undocumented person into police custody. I will explain this strategy in detail later in the chapter. The family must weigh whether the benefits of having their undocumented spouse drive a car in order to meet the demands of maintaining their household outweigh the risk of that family member being detained and possibly deported by ICE.

In addition to the Secure Communities program, the national discussion of immigration has focused on an Arizona state bill called Support Our Law Enforcement and Safe Neighborhoods Act, known as SB 1070. This bill was introduced in early 2010 and signed into law on April 23, 2010 by Arizona Governor Jan Brewer. The bill thrust the State of Arizona into the national debate on immigration because of its controversial provisions, particularly the provision which would allow state and local police officers to investigate a person's immigration status when there is reasonable suspicion that the person is undocumented. This provision, also known as the "Show Me Your Papers" provision, at the time of its passage, was the strictest anti-immigrant legislation in U.S. history (Archibald, 2010).

There were many consequences to the passage of SB 1070. First, it spawned a fury of protests across the country against the bill as unconstitutional. Shortly before the law was set to go into effect, the U.S. Department of Justice filed a lawsuit against the State of Arizona for overstepping its bounds on a federal issue. The legislation was tied up in court cases with several rulings and appeals, which ultimately reached the U.S. Supreme Court. On June 25, 2012 the Court ruled to uphold the "Show Me Your Papers" provision.

The second consequence was the increased number of bills introduced by state legislatures to discourage illegal immigration, which increased fourfold between 2005 and 2010 (Jones-Correa, 2012). States hastily introduced copycat versions of SB 1070. In the one year after its passage, sixteen states introduced copycat versions of SB 1070 (Wessler, 2011) and five states—Alabama, Georgia, Indiana, South Carolina and Utah—succeeded in passing the bills (Gordon & Raja, 2012). Although copycat bills failed to pass in most states, their introduction was enough to put immigrant families on edge. It was as if a message had been sent to immigrants across the country, who heard it loud and clear.

Daily Challenges of Driving

The inability to obtain a driver's license and a new immigration enforcement program which mandates local police authorities to share information with ICE leads many mixed-status families to worry each time their undocumented spouses drive off to work. I interviewed 30 families. Fifty-four mixed-status family members participated in the interviews, 27 were undocumented and 27 were legal residents or U.S. citizens. The families were very aware that driving could lead to their husband's or wife's deportation. Undocumented husbands and wives faced the same risk of deportation, but they dealt with the issue of driving quite differently. In this section, I describe how undocumented men and women weighed the risks of driving differently. The section that proceeds discusses the strategies they use as individuals and with their families to confront the daily challenge of driving.

“Por la necesidad” – Undocumented Husbands View Driving as a Necessity

Of the 16 undocumented husbands I interviewed, all of them stated that they drove. Four of them had recently given up driving for reasons that I will discuss later in this section. After they told me they drove, the husbands immediately followed up with – “*pero es por la necesidad*” – but it’s out of necessity. Husbands described their daily routines in detail and gave reasons for driving. Six husbands worked two jobs. They emphasized the closeness of the hours in which they got off of work from one job and had to start a shift at a second job. All of the husbands mentioned public transportation as an issue with their work hours. Four husbands explained that they worked too far away to take public transportation and that the daily commute would leave them with little time, if any, to spend with their children or sleep. Seven husbands explained that they got off of work in the early morning hours, when some routes are no longer running or run infrequently. They expressed that it would not be safe for them to be waiting for a bus at that hour in certain neighborhoods. One husband also explained that it would be difficult to run errands with the children on public transportation, especially in the winter. They all also explained that they did not drive fancy cars or drive as a luxury. They drove because they felt they had to and they repeated this many times throughout our conversation. They knew they were breaking the law by driving without a license, but they felt that had no other choice. One husband articulated how driving was necessary for him like this:

Driving is very necessary. It’s more of a necessity than a luxury, really, but that’s why I drive. More than anything, it’s out of necessity, because I- like now, I can’t drive, but if I need to do it, I have to do it. It’s not exactly for me, but for the kids, to take them to school, daycare and mostly because I can’t take them all on the bus, there’s three of them! Now that winter is coming it’s not so easy to go out.

And I know I run the risk because I don't have a license and all that, but I have to do it.

As I previously mentioned, some husbands worked more than one job and used their cars to quickly get them to their second jobs. In another interview, a citizen wife described her husband's work schedule to me when I asked her about his routine. Her husband could not be present because he was at one of his two jobs; one as a runner for a restaurant and the second as a bartender:

The first job is a full-time job and the second job is part-time, because it's only 3 days a week. The first job he works from 11:30am until 5pm. And he starts the second job at 5:30pm, but it's really close to his first job. And from there he gets out at 2 or 3 in the morning and he gets home at 4 in the morning. Sometimes he gets home at 12 midnight, depending how it's going. Sometimes at both jobs there are times that he gets out sooner because all the workers have different schedules, so the one that gets there later is the one that gets out later. And if that person already has 40 hours accumulated, they will let that person go first. That's how it is at both jobs. At his second job, sometimes he has to close.

Three husbands used their cars as part of their jobs. In this interview a husband explained his work schedule to me for his two jobs, one of which required him to use his car.

Husband: I have to get up at 3 in the morning and go to work at my first job cause I have two jobs.

DG: How do you get there?

Husband: I drive. That one, I have to drive. I deliver newspapers. Then I stay there packing the paper another hour. Then I leave and distribute it. It takes me about 2 hours to do that. Come back home and sometimes I don't even go back to sleep.

DG: What time do you get back home?

Husband: Um, 6:30 or 7 o'clock. If I can, I get some sleep. Then I have to get back up at 8:30am to start at 9 at the garage and from there it's until 7pm.

Undocumented husbands felt they had no choice but to drive without a license in order to work and provide for their families. This meant they had to work more than one job, jobs with late work schedules, or even use their own cars for their jobs. The irregularity of public transportation and the men's safety along these routes were additional reasons which justified their decisions to drive without a license.

Undocumented Husbands Fear Being “encerrado” – Locked Up

All of the undocumented husbands expressed how they feared being stopped by the police. All had been stopped at least once and some had been stopped up to five or six times. These stops did not result in a deportation for one of two reasons: the husband did not have a criminal record, thus, was not considered a “Level 1” offender by ICE, and therefore was not detained; or the husband used a strategy with a citizen in the car, which I will explain later in the chapter. The husbands expressed fear of being *encerrado* – locked up or detained. All of them had family members or friends that had been detained and told them about their experience. One of the husbands who had never been detained explained that he knew exactly what would happen if he were stopped by the police and detained by ICE. He described his feelings toward being *encerrado* and what it is like today when you are caught by immigration:

Husband: I am such a coward in that regard, you know. Seriously, you know, some people are afraid of being locked up.

DG: Locked up?

Husband: Yeah, locked up. Well, unless immigration grabs you and tells you “go back to your country,” but, unfortunately that’s not how it happens. Immigration grabs you and sometimes you can be locked up for one or two months. That’s how it happens. So, that’s my fear, being locked up, and this is precisely why I try to stay out of trouble.

Only one of the undocumented husbands was held in police custody for a prolonged period. He recalled how nervous he was when he was held at a police station and anxiously waited for his wife to arrive so she could pay his bail and get him out. He explained that he was nervous because he did not want to be sent to 26th and California, the county jail. If his wife did not arrive before a certain time period and pay his bail, he would be sent to 26th/California. He recounted some advice his brother gave him after being locked up:

Husband: If she didn’t go to pay my bail, they would take me to 26th street. So, I didn’t want to go to 26th street. I did not like that at all because it's ugly over there, in there. And it’s something-

Wife: Well, they say it is. He hasn’t been there. That’s why he doesn’t want to end up there.

Husband: My brother has been there and he told me that it was bad and he would tell me that-

Wife: He was in there for a week.

Husband: My brother was in there for a week and he told me, he said, ‘Brother, drive carefully. Do things correctly because being in here is not a game.’ He said, ‘In here, they’ll kill you just to take away your stuff.’

Undocumented husbands are in a predicament. On the one hand they are trying to support themselves and their families by working. But, on the other hand, the law does not permit them to drive legally, which they must do in order to get to their jobs. They

have to balance being visible enough to work and stay employed, but invisible on the streets to not risk deportation. In choosing to drive and risk their deportation, they have developed strategies to lower the risk of being stopped by the police. I will describe these strategies after discussing how undocumented women confront the daily challenge of driving.

“I’m Scared of Being Stopped” – Undocumented Wives Decide not to Drive

Undocumented women in mixed status families had a very different perspective when it came to driving. Among the 54 family members interviewed, eleven were undocumented wives and ten wives decided not to drive. Five women did not work outside of the home. They stayed home and cared for their children. Six out of the 11 women worked outside of the home and relied on their citizen husbands and extended family members for transportation. I will discuss this strategy in detail later in the chapter, but for now I will focus on the reason why undocumented women decide not to drive.

Like undocumented men, the women feared being stopped by the police. They were aware of the hardship not driving placed on the family, but for them the risk was too great. An undocumented wife gave the following response when she was asked how she got to work:

I don’t drive. . . because, I think part of me is still scared of being stopped and the possibility that something happens and I end up in deportation proceedings for something simple. . . I would like to learn. And with the baby it would make things easier for me. But I’m scared of- what if I get stopped? . . .I think that, um, I’m scared of that, of having to go through something like that.

In addition to being afraid of the police, the women also feared the consequences to their children of being detained. Eight women mentioned their children after being asked why they did not drive. Ana Maria said:

I don't want to drive because, you know, with my status, I don't want to risk anything else. Because, actually now that I have a daughter I don't want to end up messing up or getting caught by the wrong cop and ending up calling home and telling him, "guess where I am?" so I try to avoid anything that would cause more problems... So, one of the main things is that I don't want to drive because I don't want to drive without a license. I try to make sure that everything- you know, I follow the rules with everything that I can. Whether it's making sure that every time we are in a car, you know, [my daughter] has to be in car seat. We don't go anywhere without her having a car seat. That's why she has multiple car seats for the different cars that they take us in. Like, we don't have one in our house, but for every car that my family has there is a car seat in there. We want to make sure that if we do go in a car, they have a car seat.

Although the undocumented wives had citizen husbands to rely on for transportation, it also affected their husband's ability to do other things. Some citizen husbands mentioned not being able to work overtime or pick up extra days because their wives needed them to take their children to the doctor or other things that entailed driving. A citizen husband gave this response when he was asked about their challenges as a couple:

You know, [we] can't have two vehicles because she can't drive and it makes it tougher that I always have to do all the driving. A lot of times the things that I'm involved with take me all over the city and sometimes I have to not do certain things with some of the groups that we're working with because she needs to go or [the kids] need to go somewhere and the only way to get there is if I drive.

While undocumented wives rationalized not driving because they had families, undocumented husbands rationalized driving for the same reason. Undocumented men and women responded differently in the same situation because of their gendered roles in

the family. Undocumented husbands viewed themselves as the breadwinners and providers for the family. Not driving would conflict with their role by not allowing them to work two jobs or late shifts. Undocumented men in mixed-status families also chose to take the risk because their wives were legal residents or U.S. citizens. Of the 12 undocumented husbands who drove, nine of their wives were employed, two were studying for their Bachelor's degree and the other was studying for the U.S. Citizenship exam. Of the nine who were employed, five received college degrees and one ran a business from home. The undocumented husbands drove to provide for their families, but in the event that they were detained and deported their wives would also be able to financially provide for the family, albeit on a single parent income.

Undocumented women viewed themselves as primary caregivers. Driving was too great of a risk because if they were detained it would conflict with their role of raising their children. Different from undocumented men, perhaps undocumented women did not feel that their husbands could step into the role of primary caregiver. The citizen husbands of undocumented women were also not as highly educated. Of the 11 undocumented women interviewed, only two of their husbands had received some college education and one had a vocational degree. In addition, seven undocumented women worked and contributed to the household income. The combination of undocumented women being primary caregivers and contributors to the family income made driving too great of a risk for them.

“Why Can’t We go on Vacations?” – Children and Others ask Tough Questions

Going on family vacations was the response all mixed status families gave when they were asked about a challenge they faced as a family. If driving in the city was a risk, then leaving the city limits or going out of state was a bigger risk. Traveling out of the country together was out of the question because although the undocumented family member might be able to leave the country that person would not be able to come back in legally. Traveling domestically by plane is not an option because boarding an airplane requires a government issued form of identification. The only way to travel as a family is by car, which requires driving and comes with the risk of being pulled over. In this section, I will discuss how families dealt with the issue of going on family vacations.

Family vacations came up in several ways. Sometimes going on a trip was a topic that came up early in the couples’ relationship, before getting married, when one spouse wanted the other to meet family in a different state or overseas. When the topic came up it gave the couple the opportunity to discuss how or whether they could travel. Once the couple married and had children, family trips became even more important as they wanted to introduce their children to their family abroad, vacation with extended family members and give their U.S.-born citizen children the same experience as other children.

Driving was still risky whether it was in the city to get to work or on the highway with the family. Of the thirty families interviewed, twenty-five decided not to take family vacations. The topic of vacations came up when their children asked if they could go to Disneyworld or visit a parents’ home country. All of the parents had thought about driving to places like Florida or Wisconsin Dells, but for these families the risk was just

too great and they did not want to take an unnecessary risk. One family admitted that they had saved money to take their children to Orlando, but when they began discussing the logistics of who would drive and where they would stop, they changed their minds about going.

Husband: Well, we've planned on going to Orlando to take the kids there. . . but we have to figure out how to get there, because of me. How do we get there with me because I don't have papers?

Wife: Yeah, we have wanted to go on long trips, but then we say, 'Okay, let's see, who's gonna drive?' Imagine that we're traveling far and I'm driving the entire time and he says, 'I'll drive'? It's different because what if- you know.

One of the challenges for the families who decided not to travel was to explain why they could not go to their children and extended family members. Two families stated that when their children asked to go on vacation they had to explain why they could not travel in a way that was appropriate for their age. When I asked the parents how they explained to their children they responded by stating that they simply told their children that their mom or dad could not travel. They also explained that this would lead to a series of questions by the children about why their mom or dad could not travel. An undocumented husband recalled all of the questions his six-year old son asked him when their mother had to fly out of the country unexpectedly for the funeral of a family member:

He asked, 'Why aren't we going?' For two reasons, we don't have money and I can't travel. 'Why not?' Because I can't. I can't leave the country. 'Why not?' Because to travel you need some papers that have your picture on them. 'And you need those papers?' Yes. 'Why don't you get those papers?' Because it's not easy. You need money because you have to pay. 'When mommy comes back are you gonna do it?' If we can, yes.

Both families stated that they do not explain the details of their situation because they feel their children are too young and will not understand. In this situation above, the father admitted that he had not been very direct with his son about why he could not travel. "He's a little boy, but sometimes he still asks questions that leave me speechless." The second family had a twelve-year old daughter and explained why they could not travel differently. During their interview, the citizen wife recalled when her daughter asked, "Why can't we go on vacations? I want to go to Disneyland." The citizen wife used the opportunity to explain why it was important that they continue to participate in marches and rallies to help people like her father.

All of the families also mentioned that extended family members, such as in-laws, would invite the family to join them on their family vacations. Sometimes these trips consisted of getting the extended family together and going on a day trip to a neighboring state. When extended families were spread across the country, they would choose a destination like Florida or Cancun and have everyone meet there. A citizen wife recalled a time when her mother asked her and her husband about an upcoming trip:

With my family, there are times when they are planning to go out. Sometimes they plan to go out of the city or the state. And my mom, out of habit, my mom always asks us, 'Do you want to go?' and he stays quiet when that happens and tells me 'You should go, if you want.' ... My parents respect him a lot. So, they try not to say any comments, like, 'do you want to go to-?' which is not a bad thing for them to say, I mean, they are inviting us somewhere, but for my husband it is.

Among the 25 families who did not travel together, three traveled without their undocumented family member. This posed a difficulty for the citizen spouses as they did not feel that it was right to travel without their husband or wife and did not feel it was the

same as if it were a family vacation. They repeated “it’s not the same” often as they explained how they traveled alone with their children. In one of these cases a citizen wife described to me how she felt when she had to travel to Mexico without her husband:

I just recently came back from Mexico because my family was asking ‘When are you going to bring the baby? We need to meet her.’ So, I had to travel alone with my daughter. My parents went as well, but it’s not the same. So, we can’t travel with him. We can’t see his sisters, his brothers, his aunts as a family. So, I had to go alone with the baby which was physically difficult because I have the diaper bag, the baby carrier, the baby’s suitcase. The baby is solely under my responsibility. And when I visit his family, it’s not the same. He has an aunt that is very caring and cousins, but it’s not the same. It’s not the same when I go by myself with my daughter. Not being able to travel together is emotionally difficult, whether we visit my family in [a different state] or both of our families in Mexico.

A citizen husband with three children also recalled his experience traveling with his two daughters to Mexico without his undocumented wife:

Since we’ve been married I’ve traveled three times to Mexico because we believe our children should know their grandmothers. So, I’ve had to travel alone with them. But on these occasions I felt bad for my daughters because the best thing would be to travel together. Our vacations are not as joyful as if they would be if we all went together.”

Five families decided to take the risk and travel by car as a family within the U.S., but four limited their destinations. One of the families limited their travel within the state of Illinois. Two families decided they would only travel to the neighboring states of Wisconsin and Indiana, but one of these families went to Indiana through a church group which rented a bus, so driving without a license was not an issue. The fourth family decided to travel only to big cities, like New York, Miami and Los Angeles, and avoided driving through states along the border. The fifth family did not limit their destinations. They drove all over the U.S.

One of the differences between the family who decided not to limit their destinations and the other families is that the husband was a U.S. citizen. Three of the four families who limited their destinations had husbands who were undocumented. Gender and cultural factors played a role in determining who would drive and the risk of deportation would be lower if the person driving was a U.S. citizen. In the case with the citizen husband, his gender fit the role of being the driver on family vacations and because he had citizenship status it decreased the risk of deportation for his wife who would just be a passenger. In the situations where the husbands were undocumented, they took a risk in being the driver, but lowered it by only driving to nearby states or cities with large immigrant populations.

Each of the families traveled because they did not want their children to feel different. One of the citizen wives said that she told her children, “You’re gonna have the same experiences as everyone else.” They rationalized taking the risk because they did not want their children to miss out on opportunities. They wanted their children to be exposed to the same things any other U.S.-born child would be exposed to and did not want their children to pay the price for something that they as parents could not do. Although these families traveled, they took precautions. In the next section, I will discuss the precautions mixed-status families took when they traveled as a family and also when their undocumented spouses traveled alone to get to work.

Strategies for Driving Alone and With the Family

Mixed-status families have developed strategies to confront their driving dilemma in order to carry on with their daily responsibilities. Just as men and women viewed

driving differently, they have created particular strategies to address their decision to drive or travel in a car.

Undocumented Husbands Ride Bikes to Work

Earlier I mentioned that all undocumented husbands drove, but four of them recently gave up driving. Among the four, one was a 72-year old man with health problems who could no longer work, so he did not drive. Another had lost his cars when the police impounded them and he did not have the money to get his cars back. The other two decided to ride bikes to work soon after the birth of their children. Both worked evening or late night shifts. Both had tried taking public transportation, but riding their bikes worked out better for safety and time purposes. Since both worked evening shifts, they would often have to wait for the train or bus at late hours, when buses and trains do not come often. A series of robberies at one man's bus stop helped him decide to ride his bike to work.

Riding bikes to work brought another set of challenges to these two men. Both had been in accidents where they were hit by cars at night while on their way home from work. Both explained to me that immediately after they were hit, they were more concerned about calling attention to themselves than about their injuries. They worried about onlookers who called the police to report the accident and refused to go to the hospital or press charges when the ambulance and police arrived. One husband described the moment he had been hit:

At the intersection there is a stop. I always make the stop. So, a taxi was on this side and he made his stop (showing me with his hands). I was on this side. I made my stop. So, now it's my turn to go. I go, but the other car did not stop. So, it hit

me. At the time, I didn't feel anything. [The car] threw me. I hit the ground and I didn't move at all. I thought 'she hit me.' At that moment I thought 'she hit me, but I feel no pain at all.' Then within a minute a bunch of people came to me and then more people arrived. I thought 'oh no, this is not good. This is not good.'

The citizen wives of these men were understandably concerned about the dangers of riding bikes to work. Although they understood why it might be better than driving without a license, they traded their concern about husbands being deported for a concern about husbands being in an accident. One of the wives gave this response when I asked her how her husband's challenge of not being able to drive affected her:

At two in the morning he is riding his bike back home. It's getting cold and at two in the morning- as much as I don't want to think about it, it's not the safest time to be out on the streets by yourself on a bike (takes a deep breath and sighs). So I, I, I, try not to think [about it] because there [are] a million things that can happen. It could happen to any of us but he, he is more vulnerable and as a matter of fact he actually did have an accident. Like in April, you know, he was hit by a car! Thank god it, it apparently wasn't serious enough where he refused to go to the emergency room. Um, but then two weeks later I, I, I was so worried because he could not move his hand and, so, I was freaking out. . . It was scary because, again, he gets here at 2 or 3 in the morning. I'm usually sleeping. So, I, I, I did not know that he was hurt when he got here. I didn't realize it until the following morning when I woke up and then he's got this thing wrapped around his hand and I'm like, 'what happened?!' . . . So personally I think it, it, it affects us every day. . . we try not think about it but it's an everyday thing. You- you can't avoid it.

In an effort to calm their worried wives, the men phone them when they have safely arrived at work or when they leave work late. This is another strategy all of the undocumented husbands used, particularly those who drove to work.

Maintaining Constant Communication and Checking-in

Undocumented husbands admitted that it was stressful for them to drive. All of the citizen wives were also deeply concerned about their husbands driving. When I asked

them how they dealt with their concerns they said that they were constantly aware of time, especially the hours that their husbands would be leaving work, driving from one job to another, and driving home from their jobs. Each wife knew the daily routines of her husband and knew exactly how long it would take them to get to and from certain places. They worried if their husbands had not arrived or called to check-in. A citizen wife described how she felt about her husband driving in this way:

It's very difficult because, like, for example, at night, it's hard for me. I feel like I operate like a clock. When it's time for him to leave his job, I wake up. I'm conscious of the hour that he gets out of work and I tell myself 'He's on his way.' I know that he's really tired from working all day. Then, I call him or he calls me and he puts the phone down on speaker or wears the earpiece so he doesn't have the phone to his ear but he can hear me directly. And we talk like that until gets home. But, it's really difficult. It's really, really difficult. When he drives I'm always connected to him by phone and I tell him 'be careful.'

Each of the citizen wives used this strategy of checking-in with their husbands when they were not with them to assure themselves that their husbands were okay. One wife was so conscious of it that she was afraid her husband would think she was being overly possessive. She explained this to me when I asked her when and how often she called or texted her husband:

Wife: [It's] at night that I do it. During the day, not a lot, but during the night, probably three or four times.

Husband: She's just – she's just not as – what's the word I'm looking for. In the day, she's not as worried. If I don't text back, she knows I'm working. But during the night, if I don't text back, she'll be like, "Where are you? Are you safe?"

Wife: There's been times that I've gotten so mad at him that I don't know if he understands my point that it's not the fact that I'm checking up on him. It's the fact that it's 3:00 [in the morning] and you're driving and I don't know what's in the process from this house to

that house. It might be a three to ten minute drive, but I don't know what's going on in that ten-minute drive. So, he thinks that it's just to be controlling, but it's not that. [Turns to look at husband] If you [had] a license, then, you know what, they pull you over, you have the license and registration, insurance, everything in the car and they [would] let you go.

The strategy of checking in with each other or maintaining constant communication while driving was a way that husbands assured their wives they were okay. Another strategy families developed, was not calling attention to themselves.

Undocumented Husbands Try not to Call Attention to Themselves While Driving

All of the undocumented husbands were aware of their appearance and tried, as much as possible, to “fit in” with the mainstream. Part of fitting in meant that they owned cars that looked like everybody else’s and not one that was *muy calenton*, or ‘hot.’ The husbands explained that cars that are too ‘hot’ call attention to themselves because they may be in violation of something or look too sporty. People can also call attention to themselves if they look like they are in a gang. This included wearing certain colored clothing or hats associated with gangs. These kinds of cars or people could catch a police officer’s attention and may result in getting pulled over. Undocumented husbands made sure not to own this type of car, not to ride in someone else’s car if it was *muy calenton*, and not to let someone ride in their car if they looked like they were in a gang. A husband gave me this example:

Well, I have a good car. It doesn’t call attention. There is a word that people use a lot. They say ‘caliente.’ Friends that I know say to me, ‘Hey, let’s go in your car because my car is *muy calenton* (too hot).’ And sometimes I tell them, ‘Okay, but take your hat off because my car is not hot but if they see you in my car they’re gonna stop us. Then they say ‘okay, okay.’ So, when I go out at least my car does not call attention.

Another undocumented husband explained in detail the types of things he did to not be noticed by the police:

We don't do nothing out of the ordinary. But there's – I mean there's a few things you do not to get noticed, like the front part of my car, I won't put anything like tinted windows. Not even on the back windows. She's like, "Why not?" I'm like, "I don't wanna give any reasons to get pulled over." Yeah. Like I won't have anything, stuff like that, like, uh, you know how people have like stickers, flags, stereos. I wouldn't do that in my car either. I got rid of my – I had a Buick LeSabre, and I got rid of that, 'cause that's like a police magnet for some reason. Big cars, cars that are identified as gang member cars, I guess. So we try to stay away from that stuff, too. So we buy small, compact sedans.

Mixed-status families also checked their car regularly to make sure that all of the lights were working and their city stickers and plates were always current. These were things that would easily give the police an excuse to pull them over, so they wanted to make sure they were not violating basic rules of the road. These checks were especially done before getting on any major highway and traveling long distances. All of the families had heard stories on the news or through friends of people who had been pulled over by the police for a minor traffic violation, such as a non-working headlight, and ended up being detained by immigration. So, they were very careful to follow all of the rules while driving and strictly obey traffic signs. One citizen wife described how her husband drove by saying:

I think he drives better than me. He has to be very, very careful and always drive the speed limit. He tries not to pass another car and tries to always drive correctly. Those are some things that people like you and me don't always do.

Citizen Wives Protect Undocumented Husbands who Drive

Among the 12 undocumented husbands who drove, all stated that they drove even when their citizen wives were in the car. When I asked the citizen wives why they

didn't drive they responded by saying, "I don't like to drive," "He drives better than me," or "It's out of habit." One woman explained that she grew up seeing her father drive all the time, so she did the same in her family. This was puzzling considering the stress and anxiety driving caused the citizen wives when their husbands drove to work. However, they seemed less concerned to have their undocumented husbands drive while they were in the car. Five of these families mentioned a strategy they used when they were pulled over by the police with their citizen wives in the car. In these situations, the citizen wives would tell police they asked their husbands to drive because they were not feeling well. Each of the five families had used this excuse at least once. On these occasions their husbands were not taken into police custody. One of the husbands was ticketed for a traffic-violation. A citizen wife recalled a time she and her husband had been pulled over:

We were going to a store near our home and the police stopped us. There was an open sewer in the road, so [my husband] swerved a bit, you know. I guess he gave the impression of being drunk so [the police] checked him out. [The police officer] asked [my husband] 'Do you have a license?' And [my husband] said 'No.' Then he asked, 'Do you have insurance?' I said, 'Yes, yes I have a license. I have a very bad headache. I get migraines. That's why I asked him if he could help me by driving. We are only going home.' Then the police officer said to me, 'Oh, you're sick?' I said, 'Yes, I have a headache.' Then he said 'Okay, but he hasn't been drinking, right?' Then I told him, 'No, it's that there was a ditch or something in the road.' 'Oh, okay' he said, 'but go straight home and you (to her husband) shouldn't be driving because you don't have a license. Then he let us go and didn't give [my husband] a ticket.

One family had not used this strategy, yet, but planned on using it in the event they were stopped by the police. The undocumented husband explained what they would do:

So we kind of work out something that she's going to be sick when we get pulled over. She couldn't drive anymore. . . So we're gonna act this whole thing out, be like, "Oh, there's no other way we can get back." So, if we go out and she wants to drink we also have that excuse.

Undocumented Women Rely on Citizen Husbands and Family Members for Transportation

Of the 11 undocumented women, six were employed and five stayed home with their children. Five of the six women who were employed primarily relied on their husbands and extended family members to take them to work. When their husbands or family members were not available they resorted to taking public transportation. They planned their daily routines in a way that would make it possible for someone to drop them off at work or pick them up. For one undocumented woman this entailed waiting hours at a family member's home until their husbands could pick them up. One undocumented wife who had just come back to work from maternity leave detailed her routine to me:

I get to work at 11am and I work until 7pm. . . Then I usually get to my parents' house to pick [the baby] up, because they take care of her, at around 7:30pm or 8 at night. And I wait there for [my husband], til he gets out. It could be 11, 12 or 1 in the morning. And then we go home together. . . I don't drive. In the mornings [my husband] drops me off and then in the nights I either take the bus or my brother or father sometimes pick me up.

Wives Carry 'la matricula' and Other Forms of Identification

Although nearly all of the undocumented wives decided not to drive, they also created a strategy in the event they were riding as passengers and asked for identification by the police. Since people who are undocumented do not have valid social security numbers and cannot show proof of residency they cannot obtain state identification. Not

having a way to identify themselves worried them, so they applied for an identification issued by the Mexican consulate known as *la matricula consular* or '*la matricula*' for short. This identification, although not issued by the U.S. government, provides them a way to identify themselves. Some places, such as airports and government buildings, will not accept *la matricula* as a form of identification. Businesses and banks, particularly those with a large immigrant clientele and/or located in urban immigrant neighborhoods are more likely to accept it, although this varies by region.

While having *la matricula* provides undocumented immigrants with a more official form of identification, they are careful to only use it when absolutely necessary. This is because they fear it is a red flag for being undocumented. Their reasoning is this: the only reason someone would use that identification is because they cannot obtain a U.S.-issued identification. And if that is the case then it must be because that person is undocumented. Just as they do not want to call attention to themselves while driving, they certainly do not want to call attention to themselves by showing *la matricula*. So, they also try to obtain school or work identification and use those before showing *la matricula*. One couple described the precautions they took when traveling:

Wife: I usually keep my ID in another part of the car-

Husband: Well we usually don't even think about taking her other ID (matricula).

Wife: Yeah, but sometimes I have to because it's the only ID that I have.

Husband: -or [we] hide it in the car, and if they ask her for an ID, she'll have a school ID or work ID.

Undocumented wives and husbands each recalled experiences when they showed their *matricula* and it was not accepted. These experiences embarrassed them. I asked each of them to tell me about an experience in which their *matricula* was not accepted. Some experienced this when they tried to open bank accounts or get credit cards. Others experienced it when they tried to purchase medicine. Still others recalled being turned away from a bar or from purchasing beer. As they recalled their experience their body language would change. They would hang their head down, put their hand on their foreheads, shake their heads and close their eyes. One of the women shared this experience with me:

Oh, it just happened to me at Walgreens. I went to buy medicine. It was Sudafed for a cold. My mother-in-law asked me to get it for her so I went. I felt so humiliated there, and I felt a knot right here (holding her throat). I told the woman that I needed some pills and she said, 'You have to form a line.' There were like eight people in line. I was in line for like twenty minutes. So, when I finally got there I told her that I needed this medication, Sudafed pills, but that they were behind the counter and she said to me, 'Show me your ID.' I showed her the *matricula* and she said 'We don't accept that here. It has to be a state ID or license.' And I said, 'but it's cold medicine? Besides, the banks accept it.' She said, 'Yes, but here we ask for a state ID.' I even told her, 'I don't have a social security number' in a quiet voice. 'I only have the *matricula*.' And she said, 'I'm sorry but we can't sell it to you.' I felt so bad about after that.

Another wife described an experience at a bank that made her feel she did not belong:

For example, one time I tried to open an account at the bank. I think it was First Commercial or Charter, I don't remember, and the guy, he was all very nice and being polite and helping me saying "this is the account," but as soon as he asked me for a form of ID I showed him my [matricula] and my tax number, you know, the one I use to do the taxes. His face changed completely. It went from being like a nice person to "Ugh, this is a different kind of person." He started telling me "Oh, I don't think you're gonna be able to because you need your address from Mexico and your phone number from Mexico and I'm like, "what does that have to do with Mexico?" and I told him, I tried to explain to him, "I don't remember anything from Mexico, so I can't provide anything." And he was like, "then we

won't be able to open an account for you, unless we have someone that's willing to put their credit on the line for you." So, I decided to tell him, "you know what, never mind, I don't want anything. So that was one of my big problems, like I realized that people do see you differently when they see your *matricula* or see something that says you don't belong here.

The families developed all of the strategies mentioned above to deal with the predicament of their undocumented family member's need to be out in public to work or be with their families, but not visible enough to stand out and call unwanted police attention. Their strategies, however, created other consequences for them, such as risking a bike accident, being overprotective, being dependent and being humiliated when using an alternative form of identification. Although the strategies had these consequences, the families confronted them on a daily basis in order to keep their families together.

Conclusion

Mixed-status families confront many challenges on a daily basis some of which originate with the issue of not being able to obtain a driver's license. Secure Communities, the newly implemented immigration enforcement program which is connected to local authorities, creates drastic consequences for mixed-status families because it can lead to the deportation of a husband or wife, mother or father. Families minimize the risk of deportation by creating strategies. These strategies include: undocumented husbands riding their bikes to work and undocumented wives relying on their citizen husbands for transportation. Undocumented husbands who drive avoid calling attention to themselves and constantly check in with their wives to let them know they are okay. Undocumented wives carry alternative forms of identification when they are passengers in a car and citizen wives protect their husbands who drive.

There are many contradictions in the use of these strategies. For example, driving without a license is risky for both undocumented men and women, yet undocumented women find it too risky and rely on their citizen husbands for transportation, while undocumented men take on the risk and even drive when their citizen wives are in the car. On the one hand mixed-status families are terrified of being stopped by the police and taken into custody, but on the other hand they take unnecessary risks. These contradictions exist because the families are balancing the risk of deportation with their need to carry out their lives as a “normal” family.

Being a “normal” family means that they carry out or “do” certain gender roles. When undocumented husbands drive to work they are carrying out their role as a “provider” for the family. This is an extension of their decision to migrate north for work (Gutman, 1996). If undocumented Mexican husbands did not work, it would contradict their reason for remaining in the U.S. and prevent them from supporting their family. When men stated that they drove *por la necesidad*, out of necessity, they put it in the context of not having a choice. They absolutely needed to drive because they needed to work and support their families. The few men who stopped driving their cars to work began riding their bikes, instead of choosing to stop working or look for another job. Similarly, undocumented women chose not to drive because the risk of being deported meant that their children would be left without their primary caregivers. Half of the undocumented women interviewed (6 out of 11) also stayed home to care for their children. Their decision to stay home was acceptable because it fulfilled their gender role

as a caretaker. It was also safer for them to stay home and not run the risk of being stopped by the police or caught in an immigration raid at their workplace.

Another aspect of being a “normal” family is fitting in with mainstream society. Mixed-status families tried to fit in by not owning flashy cars and instead opted for compact sedans. All of the families stated that they felt like an average American family, in spite of their spouse not having legal status. They wanted their children to have “normal” childhood experiences. Since taking family vacations is part of what a family does, five families chose to contradict their strategies of driving on safe routes and took family road trips. Although five families chose to take their family on a road trip, twenty-five families did not. All of the families expressed their struggle with the decision to go on a family vacation and they all wanted to do it for the sake of their children. Parents knew that living under the constant threat of deportation resulted in doing things differently or not doing things at all. As their children got older and began to ask questions, parents faced the reality of how the threat of deportation limited opportunities for their children.

The consequences of living under the threat of deportation also affected mixed status families’ interactions with local authorities, institutions and the community. All of the families feared being stopped by the police. Families went to the extent of preparing a story in order to explain why their husbands were driving without a license and citizen wives used their citizenship status to protect their husbands from being taken into police custody. In the two cases where undocumented husbands were injured while riding their bikes to work, they did not feel comfortable accepting the help of bystanders or the

police. In these experiences, mixed-status families faced structural barriers. Not being eligible for a driver's license did more than restrict their mode of transportation; it restricted their incorporation into society. The local authorities' connection to immigration enforcement perpetuated the problem by increasing the risk of driving, thus, jeopardizing the sustainability of the family. The driving experiences of mixed-status families illustrates how their inability to obtain a driver's license, something so common to most people, effects their financial security, emotional health, integration and their unity.

During the summer of 2012, shortly after my interviews were completed, the Illinois Coalition for Immigrant and Refugee Rights (ICIRR) launched a campaign to pass legislation which would grant undocumented immigrants driver's licenses. The Illinois State Legislature previously tried twice (in 2007 and 2011), unsuccessfully, to pass legislation that would create a driver's license certificate for undocumented individuals. However, the re-election of President Barack Obama in 2012, largely due to the Latino swing vote, created momentum for state and federal initiatives, such as driver's licenses and comprehensive immigration reform.

At the same time, I had completed an initial analysis of driving issues for mixed-status families and decided to collaborate with ICIRR by writing a research brief on the issue. The research brief, which was co-authored by Ruth Gomberg-Muñoz, PhD, Assistant Professor of Anthropology at Loyola University Chicago, emphasized the need for undocumented immigrants to drive legally and highlighted the positive impact it would bring to highway safety. In addition, it reviewed the policies of states which

granted undocumented immigrants driving privileges as potential templates. The brief recommended accepting the Mexican Matricula Consular as a form of identification and similar forms of identification issued by foreign governments. It also suggested modifying an existing policy, the Temporary Visitor's Driver's License (TVDL). A TVDL is currently issued to non-citizens of the United States who have been granted temporary legal entry into the U.S., who reside in Illinois, and who are ineligible for a Social Security number, such as international students.

The findings of this dissertation research, particularly the driving challenges faced by mixed-status families, assisted in influencing the Illinois legislative assembly to change the law. On January 27, 2013, Illinois Gov. Pat Quinn, signed the bill granting undocumented immigrants the right to obtain a TVDL. Illinois is expected to start issuing TVDLs to undocumented immigrants sometime near the end of 2013. Although a TVDL does not change an undocumented immigrant's immigration status, it will bring allow them to legally drive in Illinois, thus prevent a traffic stop from turning into a deportation.

CHAPTER FIVE

“WE ARE THEIR LAST HOPE” – ADVOCATES EXPRESS CONCERN OVER THE STATE OF MIXED-STATUS FAMILIES

It makes me crazy when you hear people who are interviewed in the news media who really aren't familiar with how immigration law works and they say, “Well, you know, we don't have anything against illegal immigrants, but they just need to stand in line, and you know, and do their paperwork.” And there's not really an appreciation for the fact that the law has created all of these obstacles that in many cases there's just no legal solution for.

–Community Advocate

The challenging situation of mixed-status families leads them to seek help or advice from friends or family members who have similar experiences. They also seek help from trusted professionals or community advocates who assist immigrants. During interviews with mixed-status families, each mentioned an occasion in which they received legal advice, assistance with filing income taxes or with completing an application for food stamps. I interviewed 10 advocates in Chicago to deepen my understanding of the policies that affect mixed-status families. The advocates represented non-profit, faith-based, governmental, and private offices whose main purpose was to assist individuals with immigration-related concerns. I was referred to the advocates by my community-based partners, organizations who serve mixed-status families, who held them in high regard. Through my interviews with these advocates I learned of the types of assistance most commonly sought out by mixed-status families.

Advocates also shared their challenges as professionals and the complexity of policies and laws that affect the families, thus affect their ability to help the families. They explained policies that limit options to resolve their mixed-status and expressed frustration with having to explain to people that the best thing to do is to do nothing.

In this chapter, I describe the services provided to mixed-status families by advocates. I also explore the challenges they confront as they assist immigrant families. Last, advocates share their suggestions for specific changes in procedures, policies, laws and services that can be made to improve the lives of mixed-status families. The suggestions include allowing families to more easily claim a hardship waiver, eliminating the 3- and 10-year bars, and re-enacting 245(i), a section in the Immigration and Nationality Act which previously allowed foreign nationals to stay in the country as their family members petitioned for their permanent residency. Apart from changes in the law, they suggested granting driving privileges to undocumented people, educating mixed-status families of their rights in the event they are stopped by the local police or an immigration official, and providing accompaniment by U.S. citizens to government spaces. These suggestions were offered in the absence of a comprehensive immigration reform bill which would allow for undocumented individuals to adjust their status, thus, eliminate the need for the aforementioned solutions.

Services for Mixed-Status Families

The main reason families seek help from advocates is to find out how they can obtain a work permit or resident “green” card for their spouses. Five of the advocates interviewed were knowledgeable in immigration law and helped immigrants file

immigration forms. One advocate stated, “Eighty percent of our case work is immigration. So we are like - We’re basically the buffer to immigration. We are their last hope and [they] have said that.” They each mentioned that families were uninformed or confused about the process. As I described in Chapter Three, the process for adjusting a spouse’s immigration status changed after 1996. Advocates explain the implementation of the 3- and 10-year bars for undocumented family members and the possibility of qualifying for a Family Hardship Waiver (explained in Chapter Three) which would reduce the number of years of separation. However, family hardship is very difficult to prove and there are no guarantees that a waiver will be granted. In addition, few non-profits provide assistance for waiver cases because they do not have the resources. Advocates state that explaining the 1996 law to the families is one of the most important things they do.

Advocates state that mixed-status families also want information about obtaining an Individual Taxpayer Identification Number (ITIN) from the Internal Revenue Service (IRS). An ITIN can be used to pay taxes when the filer does not have a social security number. Some companies accept an ITIN to open a bank account, apply for a credit card or loan. The ITIN does not replace a social security number, but families will try to use it to avert challenges. Filing taxes with an ITIN can also prove that an undocumented individual has paid their taxes if an immigration reform bill is passed in the future.

Advocates also help families apply for food stamps. As I described in Chapter Three, families explained that one of their challenges was being found ineligible for food stamps. Advocates state that families seek their help because they are confused by the

policies that treat their families differently. Mixed-status families are more likely to be denied food stamps because of the imbalance between the number of people eligible to receive food stamps and the household income. In a family of four where three are citizens and one is undocumented, three are eligible to receive food stamps, but the income of all four is used to determine eligibility. Advocates spend time reviewing applications with citizen spouses who seek food stamp assistance for their citizen children and do not understand why they were denied.

In addition, mixed-status families believe that they are not treated respectfully by government caseworkers and prefer to complete their applications for public assistance at a community-based organization. Two of the advocates interviewed assisted families with this process and both mentioned the mistreatment of Latinos and Spanish-speaking clients by the Department of Human Services (DHS) caseworkers.

Well, to be honest, because of our culture, especially if they are Hispanic, we pass messages from mouth to mouth... [One] client tells another client that the caseworker was really mean. Then, they come here because they don't want to go over there. So when we give them the option to go to the DHS office, the client always [asks] me, 'Well, what do you think?' And I tell them, 'Well, if you [go] and you have something extra, you can tell your case worker.' And then they're like, 'If I don't have to go, I don't want to go.' And that's how the perception of the client starts. The client goes into the DHS office knowing they are going to get mistreated. They already have this like barrier or wall between them and the caseworker.

Mixed-status families also fear that applying for public assistance may ruin their chances of adjusting the status of their undocumented husband or wife in the future. They ask advocates about the consequences of applying for food stamps before completing an

application. One of the advocates recalled a conversation with a husband who was a citizen and inquired about food stamps:

Unfortunately, some of these clients, they have seen the bad side of it or they have heard only of the bad parts, and it's sad because- For example, one of the recent clients, he came and he came with his wife and he said, 'This is the first time I am asking for this.' He's like 'I have never asked. I know that my wife has only asked for it when she was pregnant, but I'm a citizen and I don't want to do anything bad here and I don't want to mess up anything for my wife.' So, he said that he never requested any benefits even though they did qualify because he was afraid he would never be able to fix his wife's status and I told him it didn't affect them. So that's another thing that's going on there. So now that he knows, he's going to try and apply.

Two advocates represent faith-based groups and provide accompaniment to mixed-status families. The groups are active in supporting immigration reform legislation and help families they know. The advocates were native born U.S. citizen women in their 60s or 70s. They helped families by accompanying them to government spaces, such as court or detention centers, and places with security or police presence, such as an airport. Since the advocates had relationships with the families, they made themselves available when needed.

One advocate recalled a time when she accompanied a mixed-status family to the airport. The parents were undocumented and were sending their two children, ages 11 and 13, to Los Angeles to visit their grandparents.

The kids, who were citizens and have their passports, were going out a couple weeks ago to Los Angeles to visit their grandparents, where they are now. So Mario asked me if I would drive them there. And I thought it was just because he was afraid of driving in that kind of a place. It turns out they had no idea how to negotiate an airport. So I took them in and they were kids flying alone, unaccompanied minors, so somebody needed to take them out to the gate. And [the parents] couldn't get through the gate because they were undocumented. [They] can't get through security. I mean, who thinks of this stuff? And, uh, so I

was glad I was there but I was also really sad because that's something their parents wanted to do with them. You know, just these little things that nobody even thinks about become problems. And I said later [to Mario] how sad it made me. And Mario said, 'Oh, I thought that there was a possibility this would happen.' And I said, 'I didn't.' It's an event. It's a rite of passage. You want to be there with your kids.

“Breaking the Bad News:” Challenges for Advocates

All of the advocates faced challenges serving mixed-status families. Among the challenges were serving an increasing number of mixed-status families, responding to the dire situations the families were in, and explaining their limited options, or in some cases no options, because of their immigration status.

Eight of 10 advocates reported an increase in the number of mixed-status families seeking their help. The advocates represent organizations and offices that have been serving the immigrant population for at least 20 years. The remaining two advocates represent faith-based organizations and work in programs established within the last six years. Their programs provide accompaniment. Advocates in more established offices reported an average of four calls or visits from mixed-status families a week. “I’ve had four this week. When I first started here there was zero to hardly any. I started in 2001.”

As mentioned in the previous section, families mostly seek help in “fixing” their immigration status, but their inability to resolve it causes other problems which have drastic consequences. Four advocates knew families who had lost their homes because banks changed their policy of accepting an ITIN in place of a social security number after the housing crisis. The change in policy meant that people who had previously qualified

for a loan would no longer qualify. One advocate recalled dealing with the banks and a family with this problem:

One of the things from that [housing] crisis was these banks shoving out the 80/20 loans to people who were undocumented. Why did they even get in this problem? Because at that time, the bank-, the economy was okay. If you had an ITIN, you could get a loan. You could-, they had no problem with you getting a loan. But, guess what? When you became underwater and you couldn't pay- they didn't even care. Crisis came, you paid double and triple... like the landscaper. His work was very seasonal-and his wife didn't work. And I know that Banco Popular dished a lot of those mortgages out and [they were] just not willing to help [the families] at all. And they were the ones that were leading in getting ITIN's, getting loans for ITIN's, that's what I read. And they were just not willing to budge. They didn't do anything to help them... [Now], you can't count that income. When he gets a social, yes, he can be on [the loan]. Before the housing crisis, they were counted, yeah, but now with the new loans, no. They consider ITIN's risky.

Another advocate recalled the housing history of a family she knew:

He worked in a big company. He was a builder and a carpenter and a painter. So [the company] checked social security numbers and they had already bought a house. I mean, they were like, on their way. They lost the house. They lost everything. And when I met them, they were living in the first basement with some relatives until that house got foreclosed on. So, they're living in another basement now.

The use of an ITIN also complicates matters for mixed-status families who qualify for Earned Income Tax Credit (EITC). As mentioned earlier in this chapter and in Chapter Three, undocumented individuals use an ITIN so they can pay their taxes. However, an ITIN automatically disqualifies taxpayers from receiving the EITC when they file jointly. Mixed-status families are usually not aware of this until they begin to file their taxes as a family and face the loss of that credit. One advocate recalled how he explained the EITC policy to mixed-status families:

The earned income credit applies so long as both, the taxpayer and/or spouse and the children all have valid social security numbers. So, what we see is that a, uh – a person will come in to file a tax return and tell us, ‘You know, I’ve been filing this way.’ They’ve been filing like head of household. And the rationale that we usually hear is ‘Well, my spouse doesn’t have a social security number, so that’s why we’ve never filed with her.’ We explain to them that, um, really, that’s not the correct way to do it. ‘So what [they] really need to do is to file a tax return jointly and have the spouse get the ITIN. In doing so, more often than not, if their income is below that threshold and they have dependent children, they’ll lose that credit. In some cases, you know, it could be a few thousand dollars, and so they feel like they lost that money.’

The biggest challenge for advocates is not being able to help families resolve their issues and telling them that until there is a change in immigration law there is nothing they can do. I asked each advocate to tell me what their biggest challenge was and they each expressed anger, frustration and sadness in their response. “It’s breaking the bad news. It’s breaking the bad news that there’s nothing out there as far as making this person legal here.” Another advocate responded:

The change from 1996 on has just been dramatic, and – and – and that’s really why we’re in the situation now, where there are so many family members, even of U.S. citizens or permanent residents, that are in situations that have no solution... we’re in this situation with this huge – huge numbers of undocumented people with close family relationships, long-term ties in the United States, productive people, who just are stuck.

One advocate used his personal immigration story to help families understand their situation.

I also explain to them that I do not only understand the legal situation, but, that, I also, myself, am an immigrant, and that if there is anything else that I can do or explain to them, I would, but – (pauses and shakes his head). They understand most of the time that, you know, that is the reality. They think about it and say ‘Let’s wait. Let’s see if later on this changes.’

Another advocate who helped families file their income tax returns tried to reduce the blow of not qualifying for the EITC by explaining that they could amend their previous tax returns if their spouse received a social security number in the future.

One of the things we explain to them is that if, at some point in the future, the undocumented spouse or the spouse without the social security number does get legalized with papers and all that, you can always go back up to three years to file amended returns, in which case, they would generally get back that income credit.

Recommendations for Policy Changes

I asked the advocates to provide suggestions for changes in policies and laws that would improve the lives of mixed-status families. They recommended a number of specific and broad measures which included: (a) granting a state identification or driver's licenses to undocumented individuals, (b) implementing proposed changes to family hardship waiver, (c) eliminating the 3- and 10-year bars, (d) extending 245(i), and (e) passing comprehensive immigration reform.

Issue State Identification and Driver's Licenses

As stated in Chapter Four, mixed-status families are aware that driving is a dangerous activity for their undocumented spouse, but it is also a necessity. They drive to work; they drive their children to school; they drive to doctor's appointments, PTA meetings, and grocery stores. Undocumented immigrants are especially likely to be working and looking for jobs with irregular or flexible work schedules. Many immigrants also live in areas without reliable public transportation and/or work schedules that make using public transportation difficult or dangerous. This makes them especially dependent on driving to get to and from work.

Most states in the country, except for New Mexico, Washington and Utah, do not license undocumented immigrants. The Illinois Department of Motor Vehicles requires proof of written signature, date of birth, legal residency, and a social security number to obtain driving privileges. Undocumented immigrants do not have social security numbers and cannot prove legal residency, so they drive without a license. Advocates suggest that granting driving privileges would reduce the likelihood of an undocumented immigrant being taken into police custody for driving without a license, thus reduce their chances of being turned over to Immigration and Customs Enforcement (ICE) and separated from their families. They also stated that granting undocumented immigrants a form of identification would allow for more cooperation with police authorities on other matters, such as neighborhood crime.

Through the course of writing this dissertation, the prospects for granting undocumented immigrants licenses in Illinois changed. In November of 2012 immigrant advocates successfully lobbied the state legislature and Governor to allow undocumented immigrants to obtain a Temporary Visitor's Driver's License (TVDL). A TVDL is currently granted to immigrants who have temporary permission to reside in the U.S., such as foreign students, but do not have social security numbers. In January 2013, the bill passed with overwhelming bipartisan support and was signed into law by the Governor. Illinois is expected to start issuing TVDL's to undocumented immigrants in the fall of 2013.

Implement Changes to Family Hardship Waiver

One option U.S. citizens have to obtain residency for their undocumented spouse without being separated for 10 years is to apply for a provisional waiver of unlawful presence. In order to apply for the waiver, the U.S. citizen must show proof that a U.S. citizen will experience extreme hardship if their undocumented family member is required to remain outside the U.S. That is, the hardship must fall on the U.S. citizen, not the undocumented spouse. Another stipulation is that the undocumented individuals must depart the U.S. and wait abroad while the waiver is processed. The process can take up to three years and there is no guarantee that the waiver will be approved. An advocate explained challenges in pursuing the waiver process:

The waivers all require a high level of hardships for particular family members. It gets very complicated when you get to the details of who is eligible for waivers and who isn't. One point that's always hard to explain to clients is that generally speaking, for the unlawful presence waivers, hardship to children directly doesn't count. . . There's also no guarantee how long you'll be waiting for a decision, which has been a real hardship. . . I've had some very, very strong cases that have been put on the slow track with families waiting 18 months or more for a decision, which ultimately is favorable, but they're waiting a long time. And other cases that are strong but not, you know, not really exceptional, that are approved on the fast track, and families are separated for only three or four months. So it's impossible to predict.

Another advocate commented on the high financial cost of applying for the waiver which includes legal fees, immigration fees, travel expenses and loss of income if the undocumented spouse was working.

The minimum that people spend in that type of case- and these are just fees, you know, they have to spend [money] at the embassy, and the medical exam, and all of that, is about three thousand dollars. Now, if you need a waiver, you've got to pay also the legal fee which would be at least three thousand or more, so that is six thousand, you know. Plus, you've got to come up with the money to support

yourself while you are waiting for the waiver to be granted, so I think that this is easily ten thousand dollars that you are going to spend. That is the expense plus all the money that you lost as income, so altogether- might cost you around twenty thousand bucks, you know. A lot of people do not have that kind of money or means to do that.

In January of 2012, President Obama proposed a change to the waiver process which would allow the undocumented family member to remain in the U.S. while the waiver is being processed. The U.S. citizen would still have to show proof of extreme hardship and the undocumented spouse would still have to leave the country to process the waiver abroad. The difference would be that the waiver process would start in the U.S., instead of abroad, and the family will be told of the decision on their case prior to the departure of their undocumented spouse. This reduces the time that U.S. citizens are separated from their undocumented spouses. However, the change has not yet been implemented. I interviewed advocates six months after the proposed changes were announced and their suggestion was to implement the change immediately.

Eliminate the 3- and 10-year Bars

Advocates who provide assistance with immigration issues trace the root to mixed-status families' problems to the 1996 law which implemented 3- and 10-year bars. The law went into effect on April 1, 1997, and states that anyone in the U. S. without legal status after that date is accumulating unlawful presence. The implementation of this law and limited options to resolve their undocumented family member's immigration status lead them to stay in a permanent mixed-status state.

Things have changed so dramatically. 1996 was a very dramatic changing point. I've been involved in this kind of work since early 1988. I started doing this work when we were in the middle of the registration period for the old amnesty. . .

Since then, the law has only gotten more complicated, more punitive and just more difficult in general to navigate, but 1996 is a real marker, because that's the time period when a whole framework of legal liabilities was developed— the punishments. Those legal liabilities become obstacles that have no solution.

Another advocate described the legal effect on mixed-status families and the complications that arise when they try to adjust:

Children under eighteen don't accrue unlawful presence. So, we have situations where we may have a U.S. citizen husband, undocumented wife and a couple of undocumented kids. The husband can take care of the kids, 'cause their unlawful presence— you can do something about that, but sometimes the mom has no waiver... We actually have a fair number of cases, you know, in the last five years or so, where we can get the children taken care of and the spouse is just stuck. When you get into the details of how these legal mechanisms operate, it can get very, very complicated— about who ultimately has a solution and who doesn't. And it really makes you wonder if, in 1996, did Congress really intend for these to be the consequences? I mean, who is benefiting from this crazy situation?

Advocates suggest eliminating the bars would lessen the complicated nature of immigration law as it applies to mixed-status families.

Re-enact 245(i)

In 1994, Section 245(i), a statute of the Immigration and Nationality Act, was enacted to allow certain undocumented immigrants to adjust their status while remaining in the U.S. The provision was beneficial to mixed-status families because it allowed a citizen spouse to adjust the status of their undocumented spouse without being separated. The provision expired in 1998. However, lobbying efforts in late December of 2000 revived the statute for four more months. The LIFE Act Amendments of 2000 granted an extension until April 30, 2001. Advocates stated the four month time period was too short to allow immigrant families to comply with paperwork requirements, thus many families were left out of the process. In mid-2001, another attempt to extend 245(i) was

underway in Congress. Some Congressional leaders pushed for another four-month extension while others wanted 245(i) to become a permanent provision. Efforts to re-enact 245(i) came to a screeching halt after the September 11, 2001, terrorist attacks. All five of the advocates knowledgeable about immigration law agreed that re-enacting 245(i) would help mixed-status families.

The reinstatement of 245(i) would be a really good thing, because, you know, then you would get rid of all that nonsense- 'you need a waiver.' All things being equal, if there is a couple, the only problem they have is that he came in without inspection. If 245(i) were re-instated, then this person would have to pay a fine, but that makes a lot more sense from any angle. They wouldn't need to spend all that- twenty thousand dollars. It would come out to three thousand. Plus, the government would not have to put all of the effort in processing and it's an income for the government as well. It makes sense any way you look at.

Pass Comprehensive Immigration Reform

Comprehensive immigration reform (CIR) is a widely used term that refers to a package of legislative changes that would overhaul the current U.S. immigration system (AILA, 2011). Some of the main features of reform include addressing issues related to border patrol, temporary/seasonal workers, and the undocumented population. Advocates have called for CIR because they believe the immigration system is not reflective of the U.S. demand for foreign labor. This has resulted in eleven million immigrants living in the U.S. without authorization, or undocumented. In addition, the recent increase in immigration enforcement measures, such as Secure Communities, detains undocumented immigrants for months before deporting them and leads to the separation of families.

Over the years, advocates have urged Congress and two presidential administrations to pass a CIR bill with little success. President George W. Bush

campaigned on the issue in 2000 and held talks with Mexican President Vicente Fox, but those efforts came to a standstill after the 2001 terrorist attacks. CIR was revived after his re-election and proposals were introduced in Congress during 2005, 2006, and 2007, but none achieved sufficient support to pass. President Barack Obama also campaigned on the issue during the 2008 election and proposals were introduced in 2009, 2010, and 2011, but again there was not sufficient bipartisan support. After his re-election in 2012, the President and Congressional leaders in both parties have agreed to make an effort to pass CIR in the near future.

If a CIR bill were passed, it would likely allow undocumented individuals who have lived in the U.S. for at least ten years, paid taxes and have no criminal record adjust their status to legal permanent resident. Depending on the language of the bill, these people would pay a fine and obtain a green card over the course of six years. Advocates support CIR because it addresses the structural problems within the immigration system instead of adopting temporary solutions.

Conclusion

Community advocates assist mixed-status families with immigration-related concerns, obtaining an ITIN, applying for food stamps, and accompaniment. Their experience with mixed-status families is challenging because the number of families seeking their help is growing and the families' circumstances deteriorate quickly. In addition, their ability to help families is often unsuccessful due to the lack of an immigration reform which would allow undocumented spouses to adjust their status without being separated from their family.

Advocates emphasized the 1996 law as the root cause of difficulties for mixed-status families. The law has left families with no way to resolve their situation. It has also spilled over and adversely affected them in other areas of their life, such as not receiving tax credits, food stamps, and mortgage loans. Advocates provided five suggestions to alleviate some of the difficulties facing mixed-status families. Their suggestions ranged from granting driver's licenses at the state level to passing comprehensive immigration reform at the federal level. Two of their suggestions, implementing family waiver changes and re-enacting 245(i), are policy changes that have been proposed and passed in the past. The passage of similar legislation could resolve the families' situations, in the absence of broader reform.

The lack of immigration reform, the growing needs of mixed-status families and the inability of advocates to help them is cause for concern. It illustrates that mixed-status families were created by a failed immigration policy which restricts resources to immigrants and citizens alike. The creation of accompaniment services for immigrant families demonstrates their vulnerability in a society that is supposed to guarantee certain rights and privileges to all. The passage of 1996 IIRIRA punishes citizens for marrying undocumented immigrants and infringes on their ability to protect and provide for their family. The effects of these hardships will be felt for generations to come and longer if immigration reform is not passed in the immediate future.

CHAPTER SIX

CONCLUSION

The time is now! Es tiempo!

–A chant from the crowd of thousands of immigrant rights activists who rallied on the steps of the Capitol for immigration reform on April 10, 2013.

As the numbers of undocumented immigrants grew at the turn of the century, so did the number of studies which tracked their population size, residency patterns, and fertility rates. According to the most recent estimates, there are 11.1 million undocumented persons living in the U.S. (Cohn, 2010), the majority whom are Mexican. The State of Illinois ranks among the top 10 states with the largest undocumented population, estimated at 525,000 (Passel & Cohn, 2011). We now know that the undocumented are more geographically dispersed throughout the country. We also know that two-thirds of them have lived in the country for over a decade. Studies have also reported that 46% undocumented immigrants are parents to minor children. This percentage is higher than that of legal immigrants and native-born immigrants.

At the same time, the U.S. has implemented the most aggressive immigration enforcement tactics and policies making it nearly impossible for the undocumented to obtain legal status. IIRIRA and Secure Communities are representative of the latest restrictionist immigration policies to be implemented post-1960s. But, this has not stopped them from living their life. They work, attend classes, make friends, date, marry,

and have children. In fact, reports on the undocumented population now provide estimates for the number of people living in “mixed-status” families—at least nine million (Taylor et al., 2011). The growth of mixed-status families and the policies that force undocumented immigrants to live in the shadows are converging and creating a complex reality that is leading mixed-status families to live as second-class families.

I began my research in May of 2011, hoping to understand the experiences and challenges of Mexican mixed-status families in the Chicago-area. My encounters with mixed-status families prior to starting the research motivated me to learn about their everyday lives and question why these families were becoming more common. I wondered why they were remaining permanently mixed-status, why the citizen spouses did not apply for residency status for the undocumented spouses. I also wondered what it was like to live as a mixed-status family in and around Chicago.

My interviews with 54 family members answered many of my initial questions and prompted new ones throughout the course of the research. I found that the decision to remain as a mixed-status family grew out of the 1996 immigration policy – IIRIRA – which complicated the process for citizen spouses to obtain legal residency for their undocumented spouses. I learned that mixed-status families choose to remain in this situation after weighing the financial and emotional costs of being separated for 10 years against the threat of deportation. But, remaining together as a family has its financial and emotional challenges as well. These challenges surface as citizen family members try to live their lives as “normal” citizens who enroll in college, look for jobs, have children,

take vacations, pay their taxes, and when they fall on hard times, apply for public benefits.

Summary of Findings

The most important finding I made regarding mixed-status families is that they create strategies to reduce the risk of family separation. Keeping their family together in the U.S. is their top priority. Therefore, the decisions they make on a daily basis regarding work, travel and education are best understood within that context. Another consideration to keep in mind is the aggressiveness of immigration enforcement since 2008 (I explain this in detail in Chapter Four). The Obama Administration has deported a record number – over a million – of undocumented immigrants. A report by the Pew Research Center (2013) found one in three (32%) undocumented Latinos personally knew someone who had been deported or detained; one in four (26%) Latinos with a legal immigration status stated the same. The threat of separation for mixed-status families is very real, so they create strategies to reduce the risk and help keep their family together. In the following section I discuss their challenges and strategies for pursuing education and careers, driving and traveling, and maintaining financial stability.

Education and Careers

Mixed-status families used higher education as a long-term strategy for financial stability; however, citizen spouses pursued their education first. Families made this decision after they considered the challenges of having the undocumented spouse attend college. These challenges included not being able to obtain financial aid or loans because the undocumented spouse did not have a valid social security number. The lack of a

social security number made the cost of schooling much higher for the undocumented spouse. As a result undocumented spouses deferred their education until citizen spouses received their degrees and were employed.

As discussed in Chapter Three, citizen spouses were also strategic in choosing careers and places of employment. Citizens who were studying stated they pursued careers which would be transferable abroad. In these situations, the spouses were preparing to live abroad in the event that their undocumented spouse was deported. An example of this was when one wife told me she was studying accounting because it would be a skill she could make a living from in her husband's country, although she would have liked to study law. Another wife recalled how she wanted to apply for a position with the federal government but decided against that after the application process called for a background check of her family members. Rather than expose her husband's lack of papers, she chose not to apply for the position. Other citizens considered work opportunities in other states and other parts of the city, but they also chose not to pursue these opportunities because they feared living in an anti-immigrant environment or not being able to return home quickly in the event of an emergency.

Driving and Travel

Collaboration between the local police authorities and immigration enforcement forced mixed-status families to carefully plan activities outside of the home. Undocumented husbands, who were more likely to drive without a license than undocumented wives, drove out of necessity – *por la necesidad*. Many worked more than one job and late hours. Driving allowed them to get from one job to the next quickly.

They believed that public transportation was neither safe, nor reliable and in some cases, it was not available in the late hours after work shifts ended. Driving without a license created anxiety for the wives of men on the road late at night, so they created a strategy of maintaining communication. They did this by calling or texting each other with their mobile phones to assure their wives that they had arrived at their second job safely or were on their way home. Each of the 17 citizen wives recalled a time when their husbands were late arriving home and worried that they had been stopped by the police. Even when their husbands were not running late, wives were conscious of their work hours and waited to receive a call or text. Ten of 11 undocumented wives ruled out driving altogether. The thought of being stopped by the police, detained by immigration and separated from their children was so frightening to them that they did not consider driving an option. The one woman who did decide to drive was employed outside of the home. She avoided large busy streets and made sure her tail lights were working each time she got into her car. Her mother-in-law also lived with her. This could have impacted her decision to drive, as she knew there would be someone to care for her children, other than her husband, if she were to be detained and deported. Either way, she took the same precautions as undocumented husbands who drove.

Families also developed driving strategies when they were in the car together. These strategies varied depending on where they were going. Families were less likely to let their undocumented husbands drive outside of the city and state as they associated certain places as anti-immigrant. Citizen wives were comfortable with their husbands driving in the city while they were together, but prepared a story in case they were pulled

over by the police. One of the wives stated that she would explain to the police officer she was feeling ill or attending to their child in the back seat, and asked her husband to drive. When the husbands were citizens, driving beyond city and state borders was not an issue; in fact, these families took family vacations by car and visited family in neighboring states.

Financial Stability

Mixed-status families faced legal and financial challenges due to their complex make-up. Although they used various strategies to circumvent their challenges, the consequences often made them ineligible to receive financial assistance and placed all of the financial responsibility on the citizen spouse. For example, undocumented spouses could not open accounts to manage the household without a social security number. All accounts for utilities, credit cards, and leases had to be under the citizen spouse's name. One citizen wife stated that her husband could not even apply for a grocery discount card because they required a social security number. Having all of the financial obligations under the citizen's name prevented the undocumented spouse from easing the burden of paying bills or making inquiries. In other cases, citizen wives wanted their husband's names to appear on the title of their cars and/or homes. In these cases, they were asked for social security numbers and risked paying higher interest rates because their spouses did not have an established credit history.

In addition to legal and financial matters, mixed-status families are ineligible to receive earned income tax credits and, in some cases, food stamps. Earned income tax credits are generally given to low-income families when their taxes are filed. The

Internal Revenue Service (IRS) deems a family ineligible if one of the spouses files a return using an Individual Taxpayer Identification Number (ITIN). In this situation, a mixed-status family loses out on a return of a couple thousand dollars, depending on the number of children they have. My interviewees did not understand how money meant to help their citizen children would be denied to them just because they had a mother or father who was undocumented. Mixed-status families were also less likely to receive food stamps. They were often ineligible because the formula for calculating eligibility includes the number of persons with valid social security numbers but the income of *all* household members. By law, only a percentage of the undocumented individual's earnings should be taken into consideration, but not all case managers are aware of this policy. When the ratio of household income to persons in the household is exceeded it disqualifies the family.

Discussion and Implications

This study of Mexican mixed-status immigrant captures the everyday experiences of undocumented immigrants who have started families in the U.S. In particular, it provides new data on diverse or non-traditional families and broadens existing theories of assimilation by highlighting the factors, such as immigration status and its effect on citizen spouses. It also adds to the existing literature on gender and migration by illustrating how undocumented men and women create gendered strategies for lowering their risk of deportation and carrying out family responsibilities; and how the use of these strategies reinforces or reverses traditional gender roles.

Family

Over the years, the literature on families has been criticized for not diversifying the types of families studied and studying families within their own context (Baca Zinn, 1990; Ferguson, 1998; Murry, Smith, & Hill, 2001; Sussman & Steinmetz, 1987).

Studies of families have grown to include non-traditional types, such as single-parent families, step-families, families with more than two generations and lesbian- or gay-parented families (Biblarz & Savci, 2010; Blumstein & Schwartz, 1983; Carrington, 1999; Patterson, 2000; Stack, 1975; Sullivan, 2004).

This research illustrates the complexity of family life when members do not all share the same immigration status. It reveals the financial difficulties they face and the policies which complicate their ability stay together. In many ways, the challenges these family members face are similar to those of black single mothers and gay and lesbian families. Undocumented individuals are seen as unfavorable and have no legal recognition in the U.S. Policies meant to punish undocumented individuals penalize their citizen family members by blocking their access to resources and better opportunities.

Given the increasing number of mixed-status families, this study helps explain why children living in immigrant families have significantly higher rates of poverty. One of the earliest studies on mixed-status families found a “spillover effect” on the U.S.-born children of undocumented and legal permanent resident parents (Fix & Zimmerman, 1999). These parents were not eligible to receive public assistance, although their U.S.-born children were eligible. Fix and Zimmerman found that these children had lower rates of participation in public assistance programs. My research supports Fix and

Zimmerman's concept of a "spillover effect" among mixed-status family members. I extend the concept to the spillover effect on U.S. citizen spouses of undocumented immigrants. The families I interviewed stated that obtaining food stamps for their household was a challenge. They explained that they were denied food stamps because case managers incorrectly calculated their household income to include 100% of their undocumented spouse's earnings rather than a portion of it. Mixed-status families were frustrated because they felt their citizen family members were being denied a benefit. They knew that they were being treated differently because their family was mixed-status. Therefore, Fix and Zimmerman's finding of a "spillover effect" on U.S.-born children, according to my research, can also be extended to citizen adults in the same household.

Gender

Studies of gender and migration have found that historically Mexican men have been recruited to work in the U.S., while women tended to migrate internally, from rural to urban areas. As women began migrating to the U.S. in larger numbers, more studies began to focus on the dynamics between immigrant men and women and how their traditional "roles" changed (Hondagneu-Sotelo, 1994; Hondagneu-Sotelo & Cranford, 2006). These studies have found that women gained power and autonomy while men lost some of their authority and privileges. They also found that after women joined their husbands in the U.S. they maintained more egalitarian households because men had learned to carry out household chores in the absence of their wives. Men also have a

harder time upholding their “role” as the sole breadwinner because dual-incomes are critical to maintaining their family.

My research supports these theories of changing gender relations between husband and wife, but in the case of mixed-status families, it occurs when wives have citizenship status and their husbands are undocumented. Among these couples, I found that citizen wives became the primary persons responsible for the financial and legal matters concerning the family. In these cases, the undocumented husband was not recognized by the state because he did not have a social security number. The citizen wives had more authority on these matters than their husbands, but they did not welcome the level of responsibility placed on them. Citizen wives often emphasized during their interviews “*everything has to be in my name.*” They each recalled instances in which they tried to get their husbands names on credit card accounts, car loans, and mortgages. In each case they were either told they could not add their husbands or adding their husbands would increase their interest rate.

One exception to the reversal of gender relations between citizen wives and undocumented husbands occurred while the spouses traveled together in their car. As difficult as it was to see their undocumented husbands drive off to work without a license, citizen wives preferred for their husbands to drive when they were together. Their reasons for this fell in line with traditional gender roles, such as “He drives better than me.” and “It’s out of habit.” I think part of their reason had to do with them feeling sure that they could talk a policeman into letting them go by faking an illness, but the other

part also had to do with wanting to feel like a “normal” family where men drive and women sit in the passenger seat.

Among families where the women were undocumented and the husbands had citizenship status, I found that the women tended to follow their traditional “role” in the family as primary caregivers. This was evident in the number of undocumented women who stayed at home to care for their children. It was also evident in their strategy of not driving. Ten out of 11 women decided not to drive without a license and instead depended on their husbands or extended family members for transportation. These women stated they did not drive because they were scared of being stopped by the police and separated from their children. The risk of family separation was too great for them. Undocumented men were also afraid of being detained, but they stated they took the risk “out of necessity.” Their “necessity” to drive had to do with going to work so they could provide for their family. This supports theories in which men try to uphold their “role” as the breadwinner.

This research broadens the literature on gender and migration by illustrating how gender relations change when only one of the spouses is a migrant in the family and particularly when that person is undocumented.

Assimilation

Assimilation theories have acknowledged that immigrants post-1960 have not followed the same patterns of assimilation as previous European waves. They attribute racial/ethnic discrimination and factors related to national origin, socioeconomic status, family resources and context of reception in the U.S. to blocked or segmented

assimilation paths (Glazer & Moynihan, 1963; Portes & Zhou, 1993). These models emphasize an individual's characteristics and their parents' as indicators of intergenerational mobility. They also assume both parents have the same legal immigration status.

My research moves beyond the established factors of assimilation and makes a case for the inclusion of immigration status as a new factor. As I mentioned at the beginning of the chapter, there have been studies tracking the growth and dispersion of undocumented immigrants. However, considering that the number of the undocumented population has tripled since 1990 (Passel & Cohn, 2011) and that Congress has not authorized an adjustment of their status since 1986, it is time to recognize that undocumented immigrants will be part of U.S. society for years to come; thus, the inclusion of immigration status, particularly a spouse's undocumented status, plays an important role in the family's socioeconomic mobility and integration. My findings support assimilation theories which state that certain immigrants and the second generation confront barriers which lead them to a segmented pattern of assimilation. However, I argue that a spouse's undocumented status affects a citizen's integration by blocking or reducing their education and employment opportunities, thus, resulting in a varied assimilation path.

Portes and Zhou (1993) also argue that the second generation fall into one of two categories: an advantaged group which is selective about the attributes it holds on to, and a disadvantaged group which takes on "oppositional" characteristics and rejects assimilation. My research on mixed-status families found that the process of assimilation

for the citizen spouses who were second generation was varied. Contrary to Portes and Zhou I argue that segmented assimilation can continue to occur among the second generation if they have spouses who are undocumented. Their paths become varied when they marry undocumented individuals who are increasingly pursued by the federal government. They live under the constant threat of family separation which leads them to make decisions to protect and keep their family together. Sometimes this requires the citizen spouse, who is second generation, to limit their work or educational opportunities. Their decision to pursue their aspirations must be weighed with the threat of deportation and family separation. The complexity among mixed-status families explains how the assimilation experience of the second generation cannot easily fit into one of two groups, rather it varies.

Last, the experiences of mixed-status families also contributes to the discussion of transnationalism, particularly as it relates to the second generation. In Chapter One, I reviewed studies which describe how first and second generation participate in familial, social, economic, religious, political, and cultural processes across borders while living in the U.S. The work of Robert C. Smith (2006) highlights how immigrants move back and forth from New York to Mexico. He illustrated how immigrants and the second generation borrow from and contribute to both countries throughout this process.

However, it would be difficult for the mixed-status families I interviewed to carry out this type of transnationalism for various reasons. First, due to one of the parents being undocumented, the family could not travel out of the U.S. together. Among the families I interviewed, only three citizen spouses traveled out of the country alone with

their children and the emotional toll was so much that they did not want to do it again. Second, nearly half of the undocumented spouses arrived in the U.S. when they were children and brought by their parents, most of whom are also undocumented. So, although they are immigrants, they are not as attached to their hometown in Mexico because they have been raised in the U.S. and most have neither returned nor remember their lives in Mexico. They are fearful of being deported to Mexico because they have little or no family there, few connections and opportunities to obtain a job, and are worry about tales of violence there. These reasons make it highly unlikely that they would send their children to Mexico. If transnationalism assists in the process of assimilation by creating new strategies of social mobility as Smith (2006) describes, then mixed-status families are at a disadvantage because of their undocumented family member's immigration status.

Future Research

I believe far more research is needed on mixed-status families to deepen our understanding of their experiences. This study provides an overview of their current struggles, but future studies could further develop theories of economic mobility and educational attainment among mixed-status family members, in particular, the contributions to society that are lost due to the complicated nature of adjusting a spouse's immigration status and remaining in a mixed-status limbo.

A suggestion for future research would be to interview mixed-status spouses separately. I interviewed most spouses together because that was their preference; however, if a future study could interview spouses separately it would be interesting to

see if similar challenges are mentioned and if challenges related to their relationship as a couple arise. A second suggestion would be to conduct this study in a different geographic location, perhaps a city and state considered to be a new immigrant destination, rather than one which has a long history as an immigrant destination. Chicago is considered a sanctuary city, so it is possible that mixed-status families in other regions develop different strategies.

More studies are also needed on the emotional toll the constant threat of deportation places on family members, particularly the fear and avoidance of police. Spouses I interviewed learned how to avoid confrontations with police and their children also picked up on their behavior. Some activists and police officers have advocated against policies, such as Secure Communities, arguing that it reverses efforts to improve cooperation from immigrants and the second generation.

My last suggestion for future research is to conduct studies on single-mothers who are undocumented and have citizen children. During the recruitment phase of my study, I received calls from women who were in this situation. I did not interview them because they did not fit the participant profile of my study; however, throughout the interview process I realized how challenging it was for these families to stay together. This was sad and inspiring at the same time. But, it made me wonder if undocumented single mothers were at one time part of a mixed-status family and how they managed to take care of their children without the help of a citizen spouse.

Mixed-status families are anxiously awaiting a change in the process for adjusting the status of their undocumented spouses which will not lead to their separation as a

family. As one wife told me, “*estamos en espera*” – we’re waiting. These families have not forgotten elected officials’ campaign promises of passing immigration reform. While they wait for promises to be kept, the number of mixed-status families continues to grow and the policies that prevent their successes become more widespread. If the U.S. is to truly be a nation which prides itself on family reunification then it must address the challenges confronting mixed-status families before it creates a generation of second-class families.

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VITA

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While at Loyola, Diana served on the Graduate Students of Color Association. She also worked at the Center for Urban Research and Learning (CURL), Loyola University Chicago, as a graduate research assistant. At CURL, she assisted in carrying out a three-year program evaluation on the City of Chicago's Plan to End Homelessness. Her dissertation and work as a research assistant for Dr. Ruth Gomberg-Muñoz examined the lives of mixed-status immigrant families, specifically families in which one of the spouses was undocumented and the other a U.S. citizen. In October 2012, she co-authored a research brief with Dr. Gomberg-Muñoz which helped persuade the Illinois legislature to change its policy and grant undocumented immigrants driving privileges. Her work on this issue earned her the Richard L. Block Prize for Student Research in Urban/Public Policy in 2013. Her areas of specialization are international migration, family and social policy. She is currently conducting a program evaluation for a Chicago community-based organization and their service to Deferred Action for Childhood Arrivals (DACA) clients, also known as DREAMers or undocumented students. She lives in Washington, DC.