# On the Radar: System Embeddedness and Latin American Immigrants' Perceived Risk of Deportation

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Drawing on in-depth interviews with 50 Latin American immigrants in Dallas, Texas, this article uncovers systematic distinctions in how immigrants holding different legal statuses perceive the threat of deportation. Undocumented immigrants recognize the precarity of their legal status, but they sometimes feel that their existence off the radar of the US immigration regime promotes their long-term presence in the country. Meanwhile, documented immigrants perceive stability in their legal status, but they sometimes view their existence on the radar of the US immigration regime as disadvantageous to their long-term presence in the country. The article offers the concept of system embeddedness—individuals' perceived legibility to institutions that maintain formal records—as a mechanism through which perceived visibility to the US immigration regime entails feelings of risk, and perceived invisibility feelings of safety. In this way, the punitive character of the US immigration regime can overwhelm its integrative functions, chilling immigrants out of opportunities for material and social well-being through legalization and legal status. More broadly, system embeddedness illuminates

how perceived visibility to a record-keeping body that combines punitive and integrative goals represents a mechanism of legal stratification for subordinated populations—even absent prior punitive experiences with other social control institutions that might otherwise be thought to trigger their system avoidance.

## 1.   Introduction

Deportability, or the threat of a noncitizen's removal or deportation (De Genova 2002), is a key component of contemporary US immigration policy and practice. A growing body of research is attuned to the situation of approximately 6 million undocumented immigrants from Latin America, as well as their 8 million US-citizen family members (American Immigration Council 2018), who are the primary targets of deportation (Golash-Boza and Hondagneu-Sotelo 2013). Enduring efforts from politicians, immigration officials, and the media framing Latin American immigrants as a societal threat magnify this group's deportation risk perceptions (Chávez 2013). Through a series of federal, state, and local policies—ranging from the rationing of legal status to the growing cooperation between federal immigration and subnational law enforcement agencies (Garip et al. 2019; Pickett 2016)—deportability structures the multiple forms of marginalization the undocumented face. Scholars often propose that a "documented" or "legal" status, with important exceptions (Golash-Boza 2015; Kanstroom 2012; Menjívar 2006), helps overcome this real and perceived marginalization (e.g., Bean et al. 2015; Gonzales 2015; Menjívar et al. 2016; Patler and Pirtle 2018). According to this growing literature, the undocumented fear deportation by virtue of their precarious status, but the documented need not because of their relatively-stable status.[1]

At the heart of this characterization is a question of system involvement and avoidance. Research on system avoidance has investigated how prior criminal-justice involvement impacts individuals' future relationships with other record-keeping institutions such as schools and hospitals (Brayne 2014; Goffman 2009) in ways that harm these individuals and their families (Fong 2019; Haskins and Jacobsen 2017; Lageson 2016). This concept may also be applicable to the US immigration regime. Whereas undocumented immigrants are expected to be "on the run" from the

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[1] I use the phrase "undocumented immigrant" and its variants to refer to any individual born outside the United States who lacks authorization to reside in the country. I use "documented immigrant" and its variants to refer to any individual born outside the United States with authorization to reside in the country but who is not a citizen. I sometimes group undocumented and documented immigrants into a single "noncitizen" category.

US immigration regime, documented immigrants of various designations are expected to feel secure "on the radar" (Waters and Kasinitz 2015). Yet, federal policy changes since the 1980s have made all noncitizens—undocumented and documented, "illegal" and "legal"—vulnerable to deportation. Although the undocumented are disproportionately deported (Rosenblum and McCabe 2014), undocumented and documented immigrants' shared deportability may nonetheless entail consequences for how these individuals understand the relationship between system legibility and deportability.

Drawing on in-depth interviews conducted between 2013 and 2015 with 50 Latin American immigrants in Dallas, Texas, this article examines how immigrants holding a range of legal statuses perceive the threat of deportation. The findings suggest that legal documentation is hardly a shield from deportation fears. Some documented respondents perceive their legibility to the regime's bureaucratic arm, which manages legalization and legal status, as a double-edged sword: Documentation affords some protection from deportation, but it can also heighten fears since the bureaucracies that "document" immigrants have a greater perceived ability to surveil and expel them. In contrast, some undocumented respondents find a modicum of comfort in their perceived illegibility to a regime whose punitive arm works to deport even documented immigrants. These findings illustrate the concept of "system embeddedness," or one's perceived legibility to formal record-keeping institutions. System embeddedness is one mechanism through which perceived legibility to the US immigration regime can represent a source of risk, and perceived illegibility safety, for noncitizens navigating an institution of social control.

This article advances research on contemporary immigration policy and practice methodologically, empirically, and theoretically. Methodologically, it relies on the perspectives of Latin American immigrants recruited from their residential neighborhoods to understand a broader spectrum of risk perceptions. Whereas existing research often recruits hard-to-find noncitizens from settings related to the US immigration regime—such as detention centers, legal aid clinics, churches, or community-based organizations—this study's recruitment strategy from residential neighborhoods affords novel insights into how system legibility and deportability manifest in everyday life. Empirically, the article reveals how noncitizens' perceived risk of deportation sometimes diverges from the statistical risk of deportation normally associated with their legal status. I find that documented immigrants in this study sometimes report more pervasive deportation fears

than their undocumented counterparts, even though documented immigrants are statistically less likely to experience a deportation. Theoretically, the concept of system embeddedness uncovers how the punitive character of the US immigration regime can over- whelm its integrative functions and give rise to diverse and unan- ticipated manifestations of risk perception among subordinated populations. Undocumented immigrants eligible to legalize may decide not to do so as a way to remain illegible to a system they recognize as primarily punitive. Documented immigrants, mean- while, may decide to give up their legal status in their own search for illegibility to this same system. But this search for illegibility can detach noncitizens from mainstream institutions useful for their own or their family's material and social well-being (Bean et al. 2015). In this way, system embeddedness illuminates how perceived legibility to a record-keeping body that combines puni- tive and integrative goals represents a mechanism of legal stratifi- cation for subordinated populations—even absent prior punitive experiences with other social control institutions that might other- wise be thought to trigger their system avoidance.

## 2.    The US Immigration Regime and the Threat of Deportation

### 2.1    Crimmigration and the Widening Deportation Dragnet

Before 1986, the primary distinction governing immigrants' societal membership separated "illegal" from "legal" categories of immigrants (see Chávez 2012 [1992]). The former included undocumented immigrants, who either entered the country undocumented or who entered documented but fell out of status. The latter comprised a diverse set of documented immigrants, including temporary visa holders, lawful permanent residents, and naturalized citizens. Deportations occurred, but they largely impacted a transient population of undocumented immigrants from Mexico in Arizona, California, and Texas (Donato et al. 1992; Espenshade 1990; 1995; Massey et al. 2016).

Deportation has expanded since the mid-1980s. Figure 1 charts the proliferation of deportations as a primary tool for immigration enforcement since 1892. About 79 percent of the 7.4 million removals logged between 1892 and 2015 have occurred since 1986,[2] under both Republican and Democratic presidential administrations. This proliferation, which has disproportionately impacted male undocumented immigrants from Mexico and

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[2] *Source:* Department of Homeland Security. 2016. "Table 39: Aliens Removed or Returned: Fiscal Years 1892 to 2015."
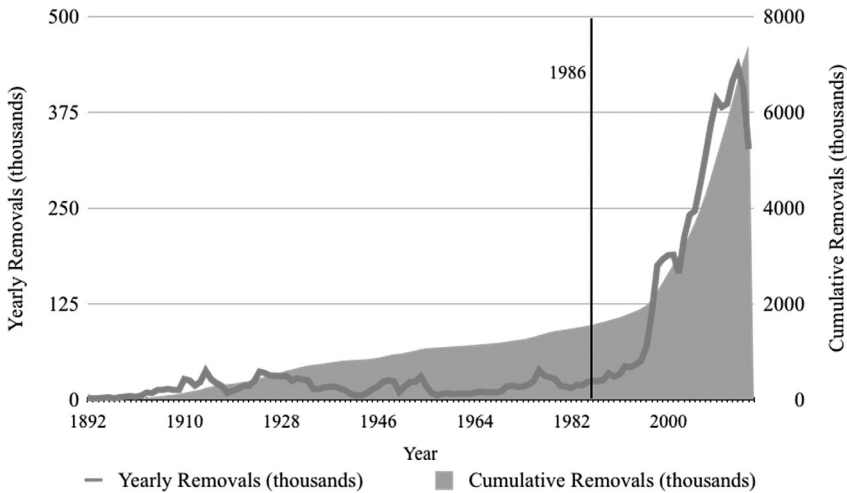
**Figure 1. Removals of Noncitizens from the United States, 1960–2015.**
*Source:* **Department of Homeland Security. 2016. "Table 39: Aliens Removed or Returned: Fiscal Years 1892 to 2015."**

Central America (Golash-Boza and Hondagneu-Sotelo 2013), in part reflects growth in the total number of immigrants living in the United States today relative to the close of the nineteenth century. But this recent proliferation is also tied to federal policies that have imported tools from criminal law into immigration law (see Stumpf 2006). These policies have made it so that undocumented status alone is no longer the clear marker of legal stratification among immigrants.[3]

Beginning in the 1980s, the US federal government made undocumented immigration a riskier endeavor. Among other measures, the 1986 Immigration Reform and Control Act increased funding for Mexico-US border security. Subsequent laws funded the hiring of 10,000 Border Patrol officers and the purchase of military equipment for use at the southern border. Rather than dissuade undocumented immigrants from moving to the country, these policies discouraged them from leaving (Massey et al. 2016). This change also had consequences for documented immigrants. In one survey of Mexican migrants, 46 percent of households with at least one documented member who settled in the United States also had an undocumented member (Massey et al. 2002). As Massey et al. (2016: 1558) summarize, border securitization transformed "what had been a circular flow of male

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[3] Small numbers of noncitizens were expelled from the United States prior to 1892, but no formal statute governing removal or deportation existed in US immigration law until 1892 (see Chacón 2014).

workers going to three states into a settled population of [mixed-status] families living in 50 states." By 2015, two-thirds of adult undocumented immigrants had lived in the country longer than 10 years (Krogstad et al. 2019).

During the same time period, the federal government weakened protections afforded to documented immigrants. Immigrants able to naturalize to become US citizens remained entitled to the same rights and privileges as US-born citizens,[4] but this was not true for multiple categories of documented immigrants with increasingly temporary legal statuses (e.g., temporary workers or beneficiaries of Temporary Protected Status) (Massey and Bartley 2005; National Academies of Sciences 2015). Documented immigrants also shared undocumented immigrants' vulnerability to deportation.[5] This shared vulnerability compounded throughout the 1990s and 2000s, with policy changes making it easier to fall out of a legal status—through requiring more frequent renewals, expensive legal fees, and confusing rules governing specific statuses—than to fall into one (see Menjívar 2006: p. 1000 for a detailed example). The result is a widening gulf in the rights and privileges afforded to citizens relative to noncitizens (Joseph 2018), and a convergence in the restrictions and penalties imposed on documented and undocumented immigrants (Asad 2017).

The compounded vulnerabilities that documented and undocumented immigrants shared coincided with expanded federal and subnational efforts to surveil, detain, and deport these individuals (for a full review, see Armenta 2017). Although three-quarters of immigrants reside in the United States with authorization, a majority of Americans is unaware of this reality (Doherty et al. 2018; Flores and Schachter 2018). A Latino threat narrative promulgated by self-interested politicians, immigration officials, and media elites shaped public opinion toward support of greater regulation of immigrants in their local communities (Massey et al. 2016; Pickett 2016). Through a number of policies and programs, such as 287(g) Memoranda of Agreement, Secure Communities, and the Priority Enforcement Program, federal and state and local law enforcement began cooperating to detain and deport noncitizens (see Armenta 2017; Asad and Rosen 2019).[6] These programs

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[4] Naturalized citizens may be subject to deportation if they falsify information on their naturalization application, refuse to testify before Congress, join a subversive group within 5 years of becoming a citizen, or are dishonorably discharged from the military before serving 5 years.

[5] Documented immigrants have always been removable. What is remarkable about reforms since the mid-1980s is the dramatic expansion of the conditions under which these immigrants could be removed.

[6] I consider changes to the landscape of the federal immigration regime since 2015 in the conclusion.

allow for greater data sharing across federal and subnational law enforcement, laying a foundation for the apprehension and deportation of immigrants throughout the country (Coleman 2007; Jain 2019; Moinester 2018).

Expanded deportability overlapped with new limits on judicial review and noncitizens' due process rights (see Asad 2019, Ryo 2018 for a review). The 1988 Immigration and Naturalization Act required the deportation of any noncitizen convicted of an "aggravated felony"—here, murder and drug or firearms trafficking (National Academies of Sciences 2015: 72). Another change in 1990 eliminated the long-standing authority of criminal judges to advise against the deportation of a noncitizen convicted of a crime (Fine 1997). In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act and the Anti-Terrorism and Effective Death Penalty Act expanded the aggravated felony category to include "any felony or misdemeanor [in criminal law] where the person is sentenced to at least one year in prison, regardless of whether the sentence is served or suspended" (Golash-Boza 2013: 206). Noncitizens ordered deported following an aggravated felony conviction face severe obstacles to societal inclusion, including bars to reentry and criminal penalties should they reenter the country prior to the expiration of their reentry bar.

## 2.2 System Avoidance in an Era of Mass Deportability

A burgeoning literature calls attention to how this widening deportation dragnet affects the everyday lives of "illegal" and "legal" noncitizens alike. One line of research examines noncitizens' fears of legibility to the punitive arm of the US immigration regime that processes deportations. This research tends to focus on undocumented immigrants, given their disproportionate vulnerability. Scholars have studied how deportation or its threat alter immigrants' sense of stability. Golash-Boza (2015: 4–5) draws on the accounts of deportees in their home countries to show the substantial fear and insecurity the undocumented experience in the United States—fears that become compounded after deportation (see also Kanstroom 2012). Even absent direct experience, deportability generates fear that regulates noncitizens (De Genova 2002). Coleman and Kocher (2011: 236) suggest the "incapacitating effects" of fear, or undocumented immigrants' "juridical and social deportation without territorial expulsion." In other words, the enactment of punitive policies can bring about undocumented immigrants' "progressive exclusion…from 'normal' spaces and societal institutions" (Menjívar and Abrego 2012: 1391). This exclusion has intergenerational consequences, limiting the

material and social well-being of all children—including US citizens—born to undocumented parents (Bean et al. 2015).

Other research focuses on how noncitizens perceive their relationship with the US immigration regime's bureaucratic arm, which manages legalization and legal status. Inclusion in the bureaucratic arm can develop noncitizens' sense of stability (e.g., Hagan 1994). Through their ongoing interactions with institutions, actors, or activities related to immigration law, legalizing noncitizens learn to craft applications that demonstrate they are "deserving" of a place in US society (see, e.g., Coutin 2003). Menjívar and Lakhani (2016) reveal that noncitizens can also transform their lives in ways that endure beyond legalization, "not out of fear of deportation per se…but in hopes of inclusion, of being considered as deserving of membership and accepted as legitimate members of society" (p. 1823). The undocumented are not expected to experience these transformations given their limited recourse to legal status (see Abrego 2011, c.f. Andrews 2018, García 2019). When a rare legalization opportunity manifests, researchers often conclude that "legal immigration status" helps noncitizens and their families overcome societal exclusion (e.g., Gonzales 2015: 15, 180). Yet, at least ten percent of all deportations between 1997 and 2007 were of lawful permanent residents (Human Rights Watch 2009).

Both strands of research presuppose undocumented and documented immigrants' prior involvement with the US immigration regime to make claims about whether and how deportation fears manifest in everyday life. According to this research, the undocumented fear deportation by virtue of their precarious status, but the documented need not because of their relatively-stable status. This reasoning is consonant with studies of system avoidance, which investigate how criminal-justice involvement impacts individuals' relationships with other record-keeping institutions such as schools and hospitals (Brayne 2014; Goffman 2009; Haskins and Jacobsen 2017) in ways that limit their families' involvement in these institutions as well (Fong 2019; Haskins and Jacobsen 2017; Lageson 2016). Simply stated, people who have come in contact with the criminal-justice system are more likely to avoid other record-keeping systems. Scholars have suggested that system avoidance may also operate among noncitizens—namely, the undocumented. As Goffman (2009: 336) concludes in her study of an over-policed, majority-black neighborhood in Philadelphia: "[W]e might compare ghetto residents to other…people who qualify for some sanction and who are trying to avoid it: [such as] undocumented immigrants who are at risk of being deported." Brayne (2014: 387), in her analysis of two national datasets with information on individuals' criminal-justice contacts

but without information on legal status, extrapolates that "undocumented immigrants…[may also be] likely to engage in institutional evasion." In the case of undocumented immigrants, system avoidance theory predicts that an initial contact with the punitive arm of the US immigration regime begets fear and ultimately triggers these individuals' future avoidance of other record-keeping systems. In the case of documented immigrants, the theory tacitly suggests that these individuals' bureaucratic involvement should obviate any possibility of institutional evasion emanating from the fear of deportation.

The preceding review points to limitations of theoretical frameworks focused on the relationship between a binary outcome of system involvement or noninvolvement and fear. Prior punitive involvement with the criminal-justice system (or the US immigration regime) is a fundamental assumption of the system avoidance theory. Yet, even though more than 5 million deportations occurred between 1986 and 2015, the vast majority of noncitizens have never been apprehended or deported. Of these noncitizens, some are undocumented and others are documented. Since most undocumented immigrants have no recourse to legal status, they may never become legible to the bureaucratic arm of the federal immigration regime either. In contrast, even though relatively-few documented immigrants become legible to the regime's punitive arm, all are known to its bureaucratic arm since they have legalized. They may thus be punished should they violate their legal status terms. I offer the concept of system embeddedness to account for the varying perceptions of risks noncitizens may report regarding their perceived legibility to the US immigration regime—even absent prior punitive experiences with other social control institutions that might otherwise be thought to trigger their system avoidance.

### 2.3  System Embeddedness: The Risk of Perceived Legibility to the US Immigration Regime

System embeddedness—perceived legibility to a formal, record-keeping institution—is a mechanism through which visibility to the US immigration regime can come to entail risk, and invisibility safety. I take risk to mean how a system—in this case, the US immigration regime—represents the cause of possible damage—in this case, deportation—for individuals navigating uncertainty (Japp and Kusche 2008: 88). Legal status is a "master status" (Gonzales 2015: 15, but see Enriquez 2017), limiting the rights and privileges available to undocumented relative to documented immigrants. But documentation does not insulate "legal" immigrants from deportation, particularly when perceived legibility to the

bureaucratic side of the US immigration regime is thought to make legibility to the regime's punitive side more likely.

Legalizing and legalized noncitizens adjust their behaviors in ways aligned with their beliefs about the law (Abarca and Coutin 2018; Menjívar and Lakhani 2016). System embeddedness considers how ostensibly "good" types of regime involvement can represent pathways to surveillance and punishment for subordinated populations. Accordingly, the concept reveals meanings that subordinated populations attach to system legibility and illegibility. Resulting perceptions of risk can vary according to individual, relational, contextual, and media considerations. For example, undocumented immigrants may not fear deportation in daily life but may become fearful when considering whether to take part in a rare legalization opportunity. A lawful permanent resident may likewise generally feel stable in the country but fear their own deportation when seeing media reports of changes to regulations governing legal status (e.g., Hagan et al. 2003; Watson 2013). In this way, legalization and legal status may be rife with uncertainty (Luhmann 1993: 19ff) for some noncitizens hoping to avoid deportation (Gomberg-Muñoz 2016; Hallett 2014; Jacobs 2019). If such perceptions spread, immigrants may seek to minimize system legibility by forgoing opportunities to legalize, impacting their US-citizen children in the form of restricted economic and social well-being (Bean et al. 2015).

Immigrant bureaucratic incorporation occurs at many levels of government (i.e., federal, state, and local; see Marrow 2009) and across different systems (e.g., immigration, criminal justice, welfare). This article focuses on three forms of system embeddedness emanating from or relating to the US immigration regime: (1) the risk of perceived legibility to its punitive arm; (2) the risk of perceived legibility to its bureaucratic arm; and (3) the risk of perceived illegibility to both arms. These types are likely not exhaustive and may sometimes work in combination. Nor do they preclude different manifestations of embeddedness in systems beyond the US immigration regime. These forms of embeddedness nonetheless offer a starting point for understanding how immigrants relate multiple forms of perceived legibility to the US immigration regime and deportability.

## 3. Studying Noncitizens' Range of Deportation Risk Perceptions

### 3.1 Data

Data come from interviews with 50 Latin American immigrants in Dallas County, Texas (hereafter "Dallas"). The interviews

are part of a larger study, called *How Parents House Kids* (HPHK), which is designed to understand why families with young children live where they do (see Harvey et al. 2019). To produce a racially- and socioeconomically-diverse sample, HPHK randomly selected addresses from a stratified random sample of low- (<$25 K), middle- ($25 K to $50 K), and high-income (>$50 K) census block groups with majority-white, −black, and −Hispanic residents. Eligible households contained children between ages three and eight. Members of the research team visited each selected address in each block group to determine households' study eligibility and to recruit the children's primary caregiver(s) for an interview. In total, after eliminating addresses where residents were ineligible for the study (i.e., those that were vacant or did not contain young children), HPHK's response rate for first-round interviews was 80.2 percent.

In recruiting study participants directly from their residential neighborhoods, the HPHK sample helps uncover a broader range of risk perceptions regarding system legibility and deportability than might otherwise be available via other recruitment approaches. A primary goal of interview-based studies is to sample for range (Small 2009). Research on the US immigration regime often recruits hard-to-find noncitizens from settings such as churches, community-based organizations, detention centers, and legal aid clinics. Though important for studying individuals and families navigating these institutions, this strategy may miss the range of noncitizen types that could provide comparison cases useful for uncovering diversity in noncitizens' risk perceptions. For example, undocumented immigrants with connections to community-based organizations are more likely to apply for and receive a number of "legal" statuses (Gonzales et al. 2014; Hagan and Baker 1993; Wong and García 2016). In contrast, HPHK recruits households from their residential contexts. The resulting sample, summarized in Table 1, is not representative of Latino families in Dallas County. Nevertheless, of the 36 Latino households HPHK interviewed, 28 contained at least one person born outside the United States to noncitizen parents. I focus in this article on the 27 households containing at least one noncitizen respondent. Among all respondents, 32 are undocumented and 18 are documented.[7] Thirteen report having been detained or deported for immigration-related offenses. This sample thus offers an important

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[7] Seven respondents hold a liminal status (i.e., a temporary visa or discretionary-based status) and eleven are legalized (i.e., a lawful permanent resident, commonly known as a green card holder). I group them to recognize their shared temporariness (see Menjívar 2006).

**Table 1.** Demographic and Immigration Characteristics of 50 Undocumented and Documented Noncitizen Respondents in 27 Latin American Households in Dallas County, Texas, 2015

|  | All Noncitizen Respondents | Undocumented Respondents | Documented Respondents |
|---|---|---|---|
| Number of Respondents | 50 | 32 | 18 |
| Number of Households | 27 | 19 | 12 |
| *Demographic Characteristics* | | | |
| Age | | | |
|   Range | 22–75 | 22–44 | 22–75 |
|   Median | 36 | 36 | 38 |
| Sex | | | |
|   Female | 27 | 18 | 9 |
|   Male | 23 | 14 | 9 |
| Marital Status | | | |
|   Married | 26 | 16 | 10 |
|   Unmarried Partner | 15 | 11 | 4 |
|   No Romantic Partner | 9 | 5 | 4 |
| Number of Children | | | |
|   Range | 0–10 | 1–5 | 0–10 |
|   Median | 3 | 3 | 3 |
| Employed | 40 | 25 | 15 |
| Household Income (2015) | | | |
|   Median | $30,000 | $29,120 | $35,000 |
| Educational Attainment | | | |
|   Less than High School | 30 | 20 | 10 |
|   High School Graduate | 16 | 11 | 5 |
|   Some College | 3 | 1 | 2 |
|   College Graduate | 1 | 0 | 1 |
| *Immigration Characteristics* | | | |
| Year of First Migration | | | |
|   Range | 1974–2007 | 1987–2007 | 1974–2005 |
|   Median | 1998 | 1999 | 2000 |
| Year of Last Migration | | | |
|   Range | 1976–2015 | 1992–2007 | 1976–2015 |
|   Mean | 2001 | 2001 | 2002 |
| Number of Trips to the United States | | | |
|   Range | 1–20 | 1–6 | 1–20 |
|   Mean | 2 | 1 | 3 |
| Country of Origin | | | |
|   Mexico | 46 | 31 | 15 |
|   Guatemala | 2 | 0 | 2 |
|   Honduras | 1 | 0 | 1 |
|   El Salvador | 1 | 1 | 0 |
| Mixed-Status Household | 50 | 32 | 18 |
| Ever Detained or Deported | 13 | 9 | 4 |

*Source:* Author's tabulations of 2015 interview data. All values are counts unless otherwise indicated.

window into how a diverse sample of noncitizens relates system legibility and deportability.

The sample contains only families with young children, one segment of the immigrant population for whom the threat of deportation is most unrelenting (Donato and Armenta 2011). Foucault (1991 [1978]) notes children are one tool the state uses to discipline parents. That all respondents are parents is an opportunity for a sharper analysis. Parenthood should make all respondents—regardless of legal status—more afraid of deportation, not less. Diversity in risk perceptions would suggest that something beyond parental status underlies these assessments.

I conducted most of the semi-structured interviews with the adult respondents included in this article myself, primarily in Spanish, between 2013 and 2015.[8] Interviews in 2013 asked for respondents to narrate their entire life history, as well as their residential history and experiences with housing units, neighborhoods, and schools. After the discovery that most of the sampled Latino households contained at least one immigrant parent, interviews in 2014 added questions about nativity. Finally, interviews in 2015 inquired about system involvement, avoidance, and deportability. This multi-year interview strategy allows researchers "to ask provocative personal questions" of their respondents, who grow to trust the researcher more over time and are therefore more likely to provide "thoughtful, serious answers" to sensitive topics (Bourgois 2003: 13; see also Dreby 2010; Gonzales 2015). Despite potential difficulty in retaining this study population, all 27 households included in this article participated in a baseline interview and at least one follow-up interview; 15 have three interviews. Field notes interviewers wrote at the end of each interview, which averaged 2.5 hours, summarized emergent themes. All interviews were audio recorded and professionally transcribed and translated into English. I checked in with respondents via telephone between waves to keep their contact information current and to express my continued interest in learning from their experiences. Respondents were offered $50 for each interview.

As the US-born son of Middle Eastern immigrants who naturalized long ago, I might be considered what Chávez (2013: 475) calls a "partial insider," sharing only some identities with respondents. I did not disclose many personal details, but respondents often assumed that I was Latino because of my ethnically-ambiguous physical features and/or Spanish-language fluency. This assumption generally worked to my benefit, with many viewing the study as a chance to teach a US-born Latino about their lives. However, two of the three Latino families that declined to participate reported doing so because they thought I was party to a spate of robberies in their neighborhood that began like our recruitment strategy—with a knock on the door from, allegedly, a Latino-looking man. The third refusal resulted from our team's persistence in scheduling an interview; the respondent simply did not believe her life interesting enough to warrant our desire to interview her. Although these respondents did not mention fear of the US immigration regime, the study still may not capture the most risk-averse individuals.

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[8] Two other researchers, one African-American female (2013) and one Mexican-American male (2014), conducted the other interviews. No differences in the character or quality of the data gleaned across interviewers are apparent in the interviews.

### 3.2   Analysis

The findings emerge from an iterative coding process (see Deterding and Waters 2018). I read through all interview transcripts and coded for any mention of involvement with the federal immigration regime, such as visa applications or experiences with detention and deportation. After discovering that respondents sometimes reported feeling insulated from the threat of deportation, I developed secondary codes to capture these unexpected perspectives. During this second coding stage, I focused on how respondents interpreted their life situations in relation to the federal immigration regime, as well as their reported responses to it. I then coded instances when respondents' perceptions of the US immigration regime aligned or diverged with the statistical risk of deportation normally associated with the legal status they held. Finally, I examined all codes by respondents' legal status, demographics (e.g., age, sex, and income), and neighborhood characteristics (e.g., racial composition and median household income) in order to assess the contextual conditions linking system involvement, avoidance, and deportability. Here, I report on a limited number of cases that illustrate the themes identified in the full analysis. The findings reveal how perceived legibility to the US immigration regime relates to deportability.

## 4.   Dallas County, TX as an Ambivalent Policy Context for Latin American Immigrants

No one place can represent all others (Small 2009). The federal government manages the policies and practices governing legal status and deportation. State and local policies regulate immigrants' daily lives, including through decisions about how localities will cooperate with federal law enforcement (García 2019; Williamson 2018). In this multilayered landscape, place matters for how immigrants perceive the risk of deportation (De Trinidad Young and Wallace 2019). What "legality" or "illegality" means to any individual immigrant likely depends on the architecture of federal, state, and local policies in their everyday social contexts.

The site for this research—Dallas, Texas—is an important case for examining how Latin American immigrants perceive the relationship between system legibility and deportability. Although fieldwork across contexts might have permitted analysis of the regime's more diffuse effects, this article's interest lies in identifying a range of risk perceptions among a sample of Latin American families exposed to the same configuration of federal, state, and local policies. Focusing on one site allows for a more

straightforward analysis of any relationship—real or perceived— between (il)legibility to the US immigration regime and deportability.

Notwithstanding the federal trend toward crimmigration since the mid-1980s, state-level conditions may also shape immigrants' beliefs about the relationship between legibility to the US immigration regime and deportability. In Texas, state politics and policies lean negative in their stance toward the 4.4 million immigrants, most from Latin America,[9] who make up 17 percent of the state population. The state's anti-immigrant climate likely affects how Latin American immigrants view their relationship to the federal immigration regime. For example, Texas Governor Greg Abbott has worked to outlaw sanctuary cities in an attempt to enhance cooperation between federal immigration authorities and subnational law enforcement. Routine activities like driving take on added risk against this backdrop because Texas does not allow its undocumented residents to hold a driver's license.[10] Texas Attorney General Ken Paxton, meanwhile, is responsible for defeating President Barack Obama's executive action that would have granted the state's undocumented (and mostly-Latin American) parents of US citizens reprieve from deportation.[11] The state's stance in favor of policing immigrants and against temporary protections from deportation may lead respondents to view even positive forms of legibility to the federal immigration regime (e.g., legal status) as a source of risk.

Conditions at the local level may further amplify or inhibit the relationships immigrants perceive between their legibility to the US immigration regime and their risk of deportation. On the one hand, living in Dallas may reduce any perceived deportation risk. The county falls outside the 100-mile border zone where Customs and Border Protection officials may detain individuals they "reasonably suspect" are in violation of immigration law (Coleman 2007). Dallas' sheriff during the period of fieldwork, Lupe Valdez, vociferously opposed state-level ordinances requiring her to detain immigrants accused of minor offenses (Asad and Rosen 2019). The large population of Latin American immigrants, coupled with an established population of US-born Hispanics (Jiménez 2010), may represent an additional source of protection;

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[9] *Source:* Author's tabulations of 2015 American Community Survey (5-year estimates).

[10] DACA recipients in Texas are allowed to apply for a driver's license.

[11] Paxton lobbied President Trump to revoke a similar program for undocumented (and mostly-Latin American) youth after the conclusion of the fieldwork on which this article is based.

in a place like Dallas, to be Hispanic does not always mean to be an immigrant (Portes and Rumbaut 2006).

On the other hand, some localities within Dallas County reflect the state's hostility toward (Latin American) immigrants. The most notorious example is when the City Council of suburban Farmers Branch passed ordinances between 2006 and 2008 that prohibited landlords from renting to immigrants without a driver's license (see Brettell and Nibbs 2011 for a full review). These policies were ostensibly an effort to exclude undocumented immigrants from a white-majority suburb, although, as detailed elsewhere, they affected mixed-status households with undocumented, documented, and US-citizen family members (Asad and Rosen 2019). The policies were ultimately overturned in federal court, but there remains a strong perception among respondents that law enforcement in Farmers Branch and similarly wealthy and white-majority areas continues to hyper-surveil and -police anyone who appears to be of Hispanic descent. The generalized perception that subnational law enforcement works to exclude Latin American immigrants from communities throughout Dallas may increase immigrants' perceptions of the risk of deportation resulting from contact with nonfederal police (Coleman and Kocher 2011).

The state- and local-level conditions outlined above are hardly unique to Texas or Dallas. Latin American families are increasingly dispersing throughout the US interior (Hall 2013; Massey 2008) to localities with both new and long-standing Latino populations (e.g., Jiménez 2010). The multilevel system regulating immigrants' lives is a defining feature of the US immigration regime (Karoly and Perez-Arce 2016). Dallas County, Texas thus offers an important window into how perceived legibility to the US immigration regime enables or constrains immigrants' perceptions of the threat of deportation.

## 5. System Embeddedness: Perceived Regime Legibility and Deportability

US citizenship represents the strongest barrier to the statistical risk of deportation, undocumented status the weakest, with the various gradations of "legal" status falling somewhere in the middle. Among the 50 noncitizens in the sample, however, risk perceptions were more complicated than this statistical ordering would suggest. Undocumented immigrants recognized the precarity of their legal status, but they sometimes felt that their existence off the radar of the US immigration regime promotes their long-term presence in the country. Meanwhile, documented

immigrants perceived stability in their legal status, but they some-
times viewed their existence on the radar of the US immigration
regime as disadvantageous to their long-term presence in the
country. System embeddedness—perceived legibility to record-
keeping institutions—is one mechanism underlying this dynamic.
"Legal" and "illegal" respondents alike report experience with the
US immigration regime's punitive arm (that manages deporta-
tions); only respondents holding a "legal" status report experi-
ence with the regime's bureaucratic arm (that manages
legalization and legal status). Though noncitizens recognize their
vulnerability to deportation in ways aligned with their legal status,
they also view their prior experiences with the US immigration
regime as an independent source of risk.

### 5.1  Punitive Legibility: Detention, Deportation, and the Perceived Risk of Deportation

One way to be embedded in the formal records of the US
immigration regime is through its punitive arm. Extant research
often begins from this premise, outlining how one's history of
detention and deportation contributes to compounded forms of
disadvantage primarily for undocumented immigrants and their
documented or US-citizen family members (e.g., Theodore and
Habans 2016). I find a similar dynamic in this study among the
13 respondents—"legal" and "illegal"—with a record of punish-
ment from the US immigration regime: they describe near-
universal fears of a future deportation. Their perceived legibility
to the US immigration regime's punitive arm is one source of
these fears.

Sitting in his living room in 2015, I asked Eduardo whether
he feels secure in his presence in the United States as an undocu-
mented immigrant.[12] The 41-year-old Mexican national's
response underscores the almost-palpable uncertainty that many
undocumented immigrants face daily: "No. I know that one day
it's going to happen—that I'll be deported. God forbid, right? But
it's happened to a lot of people and you never know when it'll be
your turn."

Eduardo's sense of uncertainty arises not only from his undoc-
umented status but also from individual, relational, and contex-
tual considerations. At the individual level are his prior
encounters with law enforcement. The first occurred in 1995,
when Customs and Border Protection (CBP) officers
apprehended Eduardo upon entry near McAllen, Texas. Eduardo
was jailed for 2 days, photographed, fingerprinted, and deported.

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[12] All respondent names are pseudonyms.

He entered the United States the next day. Eduardo did not have another run-in with the law for 12 years, when he says local police pulled him over for rolling through a stop sign. The officer ran Eduardo's license plate through his computer, and in addition to receiving a citation for driving without a license, Eduardo was discovered to have a number of unpaid parking tickets. The officer arrested Eduardo, who spent 1 month in jail before being picked up by ICE officers and deported to Mexico: "The police is connected with *La Migra* [the U.S. immigration regime]. The news says no, but it's the truth. […] I've had friends who have been caught because they have unpaid tickets. […] I was deported too because I made a mistake [by not paying my tickets] and didn't have any documents."

Relational and contextual dynamics also underlie Eduardo's fears. He is not legally married to his partner of 3 years, nor is he the biological father or legal guardian to her three US-citizen children. Before the law, Eduardo is thus single and childless. Whereas his partner may be able to legalize when her eldest child turns 21, Eduardo's options are limited. In addition, Eduardo worries about landing in prison should he be captured again; under current statute, it is a federal crime to re-enter the United States unlawfully following an initial removal. He nonetheless explained his belief that, by living cautiously, he can avoid another deportation: "Just go from your home to your job, from your job to your home. […] I haven't seen *La Migra* around here. And I don't want to see them" (see also Andrews 2018; García 2019; Prieto 2018).

Eduardo's fears of deportation extend to other record-keeping institutions that Eduardo believes might put him on the radar of law enforcement. For example, after having already been jailed for unpaid parking tickets, Eduardo fears he will be deported should he ever return to the hospital—where he says he owes over $20,000 for an emergency gallstone surgery. "Thank God I haven't had to go again," Eduardo told me. "But I think the hospital won't even take me back. Your name comes up in their computers or something." Although immigration agents generally avoid hospitals so as to not to discourage immigrants from seeking essential health care services, Eduardo's fear of additional punishment outweighs this practical reality.[13]

The four documented respondents who report experience with the punitive arm of the federal immigration regime share

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[13] The DHS designates a number of "sensitive locations" where CBP and ICE enforcement actions against noncitizens are "generally avoided." This policy remains in effect as of December 2019. See: US Customs and Border Protection. 2016. "Sensitive Locations FAQs." Accessed online December 22, 2019. <https://bit.ly/2OpgoLe>

Eduardo's fears. In 2013, I learned the story of Javier, a 47-year-old lawful permanent resident arrested for driving while intoxicated in 2008. This was Javier's second offense, which makes it a misdemeanor under Texas criminal law.[14] He pleaded guilty to the charge in criminal court and was fined, placed on 2 years' probation, and sentenced to mandatory counseling at Alcoholics Anonymous. Javier complied with his sentence, but "ICE arrested him after those two years," his wife told me ruefully.

Though Javier's crime is only a misdemeanor with a maximum penalty of 1 year in jail, such a conviction can jeopardize even lawful permanent residents' stability in the United States.[15] Driving while intoxicated is not always a deportable offense, but Javier's conviction triggered a review in immigration court about whether he committed a crime of moral turpitude.[16] "They investigated everything," Javier recounted, including if he had been convicted of other crimes and whether his behavior in other spheres of life demonstrated "good moral character" (see Asad 2019; Ryo 2019).[17]

Javier and his family hired an immigration attorney to guide them through immigration court. The attorney told them that Javier would be pardoned only if they could establish his moral worthiness. The eldest of Javier's five children wrote a letter on behalf of his siblings in support of Javier, and the family solicited additional letters from Javier's employer, US-citizen friends, and the children's schoolteachers. Javier says these endorsements reflected well on him in immigration court: "The judge told me, 'A lot of people wrote to support you. Don't let them down.'" Once pardoned, Javier's attorney helped Javier to naturalize, itself a risky process characterized by thorough criminal background checks that can sometimes lead to an immigrant's unexpected deportation from the country (see Aptekar 2015). Javier's near-deportation lingers in his conscience even now as a naturalized citizen: "Things like this make people react, make them cautious to obey the law."

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[14] See Title 10, Chapter 49 of the Texas Penal Code.

[15] In the United States, deportation is not considered a "punishment" but rather a civil penalty for violating the Immigration and Nationality Act.

[16] A crime of moral turpitude is a behavior "that shocks the public conscience as being inherently base, vile, or depraved, contrary to the rules of morality and the duties owed between man and man, either one's fellow man or society in general" (Board of Immigration Appeals 1988).

[17] The Immigration and Nationality Act defines good moral character as "character which measures up to the standards of average citizens of the community in which the applicant resides." See 8 CFR 316.10(a)(2).

## 5.2    Bureaucratic Legibility: "Legality" and the Perceived Risk of Deportation

Another way to be embedded in the formal records of the US immigration regime is through the bureaucratic arm that manages legalization and legal status. Despite the "legal" statuses that pose less statistical risk of deportation than that faced by undocumented immigrants, the 18 documented respondents in this study sometimes believe themselves especially vulnerable. Even absent prior punitive experiences with other social control institutions such as the criminal-justice system, these respondents identify their legal status as placing them "on the radar" of the US immigration regime. They thus view themselves as subject to ongoing surveillance from an unpredictable US immigration regime, and their deportation as all but inevitable.

Take the case of Marina, a 25-year-old mother of three young daughters. She entered the United States undocumented from Mexico at the age of 15. She remained in that status for several years but applied for and ultimately received a permit from President Barack Obama's Deferred Action for Childhood Arrivals (DACA) program in 2012. DACA grants work authorization and temporary reprieve from deportation to eligible undocumented immigrants who plead guilty to having entered the country unlawfully. DACA is associated with improvements in the economic, social, and psychological well-being of recipients relative to nonrecipients (Gonzales et al. 2014; Patler and Pirtle 2018). Yet, prior to Donald Trump's election and the growing uncertainty surrounding his eventual revocation of DACA (Patler et al. 2019), Marina reported in 2015 having felt more secure without DACA protections than with them. Presciently, she describes an unpredictable political landscape as informing her perceptions: "This is something temporary. You never know, they may take it back. Then you'll go back to being just like the other millions of [undocumented] people." The fear Marina describes manifests in spite of her awareness of some of DACA's benefits: "The key benefit is my tax refund. I receive a lot more money back. […] Secondly, it's also easier to find work. You have a valid social security number." Marina did not mention reprieve from deportation as a "key benefit" of DACA.

Despite her DACAmented status at the time of our 2015 interview, Marina describes herself as having been "indifferent" about signing up for DACA, stemming in part from her belief that she "could live like anyone else" in Dallas while undocumented: "I did the normal routine. Went to work, drove, ate out at restaurants sometimes. Went to the market. […] It was as if nothing was up all the time. You could live like anyone else." This belief was

particularly the case for Marina within Dallas, where "you can enjoy many things": "In this city, there are many things to go see. They are not going to close the door just because you are illegal. They don't tell you illegals aren't allowed when you are paying. No one has to know that you aren't legal." The potential of leaving Dallas, however, entailed some fear for Marina: "You worry about not having documents when you want to travel to a different place. For example, you want to visit some place and you have this fear." She recounted how she and her husband had wanted to visit San Antonio but, because it fell within 100 miles of the Mexico-US border, they feared that they would run into an immigration checkpoint and be deported. Remaining within Dallas kept them safe, they believed (see Coleman and Kocher 2011).

Marina's parents and husband nonetheless encouraged her to enroll in DACA because they viewed it as a rare opportunity to "legalize."[18] Marina gathered documents demonstrating her eligibility for DACA, including medical and school records as well as tax filings. Although these documents help legalizing immigrants to "speak back to the state" by demonstrating a record of their positive contributions to US society (e.g., Abarca and Coutin 2018; Menjívar and Lakhani 2016), collecting and delivering this paper trail to the US immigration regime also makes visible immigrants who previously strived to limit their visibility. Marina shared this sentiment in an interview in 2015, outlining how she believed her DACA enrollment makes her subject to government surveillance and deportation, perhaps more so than when she was undocumented. Of particular concern to Marina is the data sharing she notes between federal and nonfederal law enforcement that could lead to her deportation for even minor offenses:

> You have to live cautiously. Whatever mistake you make, you end up tagged in the system. If you're driving and you get a ticket, you have to pay it. If you don't pay, you could then get arrested. That could lead to deportation. One way or another they are going to try and find a way to get rid of us. You always need to be aware of what you do and any infractions that may happen. My only advice is to live cautiously.

Marina surrendered her perceived invisibility to the federal immigration regime when she applied for DACA, a program with an uncertain future at the time of this writing. Marina's fears of

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[18] DACA is not technically a "legal status." It a legal "gray zone" that is neither documented nor undocumented and similar to what Menjívar (2006) describes in her study of immigrants holding temporary protected status.

visibility to the US immigration regime are therefore not likely to dissipate.

Araceli, a 29-year-old mother of two from Mexico, likewise reports fears stemming from her perceived legibility to the US immigration regime's bureaucratic arm. She entered the United States at the age of eight in 1994 with a tourist visa that she later overstayed. In 2012, Araceli became a DACA beneficiary. Like Marina, Araceli understood the material benefits of DACA once she applied, but she was initially uncertain about participating. She hired an attorney for $1500 to guide her through the application process because she did not trust an US immigration regime that has disproportionately swept her co-nationals into its punitive arm:

> As a Mexican, you feel more suspicious about everything. Maybe because that has been our fate in this life. I don't know. At least that's my opinion. I feel suspicious about everything. I was not going to make such a strong move and go to the Immigration Office and say, "Hey, I'm here!" Just me all by myself. Because I think that you can. […] But I didn't want to send all my information to *La Migra* and have them find a mistake or something like that and, because of that mistake, I would receive my deportation notice and this is over.

Fear of approaching the federal immigration bureaucracy can have serious consequences. Araceli probably understood better than most respondents the importance of US citizenship for promoting immigrants' sense of stability in the country. Her father, who had lived and worked in the United States as an undocumented farm worker, had reportedly been eligible to apply for citizenship through a 1986 amnesty that ultimately would have extended to his children. But, uncertain about subjecting his family to the "difficult life" that living in the United States can entail, he did not to apply: "For him, living in the United States was not life for a Mexican. But where are his children now? He was a fool. My brother and I still do not forgive him for that. He should have applied for citizenship anyway." Holding a tenuous DACA status, Araceli does not see recourse to legalization going forward.

Lawful permanent residents in the study also perceive their legibility to the federal immigration bureaucracy as a source of risk. I first met 43-year-old Yajaira in 2013. Her husband had spent years working undocumented in the United States but legalized following the 1986 amnesty. Lacking the resources to legalize Yajaira, he paid a *coyote* to facilitate her clandestine passage into the country. Yajaira would spend more than a decade undocumented. Now a lawful permanent resident, she believes she led a

more "peaceful" life while undocumented. She describes fears stemming from her perceived legibility to the federal immigration bureaucracy:

> I didn't feel I was so worried before getting my residency. It was normal. I see that [the undocumented] live more peaceful lives than me. [T]hey have more advantages than me, a resident, because I take a minute and think, "If I try to cheat, it'll appear in the system and *La Migra* will take my residency away." […] But they don't think about it. They can do whatever. Why? Because they don't care, they can't be investigated—they have no social security number.

A primary source of Yajaira's worries is her perceived legibility to the regime's bureaucratic arm. She warns that documented immigrants "shouldn't drink, shouldn't be heading in the wrong direction because you know all of that will appear in their system. The first thing they are going to check is whether you have a bad record or not." For Yajaira, the federal immigration bureaucracy is a record-keeping body actively searching for reasons to punish those inside it.

The threat of punishment emanating from Latin American immigrants' embeddedness in the federal immigration bureaucracy can have negative consequences. Yajaira describes how some legalized immigrants, such as her cousin, have let their documents expire in order to regain some degree of perceived illegibility to the US immigration regime. One of Yajaira's nephews, meanwhile, has overstayed his H2B visa for agricultural work so that he may continue working with his US-based employer. Despite the perceived sense of illegibility that Yajaira's relatives may gain from "opting out" of legal status, Yajaira notes how neither can truly do so. Detailed records live on in the federal immigration regime even when someone has fallen out of status: "Who knows what's going to happen to them? Maybe if some new amnesty is implemented…they won't be able to do it because they are already in the system…. People think, 'No, but *La Migra* doesn't know anything.' But they know everything. They get into the system and they know everything because it appears there in the record."

Perceived legibility to the bureaucratic arm of the US immigration regime represents a source of risk among documented immigrants who initially entered the country lawfully as well. Consider the case of Luisa, a 56-year-old lawful permanent resident from Mexico, who did not join her husband in the United States until she could do so with documents. Her husband, Pancho, benefitted from the 1986 amnesty, after which he successfully

petitioned for his family to enter the country. "It took years," Luisa told me in 2015, "but in 1996 we came here and joined him." Luisa was willing to wait because, in contrast to most other respondents at the time of their first US migration, she was already a parent to six children: "How can you come [undocumented] with six children to the United States? I wasn't going to leave them over there either." Despite having entered the country as a legalized immigrant, Luisa reports fears similar to those of the documented respondents who entered undocumented. She identifies her perceived legibility to the federal immigration bureaucracy as a primary source of risk: "You have to follow the law. You have to behave yourself if you don't want anything bad to happen to you." Asked to clarify this point, Luisa explained the government "has all the papers about you…and they have your fingerprints. You have to follow the law. You have to or you will get caught, and they'll take you and send you back to where you came from."

### 5.3   Illegibility to the US Immigration Regime: Undocumented and Unknown?

The fears of "legal" and "illegal" immigrants who had previously been detained or deported and those of "legal" immigrants with no reported record of punishment overlap. All view themselves as embedded in the formal records of the US immigration regime and facing stiff penalties should they be deemed to violate the law. The only respondents who perceive themselves to be outside the formal records of the US immigration regime are those who are undocumented and who report never having been apprehended or detained for immigration-related reasons. The experiences of these 23 respondents reveal how perceived legibility to the US immigration regime can be so fraught with risk that it discourages pursuit of rare legalization opportunities.

During our third interview in 2015, I asked a 29-year-old Mexican mother of two named Josefina when she worries about deportation. She did not hesitate to challenge the premise of my question: "Why would I have to worry about that?" She explained that, because "I don't know *La Migra* and *La Migra* doesn't know me," she need not worry.

I admitted my surprise to Josefina. After all, reliable national surveys of undocumented Latinos point to these individuals' fears of deportation (see Lopez and Rohal 2017). Josefina understood that her status as an undocumented immigrant limits access to resources useful for mobility in the United States, such as a well-paying job, a driver's license, and health insurance. She nonetheless views herself as living a "normal" life: "I do all the normal

things. I hadn't really thought about it [deportation] until just now. I am never thinking that, if I go out, I'll never come back…."

Several factors help to explain Josefina's beliefs about her risk of deportation. At the individual level is her lack of experience with the US immigration regime's punitive arm. Josefina says *La Migra* did not apprehend her when she entered the country in 2005, and she has not noticed them in Dallas since. As years have passed, Josefina has adopted, and expects to maintain, the "good" behaviors she believes will keep her out of trouble—such as being cautious or driving carefully—noted in previous research (Andrews 2018; García 2019).

At a relational level, Josefina's extensive network of family and friends represent a source of safety for her. News reports about parents separated from their children do give Josefina pause, but her parents, her partner, and her children's US-citizen godparents reassure Josefina that her children would be provided for in the event of her untimely deportation.

Features of her local context also contribute to Josefina's perception of risk. When her partner considered moving to Virginia in 2014, Josefina rejected the idea. She explained she feels "safe" in her predominantly-Hispanic neighborhood and does not want to risk moving: "[My partner] says that they are stricter over there [in Virginia]—*La Migra* and all of that. […] We're also used to Dallas, so we don't have to have that fear of getting to know a new place." The punitive US immigration regime anchors Josefina and her family in place out of fear of moving to a new place with a potentially different context of immigration enforcement (as in Coleman and Kocher 2011: 236).

Although Josefina's perceived illegibility to the US immigration regime represents a source of safety from deportation, this perceived safety comes at a cost. For example, though Josefina says she was eligible for DACA, which would have granted her work authorization and temporary reprieve from deportation, she believed that DACA is "something that's not for me" and decided not to apply. Her response underscores how legibility to a punitive federal immigration regime can represent a pathway to surveillance and deportation: "For us Mexicans, the point is not getting caught. Why would I let *La Migra* find us?"

Other undocumented respondents report a similar feeling of insulation from deportability by virtue of their perceived lack of system embeddedness. Like Josefina, a 44-year-old mother of three named Adriana says she does not "know *La Migra*, except for what they show on the news." Officials did not apprehend her when she entered the country in 1995, nor has Adriana seen *La Migra* in her majority-Hispanic neighborhood since she settled in

it over 20 years ago. For Adriana, life in Dallas is akin to life back home, though she recognizes the constraints associated with lacking documentation: "It's like being in Mexico, but we don't have permission to work here because we don't have papers."

Adriana's perceived illegibility to the federal immigration regime is a primary factor underlying her viewpoint. When we spoke in 2015, Adriana's eldest son had just turned 18. As a US citizen, her son may sponsor his mother for a green card when he turns 21; Adriana believed 18 was the minimum age. Adriana wanted to call US Citizenship and Immigration Services (USCIS), the federal agency that processes legalization applications, to inquire about her eligibility but hesitated: "[W]hat if I'm wrong [about my eligibility] and they find out about me being undocumented?" Adriana's 16-year-old, US-citizen daughter offered to call USCIS, but Adriana feared becoming legible to the US immigration regime: "I told her, 'No, I'm too scared to call. They can figure out I'm here and take me away.' She says she doesn't think they can do that since we're not going to give them all my information, but I don't know."

Adriana's main concern is a requirement of US immigration law that stipulates that immigrants who enter the country undocumented but then apply to legalize must return to their home country.[19] After more than two decades in the United States without being deported, however, Adriana questions whether she should make herself known to USCIS and risk this form of "deportation." If she were ineligible for a green card, then Adriana believes she would have identified herself unnecessarily to USCIS and subjected herself to their surveillance and punishment. Although Adriana is likely not yet eligible for legalization, the uncertainty she perceives surrounding the process may keep her in an undocumented status going forward.

For some undocumented respondents, the costs of perceived legibility to the federal immigration bureaucracy outweigh the potential benefits. Pedro, a 42-year-old undocumented immigrant from Mexico and father to four US-citizen children, declared in our third interview: "I do not have to be afraid of being deported just because I'm undocumented." He was not apprehended when he entered the country via airplane in 1989. Once settled with his aunt and four brothers in Dallas, Pedro started work in construction. Though he has seen news reports that justify why some undocumented immigrants might fear deportation, these stories do not resonate with his experiences: "I don't know, maybe it's

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[19] See 212(a)(9)(B) of the Immigration and Nationality Act.

because I haven't noticed them, but I haven't seen *La Migra* since I've been here."

Pedro nonetheless worries about his perceived legibility to the US immigration regime. He reports having been eligible for Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), a program similar to DACA but for undocumented parents. A federal district court in Texas blocked DAPA in 2015, and the program was rescinded 2 years later. Pedro interprets the program's demise as a "good thing," viewing it as a surveillance tool: "I think *La Migra* is trying to check us out. […] They're trying to get their census of us." Pedro's perceived lack of system embeddedness represents a source of safety for him: "We're not registered to the government. […] But I behave and follow the rules and don't cause trouble. As long as I keep doing that, no, I don't have papers, and I don't need them." But if evidence of the outcomes of DACA recipients relative to nonrecipients is any indication (Gonzales et al. 2014), the fear Pedro associates with legibility to the US immigration regime may hinder his life chances.

Uncertainty about approaching a government institution seemingly unaware of one's presence can have a chilling effect on legalization opportunities. When we met in 2013, Rocío was expecting her third child. During that interview, the 22-year-old proclaimed somewhat provocatively: "To me, *La Migra* does not exist." Rocío's mother carried a 2-year-old Rocío into the country using other relatives' US passports. More than 20 years later, Rocío remains undocumented but her unaccented English allows her to pass as American in daily life.

I asked Rocío why majorities of undocumented immigrants nationwide report worrying about *La Migra* even though she does not (see Lopez and Rohal 2017). Rocío explained how she sees news reports about deportation but believes "it's a whole different world" than her own: "I've never had a problem with that, and I've never seen it happen around me. […] It's something I hear about, but, to me, it's a whole different world."

The situation changed in 2015 when, 1 month before our third interview, Rocío's mom was deported. Years after her entry into the United States, Rocío's mother had married a long-lost love from Mexico, a green card holder. She later received her own green card. The couple, based in San Diego, planned to visit Rocío in Dallas. It would have been the first time in 5 years that Rocío saw her mother. But, as Rocío recounts, her mother never made it:

> Her husband calls me [from a checkpoint in McAllen, Texas], and he's like, "They deported her." I was like, "What?" He's like

"Yeah. Your [U.S.-born] sister went with her too. She didn't want to leave her alone." I was like, "What happened?" He's like, "Her fingerprints were in the system [from when she was caught entering the country undocumented in 1992, without Rocío], and even though she already did her time as punishment [by leaving the United States to go to Juarez and await her appointment for her green card], she's still in the system." My mother's a very nervous person. She freaks out really fast, and she signed papers [agreeing to her deportation], and they deported her. […] This happened around 12:00 at night. By 4:00, she was in Tijuana.

These events, in Rocío's words, had "undone everything" that her mother worked for in her quest to become a lawful permanent resident. Her mother's experiences signaled to Rocío that no good could come from legibility to the federal immigration regime. Rocío explained why, despite her reported eligibility, she sees "no point" in DACA: "They only give you more privileges, but they can take them away whenever they want. […] It's like, why? Just letting the government know where we are, who we are? It's a different way of keeping us in control and all together. They give us a little bit more, but what they take from us is way more."

## 6.  Discussion and Conclusion

Through analyses of in-depth interviews with a diverse sample of Latin American immigrants, this article uncovers complex perspectives linking perceived legibility to the US immigration regime and deportability. Although undocumented respondents recognize the precarity of lacking legal status, they sometimes feel their perceived existence off the radar of the US immigration regime promotes their long-term presence in the United States. Meanwhile, despite the relative stability their legal status confers, documented respondents sometimes view their perceived existence on the radar of the US immigration regime as disadvantageous to their long-term presence in the country. System embeddedness, or individuals' perceived legibility to institutions that maintain formal records, is one mechanism through which apparent visibility to institutions that combine punitive and integrative goals can represent a pathway to surveillance and punishment.

Perceived legibility to the US immigration regime's formal records can represent a source of risk and can have long-term consequences for noncitizens and for their children. Some undocumented immigrants may be chilled out of legalization

opportunities by their attempts to remain illegible to a system they view as primarily punitive. This chilling effect extends to documented immigrants, who sometimes view their legibility to the federal immigration regime as inseparable from their potential for punishment by it. These effects are dynamic, interacting with individual, relational, contextual, or media considerations to amplify or mute deportation threat perceptions. Altogether, these findings highlight how the US immigration regime has converged on "legal" and "illegal" immigrants alike to incentivize certain types of system illegibility (Massey 2007). This search for illegibility to a punitive US immigration regime has consequences that ultimately deny noncitizens' US-citizen children opportunities for economic and social well-being (Bean et al. 2015).

One potential alternative explanation for this article's finding of the divergence between legal status and perceived deportation risk is that risk-averse noncitizens may be more likely to be documented, and risk-amenable noncitizens undocumented. However, if undocumented immigrants are in fact more risk tolerant than documented respondents, we would not have expected undocumented respondents who report legibility to the regime's punitive arm—such as Eduardo—to express fears of deportation because they would likely view deportation as a cost inherent to their undocumented status. And, if documented respondents are risk-averse, then we would have expected them to have initially entered the United States with authorization. Yet, most documented respondents entered undocumented and later legalized. One respondent who entered documented, Luisa, nevertheless reports fearing deportation.

How might the concept of system embeddedness inform future research on immigrants and their families living in the United States? Future research could examine how the perceived risk of legibility to the US immigration regime varies. Dallas County, Texas represents a site that in part criminalizes and in part integrates its immigrant population (e.g., De Trinidad Young and Wallace 2019). Additional ethnographic and interview-based research conducted in one or more localities—within and across state contexts—that vary in their immigrant criminalization and integration policies is needed to identify an even fuller scope of noncitizens' diverse perceptions of and experiences with a fragmented US immigration regime (see, e.g., García 2019; Prieto 2018). Moreover, studies of immigrants' involvement with systems beyond the US immigration regime—such as schools, hospitals, and social service agencies—would expand the system embeddedness concept by revealing whether and how different forms of legibility to ostensibly nonpunitive systems relate to deportability. The current analysis identifies some of the

individual, relational, and contextual considerations that underlie the relationship between system legibility and deportability, but quantitative analyses adjudicating among these factors would help disentangle what proportion of deportation threat owes to legalization and legal status, the legal status composition of one's household members, or the share of co-ethnic immigrants in one's local context. Future research, regardless of method, might also compare and contrast how "legal" and "illegal" immigrants from different racial backgrounds perceive the fear of deportation stemming from the US immigration regime in order to evaluate whether system embeddedness is unique to Latin American immigrants—or extends to other groups not racialized as "illegal" (Asad and Clair 2018).

System embeddedness illustrates the diverse ways noncitizens link system legibility to deportability. Legal status, a form of involvement in the US immigration regime, remains important for immigrants' integration into US society (National Academies of Sciences 2015). But, given documented and undocumented immigrants' shared vulnerability to deportation since the mid-1980s, documentation can also feel like a tool of surveillance and social control. Legal status, therefore, cannot be assumed to represent a straightforward indicator of noncitizens' real or perceived stability in the United States; indeed, noncitizens in this study sometimes perceived system illegibility as less risky than system legibility. The federal immigration regime can thus have pernicious consequences for not only undocumented but also documented immigrants who lack US citizenship. The multiple legal lines that subordinate immigrants to the native-born—"illegal" versus "legal;" "noncitizen" versus "citizen"—each imply different mechanisms of stratification that require greater study in order to understand how system legibility can facilitate or undermine immigrants' long-term societal membership.

System embeddedness refines understandings of how legally-vulnerable populations relate to institutions of social control. System embeddedness, rather than system avoidance per se (Brayne 2014; Goffman 2009; Haskins and Jacobsen 2017), more fully reflects noncitizens' range of perceptions of and experiences with the US immigration regime. System avoidance describes the collateral consequences of prior punitive criminal-justice involvement for individuals' future involvement in other record-keeping institutions. By contrast, system embeddedness considers how perceived legibility to a single record-keeping institution—in this case, one that combines punitive and integrative goals—can be viewed as risky and perceived illegibility can be viewed as safe. Perceived legibility to the US immigration regime may sometimes result in system avoidance, as was the case for Josefina who

viewed DACA as a pathway to her "capture." But system embeddedness also demonstrates the limits of frameworks focused on fear as the mechanism underlying a binary outcome of system noninvolvement or involvement: as evidenced by Araceli's DACA receipt, even amidst fear, system involvement remains possible. System embeddedness allows for these diverse manifestations of risk perception among otherwise similar people navigating social control institutions. Importantly, and distinct from a core tenet of the system avoidance theory, these diverse forms of risk manifest even absent prior punitive experiences with other systems of social control. System embeddedness thus represents an independent mechanism of legal stratification for subordinated populations, alienating them from the law in ways that magnify their vulnerability (Bell 2017).

System embeddedness is likely to contribute to noncitizens' risk perceptions in the foreseeable future in the United States. The fieldwork on which this study is based preceded Donald Trump's election to the presidency, but undocumented and documented immigrants' shared vulnerability to deportation is rooted in policy changes since the 1980s. If the federal immigration regime is perceived as more punitive and unpredictable, undocumented immigrants may become less willing to legalize. Documented immigrants may likewise question whether legibility to the regime's bureaucratic arm is worth subjecting themselves to its unpredictability. Fears of the US immigration regime may thus encourage more noncitizens to pursue feelings of safety outside it—even when involvement can improve their and their US-born children's economic and social well-being (Bean et al. 2015). Understanding how system embeddedness enables or constrains risk perceptions represents a new pathway for thinking about how noncitizens—and other populations concerned about system legibility—interact with US society.

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